Government of Bengal

The Bengal

Survey and Settlement

Manual

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PREFACE.

1. The Manual was last revised in 1917 under the supervision of Mr. C. Mcalpin, I. C. S., since then, the Tenancy Act Amendment Bill of 1928 and numerous orders of Government and the Board of Revenue modifying the rules have necessitated changes in the Manual too numerous to remain as correction slips. Furthermore, as the Manual was out of print, opportunity has been taken to revise it completely.

2. Rai Bahadur Nepal Chandra Sen, Deputy Collector, was placed on special duty for two months for this purpose and his proposals have been examined and modified where necessary by successive Directors of Land Records and Surveys, Mr. L. R. Fawcus, I. C. S., and Mr. D. S. O., M. C., I. C. S., Government are indebted to these officers for the care they have bestowed on the work.

3. Errors and omissions in the Manual should be brought to the notice of Director of Land Records and Surveys, Bengal.

4. The Manual is to be cited as the Bengal Survey and Settlement Manual, 1935.

O. M. MARTIN,

Secretary to the Government of Bengal.

RVENUE DEPARTMENT,

GOVERNMENT OF BENGAL.

*The 16th March 1935*

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| The Bengal Survey and Settlement  Manual, 1935  Part 1. – GENERAL.  CHAPTER 1. Introductory | |
| 1. This Manual is a compilation of the principal rules of procedure relating to surveys and settlements. The technical rules will be found in the separate publication entitled ''Technical Rules and Instructions of the Settlement Department.'' The various forms, notices, returns, registers, etc., whether prescribed or reproduced as samples, have been brought together in the list of forms in Appendix X, and numbered serially, except where for convenience, the have been inserted in the text. Other forms used in settlement operations will be found in the Technical Rules and Instructions. | Explanation |
| 2. Survey and settlement operation or survey operations alone are conducted under the following Acts and regulation: Settlement Regulations VII of 1982, IX Of 1835, and IX of 1833, Acts IX of 1887 (Assessment of Alluvion), V (B.C.) of 1875 (Survey),III (B.C.) of 1876 (Irrigation), VIII (B.C.) of 1879, VI (B.C.) of 1880 (Drainage), II (B.C) of 1882 (Embankments), VIII of 1885 (The Bengal Tenancy Act) as amended up to date, I (B.C.) of 1887 (Calcutta Survey), I of 1894 (land Acquisition), and V (B.C.) of 1897 (Partition of Estates). The rules of procedure and the technical rules relate primarily to surveys and settlements under the Settlement Laws, the Bengal Tenancy Act and the Bengal Survey Act but they may also be followed, so far as they are applicable, in operations under the Regulations and Acts men tioned. | Extent of application on the Manual |
| 1. Survey and settlement operations, or more briefly settlement operations, as they will be called hereafter, consist of four main   branches:-   1. the survey and mapping of land; 2. the preparation of a record-of-rights; 3. the settlement of rents payable by tenants; and 4. the settlement of land revenue.   A detailed summary of the processes followed under the Bengal Tenancy Act is given in rule 47 of the Government Rules under the Bengal Tenancy Act (hereafter referred to as Govermaent Rules, uide Appendix A). These are also followed in Bettlement operationa, under other Laws or Regulation, so far as they are applicable. | settlement processes. |

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|  | Part 1, Chap. II.] 2  CHAPTER II. - Initiation of Survey and Settlement Proceedings. |
|  | 1. (1) Survey and settlement operations are initiated under the following laws:-   (a) Chapter X of the Bengal Tenancy Act.  (b) Regulation VII of 1822.  (c) Act VIII (B.C.) of 1879.  (d) Act I (B.C.) of 1887.  (e) Act III (B.C.) of 1884.  (2) Chapter X of the Bengal Tenancy Act is in force hroughout the Presidency of Bengal except in the following areas:-  (a) The town of Calcutta as defined in section I (3) (i) and (ii)  (b) The district of Darjeeling.  (c) The Chittagong Hill Tracts.  (d) Such Municipalities as have been excluded from the operation of the Act by a notification under section 1 (3) (iii).  (3) Regulation VII of 1822 is used for the settlement of land revenue.  (4) Act VIII (B.C.) of 1879. is used in the district of Darjeeling. The rent law in force in this district is At X of 1859.  (5) Under Act I (B.C.) of 1887 a survey can be ordered in the town of Calcutta. The relations of landlord and tenant in the town of Calcutta are governed by contract.  (6) Under section 223A of Act III (B.C.) of 1884 a survey can be ordered in any Municipality other than Calcutta.  (7) Executive orders of Government control survey and settlements operations in the Chittagong Hill Tracts.  (8) The Bengal Tenancy Act has been extended to the district of Jalpaiguri except the Western Duars subject to the restrictions and modifications contained in Notification No. 963T.R., od 5th November 1898. The extent to which the Bengal Tenancy Act applies to the Western Duars of the district of Jalpaiguri indicated by Notification No 14007L.R., dated the 1st December 1933. |
| Land revenue settlomont. | 1. When the Bengal Tenancy Act is in force, all operations for the revision or assessment of land revenue will in future be preceded by operations under Chapter x of that Act, unless there are good and sufficient reason for not settling rents under that Act. The assessment of revenue in temporarily settled private estates will always be made under Regulation VII of 1822 . The assessment of revenue in Government estates will be made either under Regulation VII of 1822 or under Chpter X of the Bengal Tenancy Act, according as the relationship between Government and the |

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BENGAL SURVEY & SETTLE EAT MANUAL, 1335.

Correction Slip No.21.

Calcutta, the 13th March, 1937.

Page: Part 1, Chapter 11, Rule 5.

Estate the last sentence in the first paragraph of rule 5 of Survey and Settlement Manual and insert the following after 2nd sentence of the same paragraph:

"In such estates where there are proprietors but no tenant the whole settlement will be carried-out under that Regulation”.

3-A

C ADASTRAJ G.O. NO. 30.

The owner of R.S.P. estate is a proprietor end has all the rights and liabilities enjoyable by the proprietor of a P.S. estate save that his revenue is periodically variable, Since the owner of a T.S.P. estate is entitled to the accretion to his estate he is entitled to reformation in Situ of the land lost by diluvion, Non-payment or non-assessment of revenue on recount of diluvion does not take away his legal right to reformation subject to payment of revenue. So when. T.S.P. estate was assessed to particular amount of revenue but subsequently diluviated and the revenue was proportionately abated, the amount of revenue abated is to be restored on reformation during the period of Settlement, on the analogy of Sec. 5 A of Act IX of 1847. But if the reformation takes place after the expiry of the term of Settlement it should be settled de novo.

2. It is necessary therefore that boundaries of a diluviated or partly diluviated T.S.P. estate ere carefully ascertained They will include all lands which previously formed ports of the estates though at present kept. out of assessment on account of diluvion.

3. If the proprietors of a T.S.P. estate are found dispossessed from diluviated parts of their estates after its reformation, by proprietors of neighbouring P.5. of T.S.P. estate Such area will form a separate estate and procedure as laid down in rule 361(VII) of Survey and Settlement Manual is to be followed after decision of a boundary dispute.

Sd/- A.K.Mukherjee,

22.12.46.

Settlement officer,

Bekargenj.

...... 23.12.

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| 3 [Part 1, Chap. II. |  |
| under-tenants is regulated by existing contracts or by statute (vide rule 573). In such estates where there are proprietors but no tenants the whole settlement will be carried out under that Regulation.  In certain cases where a settlement of land revenue is being made, fair equitable rents of tenants may be fixed under section 191 of the Bengal Tenancy Act. |  |
| 1. The following rules have been laid down by the Government of India for the guidance of the Government of Bengal in dealing with the land revenue settlement:-   The Government of India continue to retain control over the general and recognised principles of assessment and any departure therefrom requires their sanction. It is not howeyer necessary to take their sanction to percentages of enhancement of assessments, but their previous sanction should in variably be applied for, if it is proposed to effecta settlement or resettlement for a period exceeding 30 years or to extend the term of an existing settlement so that the total period of settlement exceeds 35 years. But where no new permanently settled estate is created but the revenue assessed upon lands not permanently settled are under the provisions of section 1 of Act 31 of 1858 added to the lama of a permanently settled estate no sanction of the Governor-General in Council is required for this incorporation. Subject to this rule and to the provisions of any legislation specifically requiring that the sanction of the Governor-General in Council shall be obtained, the Local Government have full power to sanction the inception of settlement operation and to confirm assessment without prior reference to the Government of India.  Inception reports need be submitted for the sanction of the Government of India only when it is proposed to act in a manner which under this rule will require their sanction. If such action is contemplated after the inception operations, sanction may be obtained at any stage of the operations before confirmation.  Note.- Department of Revenue and Agriculture Government of India, No. 478, dated the 12th May 1922 and Department of Education. Health and Lands, Government of India, No. 716, dated the 31st August 1923. | Relations of Government of India and of Bengal regarding land revenue settlements  The Bengal Alluvial L  settlements Act. |
| 1. Operations under the Bengal Tenancy Act, undertaken for any of the purposes referred to in section 101,require the sanction of the local Government and are initiated by a notification under section 101 (1) of the Bengal Tenancy Ac. Where land revenue is to be settled for any portion of the tract under the operations no fresh notification under section 101 (2) (*d*) is required.   For any of the purposes referred to in section 101 (2) operations are initiated by a notification under that section.  It is not necessary to issue notification under section 101 (2) if a notification under section 101 (1) is already in force in the areas. | Settlements purposes of general administrate Area notification |
| 1. In large operations, or where it is proposed to employ officers of the Survey Department who have no powers under the Bengal Tenancy Act. Whether the operations are under the Bengal | Survey – Area notifications, |
| * Department of Revenue and Agriculture, No.291. 120.2.dated 24th February1911 |  |

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|  | Part 1, Chap. II.] 4  Tenancy Act or not, a notification under section 3 of the Bengal Survey Act V (B.C.) of 1875, in addition to the notification, if any, under the Bengal Tenancy Act, should be issue. Standard notifications for both survey and Settlement will be found in Appendix B *(i), (ii)* and *(iii).* |
| Applications under section 103 | 1. An Applications can be made by landlords and tenants under section 103 for the preparation of record-of-rights, and such proceedings can be initiated under Government rule 46 (7) on the orders of the Commissioner without any notification. Applications should, however, ordinarily be made under section 101 920 (*a*).   Any landlord other than Government for whose land a record of- rights has already been prepared and finally published may apply to the Local Government through the Collector of the district in which his land is situate for maintenance of the record in question at his cost which is to be paid in advance. |
| Municipalities | 1. Municipal areas will ordinarily be dealt with in the course of major operations under Chapter X of the Tenancy Act. The map should be prepared on such a scale as the local conditions require, and the Settlement Officer will consult the Director of Land Records and Surveys in regard to the scale to be adopted for each municipality. In the absence of special orders, the cost should be merged in that of the general district operations, and will be recovered in the same way. If, however, the cost incurred in any municipality is so heavy as to make it inequitable to merge it in that of the general operations, or if the other special local conditions exist, the Director of land Records and Surveys will apply to Government for a special apportionment order, and the accounts should be kept in such a way as to give effect to that order. In large municipalities, or in other cases, when it is practically certain that a special apportionment order will he necessary, separate accounts of the operation should be kept from the outset.   In all municipalities the Settlement Officer will consult the municipal authorities in regard to the topographical details which should be shown in the maps. If details other than those ordinarily shown in the settlement maps are required to be shown, the additional cost involved will be recovered from the municipality concerned. |
| Intimation to Railway Administrations and Public Departments of initiation of Survey and Settlement operations. | 1. As soon as Survey and Settlement of any area is definitely decided on, the Settlement Officer or Collector, as the case may be, will send information thereof to the Agent of the railway line, if any, running through the area, the Chief Engineer, public Works Department, the Chief Engineer, Irrigation Department, the Chairman of the District Board, or of the Municipality and to any other public body having land within the area. The information given should include a copy of the programme of the operations and should be accompanied by a request that the respective authorities will inform their subordinate officers and take such steps as they consider necessary to ensure that their lands are correctly surveyed and recorded. |

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| 5 [Part 1, Chap. III.  CHAPTER III.- Control.  I. – General Control. |  |
| 1. (*i*) Survey and Settlement Operations which require any special establishment, even though the establishment consists of a single amin, have been placed under the control of the Director of Land Records and Surveys under Whatever Act or Regulation the Settlements are conducted and whether for the purpose of settling land revenue or not. All Survey and Settlement operations under the Bengal Tenancy Act are under his control irrespective of the lature of the nature of the establishment employed. He corresponds direct with Government except when otherwise ordered. | Position of Director of Land Records and Surveys in Settlement Operations. |
| (*ii*) Other Survey and Settlement Operations are under the control of the Commissioner of the Division, who in such cases exercises; so far as may be necessary, the executive powers and functions ascribed to the Director of Land Records and Survey in the rules in the Manual. | Position of the Commissioner in Settlement Operations. |
| (*iii*) The Director of Eastern Circle, Survey of India, is advisor to the Government of Bengal in matters of Survey and Mapping and on all technical questions relation thereto, and is entitled to inspect such work in order to ensure that the work is up to the necessay standard , in particular, for its use in the compilation of the preliminary small scale maps of the Surveyor General. | Position of Director, Eastern Circle and the Director, Map Publication of the Survey of India in Settlemento perations. |
| (*iv*) Whenever it is necessary to relay old maps in char areas the supervision of the Director of Surveys will be requisitioned by the Collectors who will at the same time inform him of the approximate area involved in the relay and the distance from fixed points in the Asli lands, etc., to enable him to decide whether the work should be done by the Collectorate Kanungoes or by an expert from the Director's staff. | Position of the Collector in Settlement Operations. |
| 1. For the purpose of control and supervision, Settlement Operations are classified into major and minor operations as follows:- | Classification of Settlement for purposes of control and supervision,   1. Major; 2. (2) Minor. |
| 1. Major operation include large and important operations under the control of an officer of the Indian Civil Service or any other officer, who has by special orders of Government been placed directly under the control of the Director of Land Records and Surveys, Bengal. |  |
| 1. Minor operations. The land revenue resettlements operations are conducted by specially appointed Settlement Officers who ...... directly under the director of Land Records and Surveys. Other minor operations when not placed under such officers are conducted under control the Collector.   Where no special Settlement Officer has been appointed, the Collector or the Deputy Commissioner is the ex-officio Settlement Officer and corresponds direct with the Director. In areas in which the Bengal Tenancy Act applies, he discharges the statutory functions of a Settlement Officer under Government rule 44. |  |

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|  | Part 1, Chap. III.] 6 |
| preliminary correspondence. | 1. preliminary correspondence regarding surveys and settlements which are to be placed under the control of the Director of Land Records and Surveys under rule 12 will be carried on by him with the Collector and the Commissioner. |
| Deposit of cost of preliminary arrangements and correspondence. | 1. In order to provide against a possible loss to Government of any expenditure incurred on preliminary correspondence and arrangements for settlements proposed to be undertaken on the applications of landlords or tenants no action should be taken on such applications unless and until funds have been deposited sufficient to cover the of such preliminary correspondence and arrangements. |
| Chain of communication in Major operations. | 1. In Major operations the ordinary chain of communication will be through the Settlement Officer and the Director of Land Records and Surveys to Government in the Revenue Department. |
| Relation of Settlement Department with Collectors, Commissioners and the Board. | 1. In all operations, the Settlement Officer should keep the Collector concerned informed of the progress of important settlement operations in his district, and should consult him regarding important points of principle so that the Collector may be able to Land Records and Surveys in all operations should refer such questions to the Commissioner, when necessary. The Board will be addressed by the Commissioner or the Director of Land Records and Surveys in regard to question assessment, etc., in which it is necessary under the law or rules that the orders of the Board shall be obtained. |
| Suggestions of District Judgea to be obtained in important operations. | 1. Before important settlement operation are undertaken, the Government will address the District Judges whose jurisdictions will be affected and ask for their advice on the points which, in their experience, call for special attention in the coming settlement proceeding,. They will also request them to bring to notice any matters of importance which may attract their attention during the course of the operations. |
| Chain of communications in Minor operations. | 1. When a Special Settlement Officer conducts minor operations rule 16 will apply. In other cases the chain of communications will be from the officers in immediate charge of the operation and the Collector to the Director to the Land Records and Surveys. |
| Collector's supervision of Minor operations. | 1. Except when he is excluded from the charge either under rule 13 or rule 19 by the express order of Government it is the duty of the Collector to exercise close supervision over all minor operations, and he should not content himself with merely forwarding the reports and returns of the officer in charge subordinate to him. |
| Chain of communications in Municipal surveys. | 1. In Municipal Surveys under the Bengal Survey Act,1875 or the Calcutta Survey Act, the chain of correspondence will in each case be settled by Government. |
| Procedure to be followed when the Director convoys his own instructions to Collectors through Commissioners. | 1. when the Director of Land Records and Surveys is not conveying the instructions or orders of the Board of Revenue or of Government, but is communicating his own instructions, general or special, to the Commissioner of a Division for transmission to a Collector, the proper form of communication will be for the Director to ask the Commissioner to issue such instructions if he has no objection. If the Commissioner disagrees with the Director, |

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| 7 [Part 1, Chap. III. |  |
| the commissioner's views, the matter will referred to the Board or Government as the case may be. In technical matters, the Director will communicate his instructions direct to Collectors. |  |
| 1. In operations technical difficulties , should be referred, when necessary, by the Settlement Officer or Collector under whom the work is being conducted for orders of the Director of Land Records and Surveys. Legal difficulties should similarly be referred if the question is of sufficient general importance and it is proposed to adopt a procedure or a solution of the difficulty contrary to the orders or practice of the Settlement Department. | Technical and legal difficulties (minor Operations.) |
| II.- Inspection. |  |
| 1. The Director of Land Records and Surveys will inspect all major Operations. He will send printed copies of important inspection, notes to the Settlement Officer, the Commissioner of the Division and Government.   Typed copies should be sent to the Settlement Officer concerned and to Government immediately after the note has been recorded. Settlement Officer should report within a month of the receipt of the inspection note what action has been taken to remedy the defects, if any, noticed. | Director of Land Records and Surveys inspections of major Operations. |
| 1. In minor operations. the Collector or the Settlement Officer as the case may be ill make frequent inspections of the work both in the officer and in the field. A copy of his inspections notes will be forwarded in duplicate to the Director of Land Records and Surveys, who will forward one copy to the Commissioner of the Division for information. | Collector's inspections in minor operations. |
| 1. Minor operations will be inspected when necessary by the Director of Land Records and Surveys. Copies of inspection notes will be forwarded to the Collector or Settlement Officer as the case may be, and to the Commissioner of the Division. But Where the note is of general importance a copy will be forwarded to Government, The Collector or Settlement Officer will report within a month of the receipt of the inspection note what action has been taken to remedy the defects, if any, noticed. | Director's inspection of minor operation. |
| 1. In large and important land revenue settlements, a copy of Director's inspection note should be forwarded to the Board of Revenue. | Submission of copies of Director's inspection notes of the Board. |
| 1. It should be remembered that the that best inspection of the quality of the work is made locally by going through and checking completely a record village or estate with all connected papers in any branch of the work, checking the same from the settlement of the landlords and tenants present. Inspecting officers should therefore make a point of doing this, whenever possible. The following points will also demand their attention in the case of each branch of work or each branch of the office:- 2. The programme and progress of the work in the branch (in minor operation in each estate also), and its relation to other branches of work; | notes for inspections. |

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|  | Part 1, Chap. III.] 8 |
|  | 1. the staff employed; its organisation and outturn; |
|  | 1. the rules and methods of payment and the arrangements for the prompt and proper distribution of pay; |
|  | 1. the Registers and forms used; and |
|  | 1. the observance of the prescribed procedure and rules.   Notes of some of the other important points which require the attention of the Inspecting Officer will also be found at the end of the different chapters of the Technical Rules and Instructions dealing with the different branches of work. |
|  | In addition to those points, Inspecting Officer should ascertain whether adequate arrangements have been made for the commencement of settlement operations and particularly for their early closure, nothing whether maps and finally published records are properly and promptly deposited in the Collectors Record-room. Collectors should examine the arrangements for maintenance of boundary marks. |
|  | III.- Inspection. |
| Classification for financial purposes. | 1. For financial purposes settlements operation are divided into the following classes:- |
|  | 1. Major, i.e., district Surveys and preparation of record-of rights financed in the first instance from Provincial revenues. |
|  | 1. Major, i.e. 2. Land Revenue Settlement operations, the cost of which is chargeable to Government, and |
|  | 1. operations in private estates the cost of which is met from "deposits'' or "advances recoverable''.   These include maintenance operations in private estates. |
| Major operations sarction. | 1. The sanction of the Local Government is required for the inception of major operations. As a rule, no other operations will be undertaken in future in any district in which there is a reasonable possibility of an early district settlement. |
|  | IV.- Programme and Budget.   1. Major operation. |
| Major operations : proposals for inception. | 1. the Director of Land Records and Surveys will, after consulting the local officers, submit a full report on the proposals for the inception of any major operation, together with a detailed programme and estimate for the whole operation in Forms 1-5 through the Commissioner to Government, with his proposals, if any, for the revision or resettlement of any previously settled areas. Such previously surveyed areas will usually come within the scope of district operations, unless the maps and records are sufficiently recent and good, and the areas can, without causing undue labour and expeuse, be easily omitted from the operations. |

8-A

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| 2  Correction Slip No.46 dated the 7th December, 1338.  Cancel existing Rule 30 on page 8 and substitute the followings:  30. The sanction of the Provincial Government is required for the Incaption of major operations. The incaption/are to be submitted to Government through the Board of Revenue. As a rule, no other operations will be undertaken in future in any district in which there is a reasonable possibility of on sarly district settlement. |

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| Correction slip No.47, deted the 7th December, 1938.  Cancel existing Rule 34 on pages 9-10 and substitute the following  34. The Director of Land Records and Surveys will submit to the Board of Revenue by the 7th October for transmission to the Government in the Revenue Department on or before the 15th October, the origin programs and budget estimates for the ensuing financial year for this major operations in progress, sending at the same time copies ….. the budget to the accountant General of Bengal end the Finance Department. All proposals for new schemes should be submitted in duplicate to the Board of Revenue by the 7th September for transmission to the Government in the Revenue Department not later than the 15th September in schedules  the preparation of which is governed by instructions issued by the Finance Department from time to time and a copy sent to the Finance Department.  Modification budget estimates for the current financial year will also be forwarded to the Board of Revenue by the 7th October for transmission to the Government of Bengal on or before the 15th October with the revised programme and necessary explanation Separate sanction should be asked for, it excess expendtion or reappropriation, other than that the Director of Land Records & Surveys is empowers to make is necessary. Copy of the modified budget estimates should also be sent to the accountant General of Bengal on the same date. The reappropriation as ….. there would considered as sanctioned by the Director of Land Records and Surveys so far as the powers with which he is vested are concerned, and for others, orders of the Government will be eccorded on the modified budget submitted through the Board by the Director of Land Records and Surveys and communicated to the Accountant General of Bangel.  A.G.21.8.46. |

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|  | 9 [Part 1, Chap. III. |  |
|  | The report should show the area to be surveyed and settled, the object for which the survey and settlement is to be undertaken, including the anticipated increase of revenue, the probable time which it will take to complete the operations, and the settlement appointments to be created, if any , with an estimate of the cost and the source from which fund are to be provided. | Major operations : Annual budgets for the ensuing financial year. |
|  | 1. Settlement Officers of major operations will send to the Director of Land Records and Surveys on or before the 15th August programme and original budget estimates for the following financial year in Forms 3 and 6, together with the following statements:- 2. Details of staff in from 7. 3. Details of job contract in from 8.   \*(c) An estimate of indirect expenditure.  \*(d) An estimate of the expenditure on special work (i.e., work other than Survey or Settlement work proper) included in the above estimates.  \*(e) An estimate of receipts other then recoveries.  \*(f) An estimate of recoveries.  The will fully examine in their covering letter the case with reference to the complete estimates for the work both in the matter of the total expenditure up to the end of the previous financial year, and of the estimates for the coming year. Any circumstances likely to affect the programmes for the two settlement years, portions of which are covered by the budget estimates or to retard or accelerate the completion of the operations in the district, should be fully explained. Provision should be made in the budget estimates for all items of inter-settlement transfers except those mentioned in rule 95 (vii). |  |
|  | 1. Revised programmes and modified budget estimates in From 3 and 6 will be similarly prepared for the current financial year and submitted with explanation to the Director on or before the 15th August. In the preparation of the modified budge estimates for the year, it is essential that care should be taken to budget with great accuracy for the expected expenditure during the remainder of the year. In the preparation of these budget estimates, the rules given in Chapter V should be followed. | modified budget |
| General of Bengal.  A.G.21.8.46. | 1. The Director of Land Records and Surveys will submit to Government the original programmes and budget estimates for the ensuing financial year for the major operations in progress on or before the 15th October, sending at the time copies of the budget to the Accountant-General of Bengal and the Finance Department. All proposals for new schemes should e submitted in duplicate to Government not later than 15th September in schedules-the preparation of which is governed by instructions issued by the Finance Department from time to time- and a copy sent to the Finance Department.  * In forms prescribed by the Driector of Land Records and Surveys. 2 | Major operations Budgets of Director of Land Records and Surveys. |

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|  | Part 1, Chap. III.] 10 |
|  | Modified budget estimates for the current financial year will also be forwarded to the Government of Bengal on or before the 15th October with the revised programme and necessary explanation. Separate sanction should be asked for, if excess expenditure or reappropriation, other then what the Director of Land Records and Surveys is empowered to make, is necessary. Copy of the modified budget estimate should also be sent to the Accountant- General of Bengal on the same date. The reappropriation as made there would be considered as sanctioned by the Director of Land Records and Surveys so far as the powers with which he is vested are concerned, and for others, orders of the Government will be accorded pn the modified budget submitted by the Director of Land Records and Surveys and communicated to the Accountant General of Bengal. |
| Director's powers of reappropriation. | 1. The Director of Land Records and Surveys, has such powers of reappropriationg his budget grants for Survey and Settlement subject to the total allotment in the budget as may be conferred on him under Rule 38 of the Devolution Rules.   Under Government order contained in letter No. 12405 L.,R., dated the 17th November 1933, the Director of Land Records and sanction payments of sums due from his departments on contracts entered into by Government and to sanction reappropriations within a grant between heads subordinate to a minor head which dose not involve under-taking a recurring liability subject to the following provisions:-   1. Funds must not be reappropriated to meet an item of expenditure which has not been sanctioned by proper authority. 2. No reappropriation should be made to meet expenditure which is likely to involve outlay in a future financial year. 3. funds provided for non-voted items must not be reappropriated to other non-voted items or voted items and funds provided for voted items must not be reappropriated to non-voted items. 4. No reappropriation shall be made from savings under pay or salaries. 5. No reappropriation shall be made from or to the head "Contract contingencies''. 6. No reappropriation shall be made to the heads "Purchase of books'' and "Temporary establishment''. 7. All reappropriations shall be in respect of the grants placed at his disposal. 8. When a proposal involves reappropriations from provisions under a "Deduct'' head, it should without exception have sanction of Government in the Finance Department. 9. Orders sanctioning reappropriation should be addressed to the Accountant-General, Bengal, and copies should be communicated immediately to the Finance Department through the Revenue Department. |

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Survey & Settlement Manual, 1335.

Correction slip No.7.

Calcutta, the 21st August, 1936.

Part 1, Chapter 111, Rule 38(2) (a) and (b), page 11 In place of Rs.70 and Rs 30 substitute Rs 120 and Rs 35, re ively.

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| 11 [Part 1, Chap. III.  *(b) Minor Operations.* |  |
| 1. The sanction of Government is required to the inception of all minor perations except in the case of operations under section 103, Bengal Tenancy Act (vide Rule 9 of this Manual), or in the cases mentioned in Rule 6 when the sanction of the Government of India is required. Under Government order No. 6737 L.R., dated the 28th June 1934, the Director if Land Records and Surveys is authorised to sanction small inception proposals in minor settlement operations provided the total expenditure does not exceed the normal grant for minor settlement operation and the grant sanctioned for the purpose for the year in which the operations are undertaken. | Limit of Director's power to sanction of inception proposals in minor Operations |
| 1. The Director of Land Records and Surveys will maintain a calendar of resettlement operations of Government and temporarily-settled estates for the whole province 25 years ahead. he programme of such operations will be based on this calendar subject to the usual sanction of Government. Inception proposal for such operations will, in the first instance, be prepared by the Director of Land Records and Surveys who will invariably consult the Collector before submitting the proposals to Government . | Land Revenue Settlement |
| 1. All proposals fir the re-settlement of land revenue and all applications fir settlement in respect of wards, or zamindari estates or tenures, in which any special establishment is to be employed and all proposals other than the above for proceedings under Chapter X of the Bengal Tenancy Act, when for any reason the work is to be carried out before the general operations in the district, should, as possible, be prepared by the Director of Land Records and Surveys in consultation with the Collector by 1st June and for each operation- 2. a programme in Form 3; 3. an estimate of the total cost showing the proposed expenditure for each year in from 2 with 4. an estimate of the cost of traverse survey to be conducted by the Director of Surveys, if any, at the rate of Rs. 70 a square mile; 5. an estimate of the cost of map reproduction at the rate of Rs. 30 a square mile; and 6. in the case of "advances recoverable'' operations an estimate of charges for leave and pension contribution of permanent officials whether wholly or partially, employed, for Director of Land Records and Surveys control at the rate 10 per cent of the estimated direct expenditure, and indirect charge including charges at the rate of Rs. 20 per square mile for forms and stationery, furniture, instruments, tents and books supplied by the Collectorate: 7. the draft notifications for undertaking the work and vesting the officers nominated with the necessary powers. |  |

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|  | Part 1, Chap. III.] 12 |
|  | The proposals will be submitted to Government by the Director of Land Records and Surveys through the Commissioner for sanction, a copy, a copy ..... being sent to the Survey Branch of his office for action, should traverse survey be required to be undertaken, In important operations the procedure in rule 31 will be followed.  A sample programme and estimate are given in Appendix T.  The instructions given therein for its preparation should be carefully followed and the Forms A, B, C and D adhered to. |
| Unit of estimate. | 1. When practicable, operations in different estates may be grouped together to from one unit of programme and estimate. The officer nominated to undertake the work must have had previous settlement experience. The district of which he is a native should invariably be reported. |
| Land revenue settlement. | 1. In the case of estates, tracts, etc. under settlements of land revenue their area, existing revenue, the percentage of total enhancement expected and the term of settlement anticipated should be reported . In such cases as no recoveries are effected, the estimates should not show expenditure on establishment partially employed on settlement work or on indirect charges, but should show the expected expenditure on such extra establishment as amins and chain-men and on equipment, if necessary. The estimates, on the contrary, for ''advance recoverable'' operations should include all charges. |
| Sanction to revised estimates. | 1. When the expenditure incurred or anticipated during any year has the effect of raising the initial estimate of the total costs of the operations in any estate or area, an application should be made by the officer-in-charge for sanction to the revised programme and estimate of settlement of that estate or area accompanied by the statements prescribed in rule 38. Such applications should be made on or before the 15th August to the Director of Land Records and Surveys, who will submit them direct to Government. |
| Annual Budget Estimates. | 1. Every Settlement Officer or Collector will submit to the Director of Land Records and Surveys on or before the 15th August a programme and an original budget estimate in Forms 3 and 6, of local expenditure in the succeeding year for all operations under his charge whether in Government estates (khasmahals), temporarily-settled private estates or zamindari estates, of which the inception has been sanctioned. No provision need be made for expenditure in indirect chrages or leave and pension contribution, but, in the case of settlements finsnced from ''advance recoverable'' provision should be made for Director of Land Records and Surveys' control. Only one programme and budget estimate is necessary in each district for both classes of minor operation, the provision made for ''advance recoverable'' being neutralised by a deduct entry of an equivalent amount. |

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| 5  Correction slip No. 48 dated the 7th December, 1338.  Cancel existing Rule 46 on page 13 and substitute the following: -  46. The Director of Land Records and Surveys will prepare a consolidated estimate showing the amount required during the following year for minor operations for submission to the Board of Revenue by the 7th October for transmission to Government in the Revenue Department by the 15th October, including the amount to be provided in lump. He will at the same time send to the accountant General, Bengal a copy of the Detailed but it estimates by detailed needs, including the amount to be provided in lump. |

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| 13 [Part 1, Chap. III. | | | | | | |  |
| \*43. The annual original budget estimate will be accompanied Lump grant by a statement in the following form:- | | | | | | |  |
| Class | Area, tract or estate forming unit of estimate. | Sanctioned operations. | | | | Probable operations. | Remarks |
| Sanctioned estimate (direct charges). | | Amount required (direct charges). | | Lump sun required for the following year (direct charges). |
| For the whole operations. | For the following year. | For the whole operations. | For the following year. |
| Minor Land Revenue.  Minor advances Recoverable and deposits |  |  |  |  |  |  |  |
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| For operations which have not been sanctioned but may eventually be undertaken, the lump sum required for each class of operations for local expenditure should be entered in coulmn 7 in the covering letter. | | | | | | |  |
| 1. On or before the15th August in each year a revised programme and a modified budget estimate should be similarly submitted by the Officer-in- charge of the operations for the current year to the Director of Land Records and Surveys with a statement similar to that last rule showing the amount required for direct charges during the current year. | | | | | | | Modified budget estimates |
| 1. The Director of Land Records and Surveys is empowered to sanction budget estimates, original or modified, provided that the estimate for any year has not the effect of raising the sanctioned estimate of total costs of operations in any estate or area concerned. Original and modified budget estimates of expenditure for the year, sanctioned by the Director of Land Records and Surveys should not be submitted to Government but communicated to the Accountant-General, Bengal.   In the case of Minor Settlement operations, the Lump grant will be distributed by the Director of Land Records and Surveys under the different detailed account heads provided that the total voted and non-voted grants are not exceeded and that the distribution made by him is sanctioned by Government. | | | | | | | Power of Director of Land Records and Surveys to sanction budget. |
| 1. The Director of Land Records and Surveys will prepare a consolidated estimate showing the amount required during the following year for minor operations for submission to Government on or before the 15th October, including the amount to be provided in lump. He will at the same time send the Accountant-General, Bengal, a copy of the detailed budget estimates by detailed heads, including the amount to be provided in lump. | | | | | | |  |

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|  | Part 1, Chap. III.] 14 |
| distribution of the lump grant | 1. By the 30th April a distribution of the lump grant by detailed heads should, if possible, be communicated by the Director of Land Records and Surveys to the Accountant-General, Bengal, in order to enable him to make the necessary entries in the Auditor-General's Civil Estimates and also to conduct the audit against the budget grants. |
| Director of Land Records and Surveys revised budget estimate. | 1. The Director of Land Records and Surveys will also send to the Accountant-General, Bengal, a copy of the detailed modified budget estimates for the current year by detailed heads before the 15th October. |
| Cost of Court Wards Estates. | 1. In the case of settlement operations in areas under the Court of Wards, the Settlement Officer will at the time he prepares his budget inform the Collector for inclusion in his Wards budget of the amount of cost to be recovered or deposited in the ensuing financial year. |
| Budget of Surveys Officer and Director's own office. | 1. The estimates for Controlling Office, Drawing Office, professoinal Survey Parties, Major and Minor operations, and Land Records Superintendence Will be submitted by the Director of Land Records and Surveys to Government at the same time as the Settlement budgets. Copies will be sent to the Accountant-General as required by rule 46. |
| Reproduction of maps. | 1. The settlement Officer or Collector will inform the Director of Land Records and Surveys on or before the 15th August of the approximate number of copies each village or other map which will have to be reproduced in the following financial year. The Director will include the amount required in his estimates for the Bengal Drawing Office. |
| Maintenance of Boundary Marks Budgets and provision. | 1. The Director of Land Records and Surveys will make provision in the budget for the expenditure likely to be incurred in the course of the year in the Maintenance of Boundary Marks in respect of which recoveries have made in advance under the provisions of section 114 of the Bengal Tenancy Act. For this purpose District officers will forward a report to the Director on or before the 10th September. The recoveries on the account are adjusted by transfer to the head "Recovery of cost of maintaining boundary pillars'' under "V- Land revenue'' on receipt of information from the Director of Land Records and Surveys as to the amount recovered on this account. The charge for each year Should be provided for under the heads "22-General administration-District administration-General establishment-Maintenance of boundary marks.'' The Director of Land Records and Surveys may distribute the allotments under this head amongst Collectors as the charges will be incurred by the latter. A *pro forma* account of receipts and expenditure on account of Boundary Marks will be maintained in he officer of the Director of Land Records and Surveys in order that it may be ascertained whether the receipts and expenditure balance over a series of years. The charges of each year will, however, be audited by the Accountant-General, Bengal, against the grant in the budget. |

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| 15 [Part 1, Chap. III.  V.-Reports. |  |
| 1. Settlement Officers and Collector will forward to the Director of Land Records and Surveys on or before the 10th of each month, monthly progress reports in Form 9 in duplicate in major, and only one copy in minor, operations along with a report on Certificate-Recovery, work in Form 10, and s report on Printing in Form 11. For the purpose of the progress report a monthly programme for the settlement year 1st October to 30th September) should be prepared and submitted to the Director, at its commencement based on the budget estimates for the operations (*vide* footnote to Form 9). No change should be made in entering this programme in any of the reports during the year except to correct inaccuracies or to enter any fresh work which has been undertaken; the reasons for such changes should be fully explained. The progress reports must be accompanied by explanations of any striking difference between the actual outturn and the sanctioned programme and between the actual expenditure and the sanctioned allotment of the month; and the office will state whether the excess or deficiency is likely to be counterbalanced by a similar deficiency or excess in another month. | monthly progress returns. |
| 1. The case of each district or major operation should be fully examined in the body of the report as regards both in work and expenditure with reference to the sanctioned programme and estimates of cost for the operations. A detailed reference should be made to the sanctioned programme in the passages discussing progress, and in the discussion of expenditure there should be a comparison between the expenditure on the work accomplished up to date, and the estimated expenditure on that work.   Explanations should be given of any material variations in the actual outturn of the year from the year's sanctioned programme, and in the outturn up to sate from the programme submitted with the sanctioned estimates of total cost. Any excess in the cost rates of any branch of work or of supervision and contingences, supplies and services, and printing over the cost rates to which the estimates for the whole operations work out, and over the standard rates should slso be carefully explained. | Detailed examination of expenditure in the Annual Report. |
| 1. Settlement Officers and Collectors will forward, so as to reach the Director by the 15th October, a full report for the Settlement year ending the 30th September, with a set of returns in Forms 12-20 (Appendices I-IX to Annual Report) For the year. In the preparation of the yearly progress report the object should be to convey to the higher authorities in a concise and intelligent form, the actual progress made during the preceding twelve months and from the beginning , the stage reached, the general estimate of the work remaining to be done and the cost the operations. The progress in, difficulties of, and points of interest in, each branch of work and, in the case of minor operations, in each estate, should be examined. But every officer should understand that it is desirable for him to insert any point which may be of interest to the authorities, and that the report should be so written that it | Annual Reports (Administrative) |

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|  | Part 1, Chap. III.] 16 |
|  | will form a useful index for writing the final report. The Director of Land Records and Surveys will annually issue Instructions regarding any particular points of interest which require special attention. |
| Special reports. | 1. Any circumstance which will render excess expenditure probable in the case of any district or major operations such as an increase in the number of plots and tenancies expected, any extraordinary work to be down, rise in rates extra buildings, delay, etc., should be specially reported immediately it comes to light by the Settlement officer to the Director of Land Records and Surveys and by the Diretor to Government. |
| Submission to Government, etc. | 1. In the case of major operations the Director will submit one copy of the monthly progress return to Government with his remarks thereon. In major operations the Settlement Officer will provide the Collector with a copy. |
| Director's Annual Report. | 1. The Director of Land Records and Surveys will submit to Government a Settlement Report (Administrative) for the preceding settlement year, including a full account of the progress of the survey and settlement work under his control in the Province on or before the 2nd January, with returns consolidated from those received from the local officers. Particular attention should be paid in major operations to the financial aspect in accordance with the instructions in rule 55. He will also submit reports for the preceding financial year on- 2. the inspection of boundary marks accompanied by Form 21 (Appendix XI to Annual Report), and 3. the sale of maps and printed records in Collectorate and Subdivisional offices accompanied by the prescribed form ( vide form No. 6 in. Appendices O and W).   The limit of the size off the report is 30 pages. |
| ................... | 1. (1) Registers 32 and 33 are maintained in Collectorates in order to ensure that proper arrangements are made in time for the settlement, whether summary or regular, of Government and Temporarily Settled Estates or tenures. Printed copies of these registers are maintained in the office of the Directors of Land Records and Surveys and form basis of the Land Revenue Settlement calendar.   (2) Printed copies are sent to Collectors every year for the purpose of bringing them up to date for every year ending 31st March. All alterations and additions are to be reported to the Director of Land Records and Surveys, by 15th May. particular care is ..........be taken to see that these registers are accurate and the Collector's Sheristadar or Superintendent is responsible for this. They will be reprinted by the Director of Land Records and Surveys every five years or more often when the number of alterations necessitates it.   1. Sets of thana maps illustrating the position of the estates in colours and conventional signs according to the detailed instructions to be issued by the Director of Land Records and Surveys, Bengal, will also be maintained one in the office of the Collector |

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| 6  Correction slip No.49, the 7th December, 1338,  Cancel existing rule 58 on page16 of substitute the following: -  The Director or Land Records Surveys will submit to the Board of Revenue in duplicate, Settlement report (administrative) for the presending settlement year, including a full account of the progress of the survey and Settlement work under his control in the prvines on or before the 2nd January, with returns consolidated from those received from the local officers, particular attention should be paid in major operations to the financial aspect in accordance with the instructions in Rule 85 He will also submit report for the preceding financial year on.   1. the inspection of boundary marks accompanied by form 21 (Appendix XI Manual Report) and 2. the sale of map and printed records in collectors and Sub-Divisional Officer accompanied by the prescribed forms 3. the Room No.6 in Appendix O and W.)   The limit of the size of the report is 30 pages. The Board will transmit a copy of the report to the Revenue Department. |

17 Part 1, Chap. III.

ant the other in that of the Director of Land Records and Surveys. Alterations or additions in the maps Gould also be reported to the Director of, Land Records and Surveys along with those in the printed copies to reach him by the same date, vis., 15th May.

Progress and statement of progress is minor operations.

Confidential reports on officers.

Collector or Superintendent of Survey under the Survey Act

Diaries.

Transfer of charge to be avoided.

60. The officer in charge of minor operations should, prepare a statement showing the dates of contemplated completion of the different branches of work mentioned in the monthly progress report is different estates according to the sanctioned programmes, noting thereon the actual date of completion in red ink. The Settlement Officer or the Collector as the case may be, should insist on the monthly production of this statement at the time when the monthly progress returns are submitted to him for his remarks.

VI. – GENERAL

61. All gazetted officers employed on Survey and Settlement. work unless specially exempted, will keep diaries according to instructions issued by the Director of Land Records and Surveys.

62. In Surveys and Settlements constantly transferred from the charge of one officer to another, it is difficult to fix responsibility upon officers when irregularities are discovered. When a Deputy Collector or a Sub-Deputy Collector is put in charge of a minor, settlement, he should, therefore, if possible, be allowed to remain in charge till it is completed. If a change of officers is unavoidable, each officer should prepare and leave with the record a note showing the progress made during his time, the state of the case when charge of it is made over to another officer, and (where necessary) all explanation of the slow progress made in disposing of it. In all cases when an officer is placed in charge of Settlement work in addition to his other duties, the Appointment Department should be informed, but no appointment to such work or change of officer should be made without the approval of the Director of Land Records and Surveys.

63. Settlement Officers and Collectors will submit to the Director on the 31st March each year a confidential report on the work of gazetted officers employed under them in Settlement and Survey work during the previous financial year. The Director will consolidate the reports for all gazetted officers under him and submit them in print so as to reach Government in the Appointment Department by the 30th April.

Part 1, Chap. IV.] 18

**CHAPTER IV. Powers of Officers.**

I-Powers IN PROCESIINGS UNDER THE BENGAL TRMANCE ACT.

Revenue Officers and the powers they exercise.

Collectors. when ex-officio Settlement Officers in minor operations.

Standard notifications for powers.

Collector or Superintendent of Survey under the Survey Act

Power of Assistant Settlement Officers.

Powers of Settlement Officers.

Special powers

64. In the Bengal Tenancy Act the officers who exercise powers in settlement operations conducted under its provisions are designated by the generic title of Revenue Officer and the Act gives power to the Local Government to appoint officers to dis-charge any of the functions of a Revenue Officer under its provisions. The power exercised by Revenue Officers engaged in settlement operations are of two classes: -

1. General power exercised by all Revenue Officers by virtue of their office. These are described in Government rule 38.
2. Special power under definite sections of the Tenancy Act, e.g., sections 108, 112, etc., conferred on each officer by local Government.

65. Revenue Officers, if appointed with the designation of Assistant Settlement Officer, have the further powers described in Government Rule 41.

66. Revenue Officers if appointed with the additional designation of Settlement Officer have the further powers described in Government Rules 41-43.

67. In miner operations, unless a whole-time Settlement Officer has been appointed the Officer-in-charge is appointed as Assistant Settlement Officer and the Collector is ex officio Settlement Officer under rule 44 of the Government Rules.

68. Standard notifications will be found in Appendix B (iii). It should be noted that by virtue of Government Rules 39 and 40, when a Revenue Officer has been appointed as a Settlement Officer or. Assistant Settlement Officer, he is ex officio Superintendent or Assistant Superintendent of Survey and no. further notification is required.

69. In major settlements, powers under section 58 of the Tenancy Act will usually be given to the Settlement Officer. Powers under sections 108 and 115B may also be given when required.

II. - POWERS UNDER THE BENGAL SURVEY Аст.

70. The Bengal Survey Act confers identical powers on the Collector and on any officer appointed by Government to be a Superintendent of Survey under the Act

19 [ Part 1, Chap. IV.

Powers under the Survey Act

When Survey Act should be employed

Powers under the regulations.

Limitation to use of the Regulations.

71. When either a notification under the Bengal Tenancy Act or under, the Survey Act has been issued for any area, the Superintendent of Survey or the Collector: should formally delegate, under section 4 of the Survey Act, such powers of a Collector under that Act as he may deem proper to the Assistant Superintendent of Survey concerned (including the officer-in-charge of the traverse survey). Such powers are ordinarily -

1. power to issue special notices under sections 7 and 9;
2. power to decide boundary disputes under Part V with or without a limitation of area;
3. power to summon and enforce the attendance of witnesses and to compel the production of documents under section 50; and
4. power to fine under section 51.

No work under the Survey Act should be given by a Collector to any officer unless that officer has been appointed by Government to be an Assistant Superintendent of Survey or Deputy Collector under section 4 of the Survey Act.

When the power to fine under section 51 is delegated, the Collector or Superintendent of Survey should specify in the order of delegation that no levy of a fine exceeding one hundred rupees should be made otherwise than by his authority previously obtained.

72. When the proceedings previous to the settlement of land revenue are conducted under the Regulations or other laws, it will be desirable, if the extent of land to be settled is considerable, to move Government to order the survey of the tract under the Bengal Survey Act. Special notifications appointing the officer-in-charge of the settlement operations as Assistant Superintendent of Survey, if under the control of the Collector, or as Superintendent of Survey, if not, will then he required.

III. - Powers IN PROCEEDINGS UNDER OTHER LAWS.

73. An officer engaged in making resettlements of land revenue may be vested with the powers of a Collector under Regulations VII of 1822, IX of 1825, as amended by Regulation III of 1828, and IX of 1833, or with powers of a Settlement Officer under Act VIII (B.C. of 1879 where that Act is in force, if he is not under, the control of the Collector of the district. When he is under the control of the Collector of the district, the Collector will in the case of the Regulations exercise the necessary powers.

74. An officer making a settlement under Regulation VII of 1822 has no power to settle rents or to record rents higher than those hitherto paid, except by agreement with the parties subject to section 29 of the Bengal Tenancy Act in the case of raiyati lands, when that Act applies.

Part 1, Chap. IV. ] 20

IV. POWERS TO ENFORCE ATTENDANCE AND PRODUCTION OF DOCUMENTS AND DISCIPLINARY POWERS.

Powers of Revenue Officers to compel attendance and production of documents.

Procedure in enforcing attendance and production of documents.

Punishment for contempt of court

75. The power of summoning witnesses and compelling the production of documents given to Revenue Officers by Government Rule 38 is given in the discharge of any duty imposed by the Act or the Rules, and is not confined to proceedings in which Revenue Officers may be acting as a Revenue or a Civil Court.

76. Either the Bengal Tenancy Act or the Survey Act (vide rule 79) can be used for the purposes of traverse and cadastral survey, provided a notification has been issued in the Gazette under the Act adopted, but at subsequent stages the Bengal Tenancy Act should ordinarily be used. In any case, whatever the stage and whichever Act is adopted, if it is necessary for a Revenue Officer of his own motion to secure the attendance of particular persons or the production of documents, he can, after the issue of the prescribed general notice or proclamation, if any, for the particular stage of the operations, issue a summons under the Civil Procedure Code, and charge a fee of 12 annas. If the summons issued be not obeyed, further action can be taken in accordance with Order XVI, First Schedule, Civil Procedure Code, reproduced in Appendix H. Care must be taken to comply with the instructions of the law in every particular and to use the Forms Nos. 13-19 given in Appendix B to that schedule and reproduced in Appendix H. Rules 1-4 of that schedule only apply when the summons is issued on the application of a party.

77. A Revenue Officer empowered under Chapter X of the Bengal Tenancy Act and engaged in the preparation of a record-of-rights is a Revenue Court. He is therefore empowered to deal summarily under section 480 of the Criminal Procedure Code with insults and interruptions offered to him whilst engaged in such duty. The proceeding should be drawn up in the following manner, along with the statement of the accused.

"Whereas I, A. B., have been appointed a Revenue Officer (or add, and an Assistant Settlement Officer), under Chapter X, Bengal Tenancy Act, for the purpose of ascertaining and recording the particulars specified in Government Notification No. , dated , for thana, district, and whereas while I was engaged as a Revenue Court in ascertaining and recording\* for the village , the accused X Y intentionally insulted or interrupted the Court by ; the court therefore takes cognizance of the offence of the said X Y under section 480 of the Criminal Procedure Code, and directs him to pay a fine of (amount) and, in default to undergo simple imprisonment for (period) under section 228, Indian Penal Code.”

\* Herm mention the exact particulars which were being ascertained or recorded at the time the insult or interruption took place.

\* Here mention the nature of the insult or interruption.

21 [Part 1, Chap. IV.

Power to make preliminary enquiries under section 476, Criminal Procedure Code.

Power under Survey Act to compel attendance, etc.

Power to remit fines.

Power to enforce attendance under the Regulations.

Fines to be reported to Settlement Officer or Collector.

Power under different laws

Settlement Officer entitled to consult the Government pleader.

78. ……. are entitled to use the provisions of section 476 of …. Procedure Code in the case of offences referred to in section 195 of that Code, e.g., forgery. The Revenue Officer should be careful to note in his order that he is acting under that section and to use its precise wording so far as practicable. The preliminary enquiry, if any, made under that section is also a judicial proceeding within the meaning of the Act.

79. If empowered in accordance with rule 71; Assistant Superintendents of Survey, after issue of a general proclamation under section 5 of the Survey Act, can enforce by section 50 of the Survey Act the attendance of witnesses and the production of documents under the Civil Procedure Code in accordance with the procedure laid down in rule 76 or, if special notices issued on any particular person under sections or 9 of the Survey Act, for his attendance or the clearing of any boundary or other line, have not been complied with, they have the power to inflict daily fines under section 51. The form of special notice under section 7 is given in Form 23. The process-fees, if not paid, can be realised by certificate procedure from the person to whom the notice has been issued.

80. The Superintendent of Survey or the Collector of the district, as the case may be, is empowered to remit unrealised fines imposed under section 51 of the Survey Act up to a limit of Rs. 50, He is not authorised to refund fines which have already been realised. A quarterly statement showing all fines remitted is to be submitted to the Commissioner.

81. Attendance, production of accounts, etc., and facilities for measurement can be enforced by the officer empowered to act under Regulation VII of 1822 in his own case, or in that of his subordinates under sections 19 and 24 of that Regulation and section 25 of Regulation XII of 1817. The punishment for disobedience is given in Regulation II of 1819, sections 12, 13 and 14, Regulation XII of 1817, sections 23, 25-27, and Act XX of 1848. Fines imposed are to be reported to the Commissioner (vide section 2 of Act XX of 1848).

82. All fines, whether under the Civil Procedure Code or the Survey Act, should be immediately reported to the Settlement Officer or the Collector.

83. When Revenue Officers have powers under different laws, they should state carefully in proceedings or processes the Law and the section of the Regulation or Act under which they are proceeding.

84. A Settlement Officer is authorised to consult the Government Pleader, when necessary on any legal matter affecting the interests of Government. The Government Pleader is bound to advise him without the payment of any fee such service being covered by his general retainer.

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CHAPTER V. Accounts and Financial Control.

1. PROVISION OF FUNDS AND GENERAL INSTRUCTIONS.

85. For accounts purposes, survey and settlement operations are classed as follows: -

Classification of Settlements.

Major Operations.

Minor-Land Revenue Settlement Operations.

Minor-Advances Recoverable and Deposits operations.

1. "Major";
2. "Minor-Land Revenue Settlements";
3. "Minor Advances Recoverable and Deposits"; respectively.

NOTE. Maintenance operations under section 158A, Bengal Tenancy Act, are treated as "Minor Advances Recoverable and Deposits."

86. Major operations are those which are carried out under section 101(1) of the Bengal Tenancy Act and the cost of which is advanced in the first instance by Government from "5C-Survey and Settlement" under major head "5-Land Revenue". This cost is subsequently adjusted to "V-Land Revenue-Recoveries on account of survey and settlement charges", by recovery under section 114 of the Bengal Tenancy Act from parties having interest in the land, less such share or portion of the cost to be borne by the State as must be borne or may be specified in each case. The cost is calculated on the net cost, i.e., total expenditure, direct and Indirect, including the cost of traverse survey and reproduction of maps less the total receipts in cash and by book transfer and the portion of stamp revenue laid down in rule 489.

The Local Government makes good deficits, if any, in recoveries from private parties.

Note, - When expenditure is incurred in the settlement or resettlement of land revenue such expenditure is not recovered from private parties but is borne entirely by Government.

87. Minor Land Revenue settlement operations are those which are carried on in Government and temporarily-settled estates under section 101 of the Bengal Tenancy Act or under any other Act or Regulation. The cost of such operations is budgeted from and debited to Provincial Revenues.

88. (1) Minor settlement operations under "Advances Recoverable and Deposits" are those which are carried on in Zamindari and Wards estates under section 101(2) or section 103 of the Bengal Tenancy Act. They also include operations for the maintenance of records carried on under the provisions of section 1584 of the Bengal Tenancy Act. The cost of these operations is in the first instance treated as expenditure by the Local Government under "5-Land Revenue Survey and Settlement Minor Settlement Operations," and is ultimately adjusted against Deposits by and Recoveries (under section 114 of the Act) from private parties.

(2) When the operations are undertaken on the application of parties [e.g., under sub-clause (a) or (c) of section 101(2) or under

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The Bengal Survey and Settlement Manual, 1935.

Correction slip No. 4, dated the 11th July 1336.

Part 1.-Chepter V, Rule 91, page 23

Substitute the following for the first paragraph of the existing rule: -

of the cost incurred by the Director of Land Records for himself and his office one-third is borne by the Major Operations and one-sixth by the minor operations and operations coming under "advance recoverable and deposits". These shares of one-third and one-sixth reapportioned in proportion to the Direct expenditure subject he condition that in advances Recoverable Operations this is limited to maximum of ten per cent of the direct charge.

(Revenue Department No.2083, dated the 25th February 1914.)

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Section 103 of the Bengal Tenancy Act), a preliminary deposit at the rate of 1 rupee per acre of the estimated area must be made by the applicant and if in the course of the operations it is seen that the actual expenditure exceeds or is likely to exceed the amount deposited, a further deposit should be called for. No deposit should be made until the proposal has been sanctioned by the Director of Land Records and Surveys.

(3) When the operations are undertaken at the instance of the Local Government, e.g., under section 101 (2) (b) of the Bengal Tenancy Act, the costs are ordinarily advanced in full by Government in the first instance and recovered at the close of the operations.

Appointment cost between Municipality Government.

Special work.

Apportionment of Superintendence and Controlling office charges.

Unit of accounts.

89. Before any survey of any municipal area, initiated at the instance of any municipality, is sanctioned, the Director of Land Records and Surveys will obtain the orders of Government regarding the apportionment of the cost between the municipality and Government, and the share to be contributed by the municipality should ordinarily be deposited in advance and credited to the head "V-Land Revenue" as a contribution.

90. In Major Operations the Settlement Department is sometimes entrusted with special work not directly concerned with the operations, e.g., Cess Revaluation or other work such as Advances Recoverable operations, etc. A separate account must be kept of the expenditure incurred on account of such special work and deducted from the total expenditure in order to arrive at the true settlement expenditure. A complete estimate of Cess Revaluation or other work taken up as a special work by the Settlement Department for any local authority should be prepared and a copy sent to the District Board or other local body concerned, through the Collector, in order that they may make necessary budget provision for prompt recoupment. The amount actually expended and any change in the amount likely to be expended should similarly be reported as soon as they are known. In the case of "Advances Recoverable Operations" taken up at the instance of a private party. action should be taken as indicated in rule 88(2).

91. Of the cost incurred by the Director of Land Records and Surveys for himself and his office, two-thirds are borne by the major operations and one-third by the minor operations and operations coming under "Advances Recoverable and Deposits." These shares of two-thirds, and one-third are apportioned in proportion to the direct expenditure subject to the conditions that in Advances Recoverable operations this is limited to a maximum of ten per cent. of the direct expenditure (Revenue Department No. 2083, dated 25th February 1914).

The apportionment of the cost incurred for the Survey Office and its branches is governed by special orders of Government (Revenue Department No. 859T. R., dated 2nd June 1920, read with Revenue Department No. 7561L.R., dated 15th July 1926).

II. ACCOUNTS.

92. (1) Major Operations. Separate accounts of expenditure and receipts should be maintained for each district or tract which forms a

separate unit of estimate.

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(2) For Minor Land Revenue Settlements and operations coming under "Advances Recoverable and Deposit all the estates dealt with in each district should be treated as a whole and separate accounts of expenditure should not be kept for each estate (Government Order No. 821 of 26th March 1913). Accounts of receipts of each Zamindari and Wards' estate will be shown separately. The gross expenditure (direct and indirect) will be apportioned between the different estates at the end of the year, and the net debitable expenditure ascertained by deduction of receipts in each.

Classification of expenditure.

Direct expenditure.

indirect expenditure.

Contribution for passages.

93. Expenditure on Surveys and Settlements may be divided into the following two classes, (a) direct and (b) indirect.

94. Direct expenditure is expenditure incurred locally by Survey and Settlement Officers on the different heads of the budget Direct expenditure also includes such book debits as (a) the cost of instruments supplied by the Mathematical Instruments Office, Calcutta, (b) the cost of tents supplied by the Jail Department, (c) the cost of medicines supplied by the Medical Department, and (d) other book debits, but not inter-settlement charges. The cost of all these items is adjusted by book debit on receipt of invoices or work-bills which are to be entered in the Contingent Register of the office.

95. Indirect expenditure includes items which are not pro- vided for in the annual budgets of the Settlement Department. Ordinarily they consist of the following: -

1. Leave and pension contribution.
2. Forms supplied from Government Dep,
3. Stationery supplied by the Controller of Stationery.
4. Home Indent for presses.
5. Proportionate pay, etc., of officers partly employed when the pay is drawn in bills against the Budgets of other Departments.
6. Expenditure on temporary buildings including cost of repairs, ordinary and special, by the Public Works Department when met from the Budget of that Department for which no rent is charged.
7. Inter-settlement transfers of all items whether originally direct or indirect.
8. Rent assessed on any permanent Government buildings used for the settlement when no rent is actually paid.
9. Expenditure for use of launches under the pooling scheme.
10. Overseas pay drawn in England.
11. Contribution for passages granted under Superior Civil Service Rule 1924.

96. Under the orders of the Government contained in their letters Nos. 4110F.B., dated the 18th July 1931, and 4713F.B., dated the 25th August 1931, the cost of passages of the officers entitled to them is debitable to Settlement as such costs are re- coverable under section 114, Bengal Tenancy Act. A formal

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debit of Rs. 50 per month should accordingly be added to the total cost of each operation so long as the services of the officer conncerned are retained in the settlement. Passage for wives and families of such officers are not debitable to settlement costs. The provision for passages of both should, however, be made in the budget by the Director of Land Records and Surveys, Bengal.

Rent of Government buildings used as settlement office to included as an indirect charge.

Leave and pension contribution.

Information about other indirect charges.

Cost of Forms.

97. When any permanent Government buildings are used as a settlement office, whether they have been erected for the Settlement Department or not, the proper rent for them should be ascertained from the Public Works Department and included as an indirect charge in the cost of the settlement for the purpose of recovery from landlords and tenants. No rent will, however, be paid to the Public Works Department. This does not apply to the case of a house build as a residence for the Settlement Officer, the rent of which is paid by the Settlement Officer personally; both the cost of construction and the rent of the Settlement Officer's residence will be excluded from the amount recoverable. When temporary buildings are erected by the Settlement Department and it defrays the cost directly, the total outlay will be included in the direct cost of the settlement and the price that may be realised for the buildings or materials on completion of the settlement will he credited as receipt. But where the cost though ultimately borne by the Settlement Department is primarily debited to the Public Works Department and the Settlement Officer merely acts as Public Works Department disburser, the expenditure will be treated as indirect under rule 95(vi). The buildings will be borne on the books of the Public Works Department and when they are disposed of, the sale proceeds will be credited to that department. The amount realised will, however, be deducted from the cost for the purpose of ascertaining the net expenditure to be recovered under section 114 of the Bengal Tenancy Act, 1885.

98. Contribution towards pension and leave salary is leviable in all operations for all officers holding permanent appointments in Government service. The rules for the contribution are re- produced in Appendix U. In return for this contribution Government accept the charge for pension and leave and consequently no leave salary of any officer for whom this contribution has been paid will be met from, or debited to, the settlement budget.

99. Items (ii) and (iii) in rule 95 will be omitted from the monthly returns but will be included in the annual apportionment of receipts and expenditure. Item (ix) will be intimated to the Settlement Officers through Director of Land Records and Surveys, Bengal, by the Marine Department and included in the annual apportionment statements. Items (xi) and (xii) will be intimated to Settlement Officers by the office of the Director and included in such statements.

100. The Forms Department will inform Survey and Settlement Officers of the cost of forms supplied to them as soon after the supply as possible. This applies both to standard forms stocked in the Forms Department and to non-standard forms printed by that department. The information should be supplied in a statement in the form prescribed below which should be forwarded by

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the 10th of the month following that to which the statement relates: -

Statement showing the cost of forms supplied to the

in charge of the survey/settlement of during 193

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Number and date of indent.  1 | Voucher number and date of supply.  2 | Description of form.  3 | Quantity supplied  4 | Total cost to be entered against each form  Etc.  5 | Remarks  6 |
|  |  |  |  |  |  |

"Including printing, paper, packing and postage charges.

101. The value of all supplies of stationery received from the Controller is shown on the indent receipt forms which accompany the supplies.

Cost of stationery.

Distribution of the cost of forms and stationery used by more than one operation under the same officer.

Special rule about Minor Settlements.

Registers.

Subsidiary Registers.

102. The cost of forms and stationery consumed by a Settlement Officer, who controls operations for which more than one set of accounts have been maintained, should be distributed by him over the several accounts. The Officer-in-charge, Bengal Traverse Survey and Drawing Office, should similarly distribute such costs over the several operations conducted by him.

103. Rules 99 and 100 do not apply to Minor Settlement Operations where forms and stationery are supplied by the Collectorate. [See rule 122(5).]

104. The accounts to be kept at the headquarters of Settlements will vary according to the local conditions of the work.

(a) The primary Account Books of expenditure to be kept in the Settlement Office should consist of-

* 1. General Cash Book.
  2. Bill Book (in Guard File) except in the case of bills drawn on establishment bill forms.
  3. Acquittance Roll for bills drawn on establishment pay bill forms
  4. Treasury Pass Book.
  5. Contingent Register.
  6. Register of Indirect charges.
  7. Register of Book Debit charges.

(b) Subsidiary registers to show the direct expenditure (including Book Debit charges) as may be approved by the Director of

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Land Records and Surveys from time to time may be kept in such forms as would suit best the circumstances of each Major Operation.

*(c)* Rules for camp accounts and inspection should be prepared in each Major Operation and submitted to the Director of Land Records and Surveys for approval.

Camp Accounts.

Cheek register of contract payment.

Treasury pass book

Forms of registers.

*(d)* As much work is paid for at contract rates, Mauzawar or other check registers should always be kept by the Settlement Officer to compare the outturn of contract work which has been billed for with the actual outturn as verified at later stages of the Settlement proceedings. Excess payment should be recovered from the persons responsible.

105. All transactions of the Settlement Department with treasuries will be recorded in a Pass Book in Form 27 prescribed by the Accountant-General.

The primary object of the Pass Book is to ensure that bills presented at the treasury really come from the settlement office and that receipts sent to the treasury are received by the Treasury Officer. It is not an account register. In column 1l of the receipt side, it should be clearly noted whether the credit is a miscellaneous cash receipt or a recovery of settlement costs.

The Pass Book will be initialled daily by the Treasury of Sub- Treasury officer. A monthly total will be struck on both sides and initialled. There may be separate pass books for transactions with Sub-treasuries. But where more pass books than one used in the same district, the arrangement must be first settled between the Settlement Officer and the Treasury Officer.

106. (1) A cash book will be kept in Form 26. The acquit-tance roll in Form 28 should be kept only in the case of pay of establishment including kanungos, for whom bills are drawn in establishment pay bill form. This acquittance roll should be drawn up by bill in Form 28, i.e., a separate sheet or a number of sheets should be used for the same bill, the number and date of the bill being given at the top. Form 75, however, should be used as the disbursement certificate for payment of job work.

Receipts for the payments of travelling allowance to kanungos and establishment should be taken on the body of the office copies of the bills.

(2) The register of Indirect and Book Debit charges should be maintained by the Settlement Officer in Major Operations in Form 29. Receipts for items under 95 *(vii)* will be shown by a minu entry in the register of the transferring settlement, in reduction or the indirect charges. In register of indirect charges a column is provided showing the settlement share of the cost of the control of the Director of Land Records and Surveys, Bengal, which is to be treated as an item of indirect expenditure.

(3) In the case of Minor Operations the register of Indirect

charges will be combined with a subsidiary register to show the

direct expenditure under each budget head in Form 37.

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107. The following instructions are issued for drawing bills for temporary establishment and contingencies:

Drawing bills- What forms to be used.

Classification of receipts other than Deposits and Recoveries.

(1) Pay of the employees borne on the establishment cadre should be drawn in Bengal Form No. 2433 (full sheet).

(2) Pay of the employees who are paid out of the grant under "Job work" should be drawn in fully vouched contingent bills (Bengal Form No. 2470).

(3) Contingent bills should be drawn in Bengal Form No. 2470 (fully vouched contingent bills) (vide rule 97 of the Bengal Audit Manual). Charges for service postage stamps should not be included in this bill but drawn in Bengal Form No. 2460.

(4) If payment cannot be made in time to support the fully vouched contingent bills, a modification of the certificate at the foot of the form may be made, but the necessary payment vouchers if exceeding Rs. 25 should be sent to the Accountant-General within the month in which the amounts are drawn.

(5) Arrangement should be made so that as little cash as possible may be received in the Settlement Office and that what is received may be promptly disbursed to the payees. The pay or the job remuneration of all hands in the headquarters office should be promptly disbursed on the day it is received from the treasury.

108. Receipts other than recoveries may be (a) in cash, (b) by book credit, or (c) in stamps.

(a) Cash receipts include-

1. Fines under section 32, Civil Procedure Code.
2. Fines under section 51, Bengal Survey Act V of 1875.
3. Cost of copying and comparing records, maps and other papers, together with the cost of the forms and tracing cloth required for such copies, when by special orders of the Director of Land Records and Surveys it is permitted that the cost be paid in cash.
4. Re-measurement fees.
5. Cost of demarcation and erection of boundary marks under Part IV, Bengal Act V of 1875, where not included in the final apportionment order.
6. Cost of re-attestation when required owing to default of parties.
7. Cost of serving notices of appeals when received from the Special Judge.
8. Pay and allowances of muharrirs appointed to supervise the taking of copies of the record during the field season by private parties.
9. Cost of sending records to other Courts.

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1. Fines realised from contract establishments.
2. Refund of over-charges of railway fright.
3. Sale proceeds of old tents, furniture, stores, etc.
4. Diet money and allowance of witnesses, commission fees, etc. during trial of cases under sections 105, 106 and 108, Bengal Tenancy Act.
5. Any other miscellaneous receipts which the Director of Land Records and Surveys permits to be received in cash.

Treatment of receipts in cash.

Diet money of witnesses.

Book credits and inter-settlement transfer.

109. All receipts in cash should be remitted to the treasury to the credit of the settlement concerned. The name of the settlement and in Minor Operation (Advances Recoverable), of the estate under settlement and the nature of the receipt should be clearly stated in the chalan as well as in the proper column of the Pass Book. The money required for any expenditure incurred on account of such receipts or for any refund to parties should be drawn on regular bills and treated as charges of the Department. It should be distinctly understood that on no account should any sum be received or spent by the Settlement Officers without passing the transactions through the Treasury Accounts. The only exception is in the case of diet money and allowances of witnesses, commission fees, etc., received during trial of cases under sections 105 and 106, for which the Settlement Department cannot get credit. They will be entered in a separate register in Form No. (M) 29, Appendix A, page 70 of the High Court Rules, Volume II, and payments may be made directly by the Case-work officer. The unrefunded balance will be separately remitted into the treasury as Revenue Deposit.

All cash receipts, other than deposits and recoveries of settlement costs, are to be reported in the monthly statement of expenditure and receipts prescribed in rule 110 below. It is essential that they should not be confused with recoveries either in the monthly statements or in the treasury accounts.

110. Book credits include those receipts other than recoveries which are not realised in cash or in stamps, but which appear in the settlement accounts by adjustment. The adjustment should be made by proper entry under the receipt column of the monthly statements submitted to Accountant-General, Bengal, for verification (vide rule 117).

Charges originally direct such as cost of mathematical instruments, tents, furniture, etc., supplied by one settlement to another should not be paid for in cash but by a book-adjustment on a valuation to be previously approved by the Director of Land Records and Surveys. The cost should be treated as indirect expenditure under rule 95 (vii). In the Annual Apportionment Statement in Form 34, such adjustment of expenditure of items originally direct should be shown by plus minus entry in column 15.

For the treatment of items originally indirect see rule 106 (2) The adjustment in this case in Form 34 should be made by plus and minus entries in the appropriate columns.

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How receipts in stamps are to be dealt with

How receipts in stamps are to be dealt with

Compilation Register of Court and Process-fees at head quarters.

Copying fee receipt.

Deposits and Recoveries: how to be treated.

111. The following classes of receipts must be in court-lee stamps. If cash payment is made it must be immediately, or as soon after as practicable, converted into stamps

1. Court-fees and process fees.
2. Fees on applications for certified copies.
3. Cast of copying and comparing records, maps and other papers, together with the cost of forms and tracing papers required for such copies, except when, by special orders of the Director of Land Records and Surveys, it is permitted that the cost be paid in cash.
4. Certification fees, searching and urgency fees.
5. Sale proceeds of maps and khatians.

112. (1) Stampa received on account of copying, comparing and certification of copies will be shown in a register in Board's Form No. 18, Records Manual. Other court-fees and process-fees will be shown in a register in Board's Form No. 58, Register and Returns Manual, except sale proceeds of maps and khatians which will be entered in a separate register as no part of such receipt is credited to settlement. In Minor Operations (Advances Recoverable) a separate page or set of pages should be allotted to each estate and separate total struck at the end of the month. The number to be superscribed on the court-fee stamps will thus have separate serials; but a sub-number indicating the estate in respect of which the stamp is received, would show where the receipt has been entered in the Court-fee Register.

(2) As court and process-fee registers have to be maintained in settlement camps as well as headquarters, the Settlement Officer is responsible that the total account of court and process-fees for the year is correctly compiled. For this purpose a compilation register in Form 31 should be kept in Major Operations at headquarters.

The Assistant Settlement Officer in charge of each section or camp should certify on his monthly return that the figures have been checked by him and found correct.

113. Receipts, whether taken in cash or court-fees (or folios) under rules 109 and 110 above, for uncertified copies of the records or for certified copies are credited to settlement and all expenditure incurred in the preparation of such copies is debited to settlement in the ordinary way.

114. Accounts of "Deposits" made by parties applying for survey and settlement to meet the cost of the operations and "Recoveries" made under section 114 of the Bengal Tenancy Act or corresponding sections of any other Act or Regulations must be kept separate from the Receipts referred to in rule 108(a), in Form 31. Deposits or recoveries in Minor Operations should be credited in the Treasury Cash Account under the head "Special Settlement and Survey Advances and Recoveries on account of Estate......”. The "Recoveries" in Major Operations should be credited in the Treasury Cash Account under the head "V-Land Revenue-Recoveries on account of Survey and Settlement charges." The necessary particulars regarding Deposits and Recoveries should also be shown in column II of the Pass Book.

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Refunds how to be treated.

Refund of excess recovery.

Monthly Return.

115. No refund of amounts deposited to meet Survey and Settlement cost in operations undertaken under section 101(2) (a), section 102(2) (c), section 103 or section 158A of the Bengal Tenancy Act should be made except with the sanction of the Director of Land Records and Surveys. Refund will be due (a) when the expenditure proves to be less than the amount deposited, (b) when the cost has been met from deposit made by applicants and a share of the cost is afterwards recovered from other interested parties. Refunds will, as a rule, not be sanctioned till accounts are finally adjusted, but the Director of Land Records and Surveys may sanction a partial refund before the accounts are closed, care being taken to keep a sufficient balance in hand. Refunds should clearly be noted as "Refunds" in column 4 of the Pass Book.

116. When the Survey and Settlement cost is recovered from any persons in excess of the amount calculated according to the rates approved by Government under section 114 of the Bengal Tenancy Act or from any wrong person, the amount realised in excess or from a wrong person can be refunded under the orders of the Director of Land Records and Surveys, Bengal. Such refund should be classified as "V-Land Revenue-Deduct Refund."

III.-RETURNS.

117. Monthly Returns-

1. -To the Director of Land Records and Surveys: The financial return on page I of the Monthly Progress Return is sufficient. (See Form 9.)
2. To the Accountant-General, Bengal: A detailed statement of expenditure and receipts as well as Deposits and Recoveries in the form prescribed in Form No. 33. This should be submitted not later than the 10th of the month following that to which it relates and should be prepared in duplicate. In districts where all the minor operations dealt with relate to Land Revenue Settlements the cost of which is wholly borne by Government no statement need be submitted.

Names of Gazetted Officers should be shown in column 3 against their salary bills column 2): An entry in column 10 against a non-Gazetted Officer will indicate that he holds a substantive appointment in respect of which pension contribution is leviable (Appendix U). A certificate should be added at the end that the person on whose account no pension contributions have been shown as recoverable hold no pensionable appointment under Government

Leave salary of officers for whom pension and leave contribution is calculated should not be included in the monthly statement.

In the case of transfer of officers in the course of the month from or to settlement duty only the portion of the pay debitable to settlement should be included.

The pay and travelling allowances of officers on settlement duty called upon to appear as witnesses before a Court of Justice or to

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appear at Departmental Examinations are not recoverable under section 14 of the Bengal Tenancy Act and should not be debited to Settlement. These deductions should be made at the end of the statement with a note in the remarks column that the charges should be met from General Revenues. The charge should however be met from the settlement budget.

Items of book debit and credit should not be entered in the monthly statement, until instructions are received from the Accountant-General that they have been adjusted in his office. The number and date of the Accountant-General's memorandum should be quoted.

A statement of Recoveries and Refunds which will be an extract of the entries for the month in the register prescribed in rule 114. It should be duplicate.

Monthly totals should be struck in all the above statements. The progressive totals from the beginning of the year up to the previous month should be noted below the monthly totals and the grand totals struck. All corrections made by the Accountant- General should be incorporated in the progressive totals.

118. The monthly statements submitted to the Accountant- General will be verified in his office by a comparison with the actual charges recorded in the books of his office, and information as to additions or corrections to be made in the statements will be given to the Settlement Officers concerned, who will correct their accounts accordingly. One copy of the monthly statements verified as above will be returned to the Settlement Officer, and one copy will be retained by the Accountant-General, Bengal.

Verification of monthly statement by Accountant. General, Bengal.

Distribution of Director of Land Records and Surveys control charges at the end of the year.

119. On receipt of the monthly return for March, which will give the total direct expenditure incurred to each district, the Director of Land Records and Surveys will distribute the moiety of his pay and allowances and establishment charges debitable to settlements according to rule 91 and immediately inform the local officer of the amount of share of control to be included in their Annual Apportionment Statements on this account.

120. Annual Returns-

I-To the Director of Land Records and Surveys-

1. Annual Apportionment Statements in Forms 34 and 35 (verified by Accountant-General, Bengal) on the 20th July (vide rule 121, below). In districts where all the minor operations dealt with relate to Land Revenue settlements the cost of which is wholly borne by Government no statement need be submitted.

(2) The appendices prescribed in the Annual Report.

II. To the Accountant-General, Bengal-

Annual Apportionment Statements in the same Forms 34 and 35 on 1st June, a copy being sent to the Director of Land Records and Surveys on the same date. In districts where all the minor operations dealt with relate to Land Revenue settlements the cost of which is wholly borue by Government no statement need be submitted.

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Annual apportionment and adjustment statement to Accountant-General, Bengal.

Maintenance of boundary marks.

\*121. (1) On receipt of the verified monthly return for March from the Accountant-General, Bengal, and of information regarding the amount debitable for share of control, Settlement Officers (and Collectors in case of Maintenance Operations) will prepare their annual apportionment statements in the Forms 34 and 35 and submit them to the Accountant-General, Bengal, by the 1st of June (vide rule 120 II) forwarding a copy at the same time to the Director of Land Records and Surveys

(2) In distributing the net settlement expenditure of column 23 between Local Government and private parties the following rules will be observed:

I. In areas in which Land Revenue is not being settled and is not about to be settled-

1. In Major Operations the Local Government ordinarily bears one-fifth of the not cost only for areas which have not previously been surveyed and settled under the Bengal Tenancy Act. The balance is paid by private parties. For areas previously so surveyed and settled the Local Government bears no portion of the costs.

In calculating the cost for recovery, simple interest at 6 per cent, on advances made by Government is to be charged to the operation. Further, no portion of the stamp revenue derived in course of the operation is to be deducted from the gross cost.

(b) The cost of settlement of zamindari and Wards' estates coming under head "Advances Recoverable and De- posit is borne entirely by the private parties concerned, no portion of it is being shared by Government.

(c) Local Government bears the proprietor's share in estates in which it is the proprietor.

In temporarily settled private estates which are held khas or let in farm by Government if such estates are taken up along with major operations and no settlement of land revenue is being or is about to be made, Government will pay the cost which it would pay if it were a private landlord.

II. In areas where Land Revenue is being or is about to be nettled local Government bears the entire cost.

(3) In major operations column 25 will not ordinarily rule filled up till the close of the operations, meanwhile the amount debitable to the private parties will be included in column 26.

(4) In all operations column 30 will remain blank till the t Director of Land Records and Surveys (vide rule 52) informs the Accountant General what amount should be adjusted by transfer to the head "Recovery of Cost of Maintenance of Boundary Pillars" in the district or estate, meanwhile the amount realised on account of the maintenance of boundary marks will be included in column 29.

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Registers to be kept for apportionment of cost between different estates.

122. In Minor Operations the principle to be followed in dividing the cost at the end of the year, vide rule 92(2), between the different estates or other separate units of estimate and recovery is laid down in the Government Order No. 821 of the 28th March 1913, vii, that the distribution should be made in proportion to the amount of work done under each branch of work in the different estates or areas. For this purpose, two registers should be kept-

1. a monthly progress register in Form 36; and
2. a register of detailed distribution of expenditure in Form 37.

A separate page or pages should be kept for each kind of expenditure or indirect charges shown in column 1 of Form 37 and entered up dealing with the date of the transaction. If the amount can be at once debited to any particular branch of work this should be done, otherwise the amount will only be entered in column 19 and the necessary distribution made at the end of the month. A monthly total will then be struck in the exact form of the register.

The following rules should be observed: -

(1) The total expenditure for each month will be distributed in Form 37 under each head therein amongst the different branches of work.

(2) Any items of expenditure which are directly debitable to any particular branch or branches of work should be properly shown against such branch or branches.

(3) The expenditure on supervision (except the pay of the Officer-in-charge), headquarters staff, and on those contingencies, supplied and services, which cannot be directly debited to any particular branch or branches of work but to all generally, should ordinarily be distributed amongst the different branches of work directly in proportion to the total direct expenditure incurred during the month under each branch. Where this rule would be inapplicable, the Officer-in-charge will make the most suitable distribution.

(4) The pay of the Officer-in-charge will be distributed amongst the different branches of work according to the number of days spent by him on each branch during the month.

(5) Indirect expenditure will follow the above rules, but will only include items regarding which definite information is available during the month. The indirect charge for the cost of instruments, furniture tents, forma and stationery supplied by the Collector will be, in accordance with the Government order, calculated at Rs. 20 per square mile.

(6) The Assistant Settlement Officer in charge will check the distribution monthly and will sign the form in token of check.

(7) The register in Form 36 will be filled up monthly to show the actual work done in each estate or group of estates during the month.

(8) Forms 36 and 37 will be totalled for the financial and settlement years.

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(9) The apportionment of expenditure between the different estates or units of estimate will be made at the end of the financial year from the totals of Forms 36 and 37 for that year. The direct expenditure incurred during the year under each branch will be ordinarily apportioned rateably between the different estates according to the following data and entered in the Annual Apportionment Statement: -

(a) The area completed in each estate in the case of traverse, cadastral, preliminary recess, draft publication, janch, statistics, preparation of mans, final publication, revision of land revenue and recovery, respectively;

(b) the number of plots completed in khanapuri and bujharat, respectively;

(e) the number of interests completed in attestation, final copy and computation, respectively; and

(d) the number of cases disposed of under objections and case work, respectively.

The indirect expenditure under each head will be similarly apportioned and entered in the appropriate columns of the annual apportionment statement.

(10) An apportionment will be made when necessary in a similar manner if at any time it is necessary to submit a revised estimate, or modified budget, in order to ascertain whether an initial estimate is likely to be exceeded or not.

123. Charges on account of traverse done by the Bengal Traverse Party and map reproduction done in the Bengal Drawing Office will be included in the budget of the Director of Land Records and Surveys in the case of all settlements under his control, whether in major or minor operations, Separate realisations will not be made on this account but the charges incurred will be included in the annual survey apportionment statement, of the Director-specially classified with particulars as to the estate or other unit of operations on account of which the charges have been incurred to show what items the Settlement Department will recover. The Director of Land Records and Surveys will inform each Collector or Settlement Officer of the charges for the purpose of recovery, hut these items will not appear in the apportionment statements of the Collector or Settlement Officer, forwarded to the Director of Land Records and Surveys. The Director of Land Records and Surveys will incorporate them in the statement mentioned under rule 128.

Treatment of charges on traverse and map reproduction.

Distribution of cost among branches of work in Major Settlements.

Annual Apportionment Statement of Director of Land Records.

124. A distribution of the cost between different branches of work will also be made in Major Se aments for the purpose of Appendix IX (vide, Form 20) of the Annual Report. In this case, however, supervision charges and contingencies, except leave and pension contribution, will be kept separate from the branches of work.

125. Final verification of the annual apportionment statement should be obtained from the Accountant-General, Bengal, by the 10th July and on the 20th July, a copy of the verified apportionment statements should be submitted to the Director of Land Records and

Surveys in the same forms.

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Annual Apportionment of the Survey Department.

Of maintenance operations.

Director of Land records and Surveys consolidated statements.

Settlement officers to get copy of Director of Land Records consolidated statement.

126. The verified apportionment statement of the Survey Department will be sent to the office of the Director of Land Records and Surveys by the 20th July.

127. In addition to the returns mentioned in the foregoing rules each Settlement Officer or Collector in the case of maintenance operations will submit to the Director of Land Records and Surveys a monthly statement of account required by the Departmental Account Rules prescribed by Government. The statement should reach the office of the Director not later than the 5th of the month following that to which the statement relates. A similar statement should be submitted monthly by each District Officer relating to the head "22-General Administration-District charges-Maintenance of Boundary Marks."

IV. FINAL ADJUSTMENT OF ACCOUNTS.

128., The Director of Land Records and Surveys will prepare

for Major and Advances Recoverable Operations and submit to the

Accountant-General, Bengal, by the 10th of August: -

(1) A consolidated apportionment statement in district detail from the verified annual apportionment statements and in the same forms;

(2) A combined consolidated statement in the following form from the above statement and the verified apportionment statement of the Survey Department: -

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Distribution of Debit. | | | Recoveries. | | | |  |  |  |  |
| District. | Name of estate or tract under settlement. | Nature of Word. | Head of Budget. | Total net debitable expenditure. | State under rule 96(2)(a) | Local Government under rule 96(2)(c) | Private parties. | Deposits. | Recoveries. | By book transfer from provincial to Imperial. | Total. | Refunds. | Net recoveries. | Amount out of the amount in column 14 realised for maintenance of boundary marks. | Remarks. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

The distribution return (columns 7 and 8) will be made up at the close of the operations in Major Settlements and column 15 at the close in all operations. The object of this statement is to ensure that all the recoverable expenditure of a particular statement is brought gether in one place.

129. Extracts from the Director of Land Records and Surveys' combined consolidated statement after it has been accepted by the Accountant-General, should be forwarded to the Survey Branch of the Office of the Director of Land Records and Surveys and to Settlement Officers for the settlements in their charge. From these extracts Settlement Officers and the Survey Branch should make any additions or corrections that may be necessary in their accounts, and the former should utilise them in preparing the proposals for recovery operations.

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Verification of closing balances between District Officers and the Accountant-General, Bengal.

Final adjustment of settlement accounts.

Director of Land Records and Surveys register of accounts of major Operations.

\*130, The Accountant-General, Bengal, keeps an account of Survey and Settlement expenditure of "Advances Recoverable" operations, including expenditure on alt such operations whether conducted by the Director of Land Records and Surveys or any other officer. This in forwarded annually to the District Officers for verification and acceptance by them of the closing balance.

In the case of operations under the control of the Collector, the required information for the check of this account, so far as these operations only are concerned, is available from the extracts from the combined consolidated statement. When, however, Settlement Officers are in charge of "Advances Recoverable" operations in any district they will send a copy of the extracts supplied to them to the Collectors concerned. For this purpоse сess revaluation is treated as an "Advances Recoverable" operation.

131. The final adjustment of accounts between Government and private parties will be made by the Director of Land Records and Surveys in consultation with the Accountant-General, Bengal, whose business it is to watch recoveries on behalf of Government. For this purpose, the Director of Land Records and Surveys will immediately after the submission of the final report determine the year when the operations may be treated as closed; and in that year he will submit to Government, after consulting the Accountant-General, Bengal, a report reviewing the financial position and indicating how the total recoverable amount was recovered. Small expenditure subsequently incurred will be left out of the account in the adjustment, provided it is covered by excess realisation.

132. For every district or portion of a district for which a separate account is maintained under the head "Major" an account should be maintained in the office of the Director of Land Records and Surveys in the following form: -

Name of District or Area under Settlement.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Distribution of Debit. | | | Recoveries. | | |
| Year | Total debitable expenditure. | State under rule 96(2) (a) | Local Government under rule 96(2)(c) | Private Parties | By realisation from private parties. | By book transfer. | Total. | Amount out of the amount in column 8 realised for maintenance of boundary marks. | Net amount recovered (column 8.9.) | Remarks. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|  |  |  |  |  |  |  |  |  |  |  |

All annual figures required for the above statement will be taken from the Director of Land Records and Surveys consolidated statement prescribed in rule 128. A total will be struck when the recovery operations of the area have been completed. Column 4 will, as a rule, be blank, but at the close of the operations it should

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be ascertained what is the net amount debitable to the local Government on account of Government and temporarily settled estates, and an adjustment should be made by a plus entry under column 4 and minus entry under column 5. Similarly, column 9 will remain blank till the close of the operations. The balance in column 10 is the amount of actual recoveries which has to be compared with the amount recoverable by Government which is equal to the difference between column 2 and column 3.

In practice there will rarely be exact agreement between the actual recoveries and the recoverable amounts because actual recoveries from private parties are made at the time of the distribution of the copies of the maps and records, before settlement operation are completed, and Settlement Officers' recovery proposals under section 114, Bengal Tenancy Act, are therefore based partly on actual costs and partly on estimated costs. In some district there will be excess recoveries and in others deficit recoveries.

Operations under “Advances Recoverable Deposits”.

Director of Land Records and Surveys Register of accounts of Advances Recoverable Settlements.

133. In the case of settlements coming under "Advances Recoverable and Deposits" the final adjustment of accounts is simple. It is only necessary to take care that net recoveries are equal to the total expenditure debitable to private parties.

For each estate, which is a separate unit of estimate or recovery, an account should be maintained in the Director of Land Records and Surveys' office in the following form: -

Name of Estate District

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Distribution of Debit. | | | Recoveries. | | |
| Year | Total debitable net expenditure. | Local Government. | Private Parties | By Deposit. | By realisation under the law. | Total. | Refunds. | Amount out of the amount in column 7 realised for maintenance of boundary marks. | Net recoveries available for credit against the debitable expenditurecloumns [7(8+9)] | Remarks. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|  |  |  |  |  |  |  |  |  |  |  |

The figures will be entered annually from the Director of Land Records and Surveys consolidated statement (rule 128). At the close of the operations a total will be struck. Column 9 will not be filled up till the operations in that estate are concluded. As a rule, no refunds will be made till the operations are complete. A comparison of columns 4, 7 and 8 as adjusted above will therefore show what refund, if any, is due and when this refund has been made, the account will be closed. No final adjustment of accounts is necessary in the case of minor Land Revenue Settlement.

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CHAPTER VI. - Court, Process and Copying-fees.

Distinction between Revenue Court and Revenue Officer.

Court-fees.

Fees to be charged on special notices except to correct errors.

Court fees to le filed on applications or petitions on behalf of Government.

Process-fees to be turned into stamps.

Scale of process-fees.

134. The Court-fees Act, 1870, as amended up to date, provides different rules for the amounts of court-fees and process fees in proceedings before a Revenue Court and a Revenue Officer, but the Act does not define the two terms. For the purposes of the Act it may be taken that a Settlement Officer or an Assistant Settlement Officer or a Revenue Officer within the meaning of section 3 (14) of the Bengal Tenancy Act is a Revenue Court when he is trying in a formal manner issues raised in the plaint of one party citing another party as defendant, while he is a Revenue Officer when engaged in enquiries and proceedings of a less formal character. Thus he is a Revenue Court when trying applications for the settlement of fair rents after final publication and suits under section 106, but he is a Revenue Officer when deciding disputes during record-writing and other stages antecedent to final publication. This distinction is for the purposes of the Court-fees Act only and it does not necessarily hold good for the purposes of the Code of Criminal Procedure and other Acts.

135. A scale of court-fees leviable in settlement proceedings under the Bengal Tenancy Act is given in Appendix J. More detailed instructions for calculating the ad valorem fee in suits filed under section 106 will be found in the Case-work Rules.

136. Process-fees are not to be charged on general notices addressed to the raiyats and landlords in a body. The cost of issuing such notices forms part of the general expenses of survey and settlement.

Process-fees on general notice remitted.

137. Process-fees are to be charged on special notices or summonses which it is found necessary to address to individuals in consequence of their failure to attend, but when the notice or summons is necessary owing to the discovery of an error in the record and not because of any neglect on their part, process- fees should not be charged.

138. Applications or petitions, filed on behalf of Government in settlement proceedings, should bear court-fees of the same value as applications or petitions filed by private parties.

139. Process-fees, whether paid for in advance or received from the parties, are to be paid for or expended in stamps, which will be attached to the application for process or to the processes.

140. The scale of process-fees charged under the Bengal Tenancy Act is given in Rule 65 of the Government Rules under the Bengal Tenancy Act. In all proceedings for the settlement of rents under Part III, Chapter X, and in all proceedings under section 106 of the Bengal Tenancy Act, the fees on processes are subject to the rules framed by the High Court under section 20 of the Court-fees Act VII (B. C.) of 1870, vide Chapter V of High Court's General Rules and Circular Orders (Civil), Volume I, reproduced in Appendix J (2). The scale of process-fees in these cases is given in the Case-work Rules.

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141. The fees for special notices issued under the Survey Act or under Government Rule 65 can be realised under the Bengal Public Demands Recovery Act, III (B. C.) of 1913. When the Officer is acting as a Revenue Court, the cost should be paid by the party (including Government) if the party applies for the issue of the process. Process-fees should be charged only when it is necessary to summon persons not resident in or near the village to which the proceedings relate or where the proceedings are held. In case work the cost can be added to the amount of decree, if necessary. Talabana on summonses issued under the Civil Procedure Code is also realisable by a distress warrant.

Recovery of process-fees.

Copying-fees.

How levied.

Copies of officers orders etc., not to be given.

No Copies to be given during the field Season.

Copies of papers before completion of record.

Objection to maps and records boing sent to the courts

142. When copies of judicial decisions are applied for, the rules of the High Court relating to copying-fees should be followed. In other proceedings where applications are made for copies of documents to which the applicant is not entitled fees of charges, the rules in the Bengal Records Manual should be followed.

143. Copying-fees should, as a rule, be levied in stamps, an in the case of court and process-fees. It in a particular case, however, a relaxation of this rule is required, the orders of the Director of Land Records and Surveys should be obtained.

144. No copies of office orders or notes for orders should be given, nor any reference made to them in proceedings or judgments of which the public are entitled to obtain copies.

145. No copies of survey and settlement records are ordinarily to be given in the field season except for purposes of litigation and on payment of fees for certified copies. Such facilities as are possible are to be given by Settlement Officers to parties interested to inspect records under proper supervision, and to take copies for themselves, provided no interference to the work is caused.

146. During recess copies, certified or uncertified, as required, are to be given on payment of copying-fees. When a copy of a record not finally published is granted, the form of certificate should be as follows: -

"Certified to be a true copy" or "copy of part of a record-of- rights, which is being prepared under Chapter X of the Bengal Tenancy Act, 1885. The stage of.......had been completed when this copy was issued."

(Signature)……………………………………

Record-keeper to the Settlement Officer

of………………..authorised under sec-

tion 76 of the Indian Evidence Act, I of 1872.

NOTE, - Form No. 39 of Appendix X regarding application for copies referred to in this rule may be obtained from the Settlement Office at the rate of 1 pice per sheet or from specially selected stamp vendors to whom the sale would be as 80 copies per rupee and who in turn would retail to the public at 1 pice per sheet.

147. For the purpose of litigation, certified copies can be obtained by parties in accordance with the above rules and filed in the Courts. As regards the production of original maps and records, the High Court has issued the following instructions: -

"All subordinate Courts should take special care to prevent the unnecessary production in Court of public documents as

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defined in section 76 of the Evidence Act. When, however, the Collector or other public officer has been summoned under Order XVI, Rules 1 and 6 of the Code of Civil procedure to produce in Court a certain document, it will be his duty to send such document to the Court; but such officer may, at the same time, in person or by letter addressed to the Court, object to the production of the document, stating the grounds of such objection, and thereupon it will be the duty of the Court to consider the objection, and to decide, after hearing parties, if necessary, whether it should compel the production of such document."

When an original map or record has to be produced before a Court, it should be sent in charge of a responsible clerk who will desire its prompt return to him the same day.

148. The rules as to punching of stamps which are in force in other offices should be observed in Settlement Offices (vide Part I, section IIA, page 54, Stamps Manual of 1912, and Chapter VIIB, pages 175-77, Volume I, General Rules and Circular Orders of the High Court, 1918).

Punching of stamps.

Salaries how paid.

149. Salaries of process-serving peons, permanent or temporary, are to be paid on establishment or Job Work bills and are to be included in the same way as the cost of the establishment. The pay or fees of copyists will be drawn in bills in A.-G. B. Form 312 under the head "Allowances, honoraria, etc. Remuneration to copyists."

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CHAPTER VII. Settlement appointments, allowances anu establishments.

ESTABLISHMENT.

Post of Director of Land Records and Surveys.

Power of local Government in appointments.

No specific sanction required in major operations.

Specific sanction required in minor operations Limitation on sanction. Annual appointments.

150. The post of Director of Land Records and Surveys is borne on the cadre of the Indian Civil Service in the senior scale and carries, besides the time-scale pay, a special pay of Rs. 250 a month. The Director of Land Records is also the Director of Surveys and is a head of a department for the purpose of the Fundamental Rules and the Subsidiary Rules framed thereunder.

151. The Local Government has full powers as to the number and duration of the appointments in any settlement subject to no limitations except those imposed by the Secretary of State's orders upon the allowances to be enjoyed by their holders.

152. In the case of major operations no specific sanction for the number and duration of settlement appointment of officers of the Indian Civil Service, Bengal Civil or Bengal Junior Civil Service is required, but the necessary provision for such officers will be made annually, so far as practicable by the Appointment Department in accordance with the actual requirements of the Settlement Department, and such officers will be considered to be specially appointed to settlement work.

153. In the case of minor operations, the specific sanction of Government for the number and duration of such special appointments is required.

154. Complete proposals as to the number of officers required during the ensuing field season with the names of those whose appointment has been asked for and the names of those already employed should be submitted by the Director of Land Records and Surveys to Government in the Revenue Department a copy being sent to the Appointment Department by the 21st August in a consolidated statement. The statement should be accompanied by three-supplementary lists -

1. List of officers whom it is proposed to transfer from one settlement to another.
2. List of officers formerly employed in the Settlement Department, who are now in the general line and 'are again required for settlement work.
3. List of other officers required.

Form 38 given in Appendix X, has been prescribed for lists I and II above. List III should be in the same form so far as it is applicable. This list will include also the names and other particulars of officers required for the maintenance of the record-of-rights of private estates, which enjoy the concession of recovering arrears of rent in accordance with the summary procedure prescribed by the Public Demands Recovery Act, 1913. The Settlement Officer's proposals should reach the Director by the 5th August.

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Reservations.

Gazetted staff in settlement.

Gazetted staff in Survey.

Settlement Officers.

Deputation of Munsifs.

Deputation of Deputy Collectors.

155, On the 15th April, the Director of Land Records and Surveys will also submit to Government in the Revenue Department a list of officers who are available for reversion to general duty at the close of the field season, whether they have applied or intend to apply for leave during any part of the recess or not. The list will be in Form 38, Appendix X of this Manual, and columns 14, 15 and 16 will be used to show which, if any, of the officers will again he required for settlement work in the following field season and from what date. A copy of the list will be sent at the same time to the Appointment Department for information. The Settlement Officer's proposals should reach the Director by the 1st April.

156. The gazetted staff of the Settlement Department consists

of-

1. Settlement Officers,
2. I. C. S. Assistant Settlement Officers,
3. Deputy Collectors, employed as Assistant Settlement Officers,
4. Munsifs, employed as Assistant Settlement Officers, and
5. Sub-Deputy Collectors employed as Assistant Settlement Officers.

157. In the Survey Department the gazetted staff consists of-

1. Officers of the Survey of India permanently or temporarily deputed to Provincial Surveys; and
2. Deputy or Sub-Deputy Collectors on permanent or temporary deputation.

158. Four posts of Settlement Officers are borne on the cadre of the Indian Civil Service in the senior scale. They are included in the sanctioned posts of Magistrates and Collectors.

159. The Appointment Department will, if possible, depute two Civilian Assistant Settlement Officers for a period of twenty months each, to be extended if circumstances demand it, to each district operation to be in subordinate charge of khanapuri (including cadastral survey and bujharat) and attestation (including objections), respectively.

Deputation of Civilian Assistant Settlement Officers.

160. No definite number of Deputy Collectors to be deputed to Settlement every year has been fixed but the Appointment Department will meet the requirements of the Settlement Department as far as possible.

161. Four Munsifs, either officiating or otherwise, will ordinarily be deputed annually for a period of eighteen months or for such period as may be necessary to district operations. Special settlement appointments on the pay drawn by them as Munsifs, will be created for officiating officers for the required period, which will count as qualifying service.

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Deputation of Sub-Deputy Collectors.

Deputation of Technical Advisor.

Pay and allowances of Settlement Officers.

-of-I.C.S. S. Assistant Settlement Officers.

-of-I.C.S. S. (1) Deputy Collectors, (2) Mnusifs and (3) Sub-Deputy Collectors.

162. Fifty-nine Sub-Deputy Collectors including six for the leave reserve and three for maintenance work in private estates will ordinarily be deputed to survey and settlement annually field season or for such longer period as may be necessary for the field season or for such-longer period as may be necessary.

163. (1) An officer of the Survey of India attached to the Provincial Surveys and deputed by the Director of Land Records and Surveys, Or

(2) an officer of the Bengal, Civil Service (Executive Branch) or the Bengal Junior Civil Service, or

(3) a. Settlement Kanungo, or Assistant Survey Officer will be appointed as a Professional or Technical Adviser to each settlement party, provided that in the second or third alternatives the officer is duly trained and certified by the Director of Surveys to be qualified for the work, and that the standard of the four-inch maps, which are the basis of the preliminary one-inch maps of the Survey of India is maintained.

164. (a) A Settlement Officer who is a member of the Indian Civil Service will draw (i) the pay in the time-scale which would be admissible to him if serving in the regular line and not holding a special appointment, and (ii) a special pay of Rs. 150 a month. No officer should, however, be employed on settlement work whose remuneration, inclusive of the special pay, would exceed the maximum limits fixed under the time-scale for members of the

Indian Civil Service.

(b) A Settlement Officer who holds a listed post will draw (i) the pay of the post and (ii) a special pay of Rs. 150 a month.

(c) A Collector or Deputy Commissioner placed in charge of the settlement of his district in addition to his ordinary duties will draw, in addition to his salary as Collector or Deputy Commissioner, a special pay of Ra. 150 a month. It shall be open to the Local Government to declare that a Collector or Deputy Commission in charge of the settlement of a less area than an entire district shall be entitled to a special pay not exceeding Rs. 150 a month.

165. An Indian Civil Service officer employed exclusively as an Assistant Settlement Officer will draw in addition to his time- scale pay on the junior scale, a special pay of Rs. 100 a month.

(Government of India, Home Department, Notification. No. F. 173-28, dated the 8th April 1929).

166. Officers of the Bengal Civil and Bengal Junior Civil Services, who are specially appointed to settlement work which last or is expected to last for not less than six months, are entitled to draw, in addition to their pay in the time-scale a special pay at the following rate per mensem :-

Rs.

Deputy Collectors … … 100

Munsifs … … 100

Sub-Deputy Collectors 50 … … 50

If it is proposed to make a special exception in favour of a senior Deputy Collector drawing a salary of Rs. 700 and upwards

45-A

8

The Bengal Survey and Settlement Manual, 1935.

Circular No.65.

Calcutta, the 8th August 1940.

For Rs.25" in the fifth line of rule 168 at page 45 of the read Rs.20

\* The correction should be made by hand.

45-B

9

Survey and Settlement Manual, 1935.

Correction slip No.6.

Calcutta, the 17th August 1936.

Part 1, Chapter Vll, Rule 169, page 45.-Delete the word "four" second line and substitute the word "five “in its place.

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per mensem, appointed to the principal charge of an important settlement, the case should be reported for the sanction of Government.

Special pay admissible only to officers engaged in the main business of settlement.

Allowance to Technical Adviser.

Powers of Director of Land Records and Surveys to grant special pay.

Officiating appointments.

Pay and allowances of Survey Officers.

Special pay of officers of Bengal Civil Service and Bengal Junior Civil Service.

167. The special pay mentioned in rules 164 (c) and 166 is admissible only when the officer concerned is engaged in the main business of settlement, that is to say, the actual work of assessment or the framing of a record of rights, Special pay cannot be drawn b, an officer who is deputed to settlement to undergo a course of training.

168. Technical Advisers of the Provincial Surveys specially appointed to settlement work draw, in addition to their pay in the time-scale, a special pay of Rs. 100 per mensem. A Settlement Kanungo when appointed Technical Adviser in entitled to draw a special pay of Rs. 25 months in addition to his pay in the time- a scale as Kanungo.

169. The Director of Land Records and Surveys is empowered to grant the special pay specified in the preceding four rules. except in the cases in which it has been noted that the sanction of the higher authorities is required.

170, Settlement Officers and Assistant Settlement Officers of the Indian Civil Service (as well as officers of the Bengal Civil Service holding listed posts) may be seconded from the regular sine if the Local Government by general or special order so direct. An officer of the regular line may be appointed to officiate for a Settlement Officer or Assistant Settlement Officer absent on privilege leave or on leave for not longer than six consecutive months during the progress of a settlement, but in such cases the locum tenens cannot be seconded.

171. (1) An officer of Class II of the Survey of India deputed to the Bengal Survey Department is entitled to draw, in addition to his pay in the time-scale, the following allowance: -

(a) If placed in charge of the Bengal Traverse Party and Bengal Drawing Office, (1) a charge allowance of Rs. 150 a month, and (2) a special pay of Rs. 100 a month.

(b) If employed as an assistant to the Officer in charge of the Bengal Traverse Party and Bengal Drawing Office as a special pay of Rs. 100 a month.

(2) When the officer-in-charge is an officer of Class I of the Survey of India or is promoted to that class, no charge allowance is admissible but the special pay is raised to Its. 150 a month.

(3) An officer of the Survey of India deputed to the Bengal Survey Department and stationed in Calcutta is entitled to (10) compensatory, and (it) house rent allowance at rates sanctioned for the Survey of India Officers employed under the Government of India.

172. An officer of the Bengal Civil Service (Executive) or of the Bengal Junior Civil Service deputed to the Bengal Survey Department is entitled to Araw in addition to his time scale pay in the regular line, a special pay of Rs. 100 and 50 per month respectively.

Part I, Chap. VII.] 46

**173**. Applications for leave from officers employed on major operations or as wholetime officers in minor operations should be submitted through the Director of Land Records and Surveys who will forward them to Government through the Accountant-General with his remarks thereon, unless he himself is competent to sanction the leave.

The Director may sanction leave on full average pay up to four months to Provincial (class II) and subordinate survey officers.

174. (1) Under Fundamental Rule 9 (21) (a) the pay of an officer includes his special pay. When therefore an officer takes leave, he draws during such leave an average pay (full, half or quarter according to the nature of the leave) which includes special pay or settlement allowance.

(a) The charge allowance mentioned in rule 171 (1) (a) is classed as remunerative or as special pay and counts towards leave and pension.

(Government of India order No. 2121-31-9, dated 22nd December 1914.)

(b) Compensatory allowances including house rent allowances may be drawn during leave only to the extent and subject to the limitations specified in Fundamental Rule 93 and the subsidiary rules framed thereunder.

(2) When it is intended that on the expiry of his leave the officer should return to the Settlement duty or to any other duty under the Revenue Department, Government in that department should grant the leave.

(3) Leave allowances are not debitable to Settlement but are borne by Government and adjusted in the case of expenditure in England under "High Commissioner-22-General Administration" and in the case of expenditure in India under "22-General Administration."

175. (a) The following special rates of travelling allowance are admissible in the case of Settlement Officers, Assistant Settlement Officers, officers of Class II of the Survey of India, Munsifs, Deputy Collectors and Sub-Deputy Collectors employed on Survey work in Bengal.

Monthly pay of officers.

Mileage admissible rate.

Daily allowance admissible.

Rs. 750 and upwards

50 per cent. Over class rate subject to a maximum of 8 annas.

Rs. 7-8 as.

Less than Rs. 750

Ditto

50 per cent, over class rate subject to a maximum of Rs. 5 except for journeys by boat in the Dacca and Chittagong Divisions, the districts of Khulna, Jessore and 24-Parganas and the subdivision of Arambagh in the district of Hooghly where there is no maximum.

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10

Sarvey and Settlement Manual, 1935.

PART 1 CHAPTER XII.

Correction slip No. 53, dated the 3hat March 1939.

Cancel correction slip No.11, dated the 9th December 1936, and substitute the following for rule 175 (a) and (b) on pages 46 to 47, Part 1, chapter VII, of the Survey and Settlement Manual, 1935, and renumber rule (c) as rule (b): -

“ (a) The following special rates to travelling allowance are admissible in the case of Settlement Officers, Assistant Settlement Officers, Assistant Director of Surveys, Officers of the Bengal Provincial Service of the Survey of India, Munsiffs, Deputy Collectors and Sub-Deputy Collectors employed on survey work in Bengal:-

|  |  |  |
| --- | --- | --- |
| Monthly pay of officers. | Mileage wits admissible. | Rats of Baily allowance admissible. |
| i)Officers on Rs.750 or upwards, or members of the Indian Civil Service not entitled to oversees pay, on Rs.600 and upwards. | 50 per cent. over class rete subject to a maximum of 6 amnas if the journey is performed by motor vehicle. otherwise 8 annas. When mileage is claimed at the latter rate the officer drawing the bill shell certify that no part of the journey was performed by motor vehicle. | Rs.7-8. |
| ii) Members of the Indian Civil Services entitled to oversees pay on less then Rs.750, or not entitled to oversees pay on less, than Rs.600. | Ditto | Rs,6-0-0. |
| iii) Other officers below Rs.750. | Ditto | .... 50 per cent. more than the ordinary rate subject to a maximum of Rs.5 except for journeys by not in the Dacca and Chittagong Divisions, the districts of Khulna Jessor and 24 |

------- subdivision of Aramubag in the District of Hoogly where ----------

47 Part I, Chap. VIIL

Travelling allowance of Civilian Assistant Settlement Officers.

Travelling allowance of Settlement Kanungos.

Exemption from 10 days’ halting rule.

Authority for countersigning travelling allowance bills of officers.

Fixation of headquarters of subordinate officers.

(b) Officers of the Indian Civil Service getting Rs. 750 per month and above when employed as wholetime Assistant Settlement Officers are entitled to draw daily allowance at the rate of Rs. 7-8 while those getting less than Rs. 750 per month are entitled to draw daily allowance at the rate of Rs. 6. The mileage in both the cases is annas 8 per mile.

(c) The travelling allowance of Settlement Kanungos is governed by Subsidiary Rule 69 framed under Fundamental Rule 44 read with item No. 2 of Appendix 10 of the Fundamental and Subsidiary Rules. For the purposes of this rule the jurisdiction of a Kanungo should be taken to be the sub-circle (or halka) to which he has been posted for the field season, unless the Kanungo is a Circle Officer or his work lies all over a circle when his jurisdiction should be taken to be the circle. When, however, a Settlement Kanungo is appointed Technical Adviser, he draws travelling allowance including daily allowance for halts made during tour at the rates admissible in the case of Assistant Settlement Officers.

176. Under Fundamental Rule 44 read with Subsidiary Rule 78 all officers and their establishments working under the supervision of the Director of Land Records and Surveys have been exempted from the operation of the rule for 10 days’ halt at one place up to a limit of 30 days if they are employed on attestation, assessment of revenue and case work. As regards other officers holding settlement appointments and officers deputed for training in Survey and Settlement the Director is empowered to exempt them up to a limit of 30 days, if he is satisfied-

1. that prolonged halts are necessary in the interests of the public service, and
2. that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue, after the first ten days, to entail extra expense upon the officer making the halt,

The Director's order sanctioning exemption is required in each case, but when the travelling allowance bill charging daily allowance for more than 10 days is countersigned by him as controlling officer no separate sanction is required

177. The Director of Land Records and Surveys is the controlling officer for the purpose of countersigning travelling allowance bills of Settlement Officers, Provincial Survey Establishment and Deputy and Sub-Deputy Collectors deputed to the Survey Department. Travelling allowances of Assistant Settlement Officers and all establishments employed on settlement operations are countersigned by Settlement Officers. In Minor Settlement operations where no Settlement Officer has been appointed, District Officers take the place of Settlement Officers.

178. The Director of Land Records and Surveys is empowered to fix the headquarters of any officer subordinate to him.

Part 1, Chap. VII.] 48

179. Under Fundamental Rule 44 read with Subsidiary Rule 86 (b) the Director of Land Records and Surveys is authorised to sanction the carriage, by rail or steamer at Government cost of camp equipment and horses of his own and of officers serving under him subject to the limitations noted below: -

Power to sanction carriage of camp equipment, etc.

Provision for temporary and fluctuating establishments.

Sanction for Survey and Settlement establishments.

|  |  |  |  |
| --- | --- | --- | --- |
| Officers. |  | Limits | |
|  |  | Camp equipment. Maximum | Horses |
|  |  | Maunds. | Nos. |
| Director of Land Records and Surveys | … | 35 | 3 |
| Settlement and Assistant Settlement Officers | … | 20 | 3 |
| Officers of Classes I and II of the Survey of India | … | 20 | 3 |
| Retired officers of the Survey Department re-employed | … | 20 | 3 |
| Officers of the Provincial and Subordinate Survey Services | … | 20 | 3 |
| Officers deputed to Settlement Training camp | … | 10 | 1 |
| Other officers | … | 5 | 1 |

In the case of officers returning from settlement training camp on the expiry of the period of deputation a similar power is exercised by Divisional Commissioners.

180. Temporary establishments which may be required to be employed in any one year should be foreseen and budgeted for.

Under "Supplies and service-job work" should be included only such fluctuating establishments as cannot be foreseen and budgeted for under "Pay of establishment."

*N.B.* Care should be taken not to swell the provision under "Job work."

181. (1) In settlements under his control, the Director of Land Records and Surveys will have power to sanction, subject to limits of budget provisions and to a salary of Rs. 100 per mensem in each case, increases in the temporary establishment (including Kanungos and khanapuri inspectors) that is to say, he may sanction additional establishment required for not more than twelve months. The Director exercises similar powers in respect of temporary establishments of the Bengal Traverse Party and the Bengal Drawing Office.

(2) Settlement Officers or Collectors are empowered to sanction increases in temporary establishment which have not been provided for in detail in the original estimate of cost of the operations, limited by the provision for any sub-head in the budget, and subject to the condition that no post on fixed pay exceeding Rs. 50 per mensem can be created without the sanction of the Director of Land Records and Surveys. These officers are also empowered to sanction the employment of additional establishment paid at

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THE BEGAL SURVEY AND SETTLEMENT MANUAL, 1935.

CORRECTION SLIP NO.105 DATED 10.4.1958.

Rule 181(2), Page 48………………. for the words and figures "No post ----- pay exceeding Rs 50/- in the fifth line, substitute" no post ----- pay exceeding Rs. 60/- or time scale of pay starting with an ----- exceeding Rs. 60/-."

48-B

The Bengal Survey and Settlement Manual, 1935.

Correction Slip No.101 dated 1.7.54.

Substitute Rs 150/- in place of Rs 100/-

occurring in the third line of rule 181(1) of the

Bengal Survey and Settlement Manual, 1935.

49 [Part 1, Chap. VIL

contract rates for such work as copying, comparing and tabulating, subject always to the limit of the amount provided in the budget for expenditure by each officer on these purposes.

Varying details of sectional temporary establishments.

Limit of establishment in minor operations.

Communication of orders of sanction to the Accountant-General.

Kanungos.

Sanction to number of kanungos

182. (i) The Director of Land Records and Surveys is empowered to vary details consisting of the rates of pay of particular posts, the number of persons employed. the period and the of employment of any temporary establishment employed under him, whether employed for full periods of one year or for longer or shorter periods. The following conditions must be observed: -

1. The cost of a temporary establishment shall not be raised beyond the total amount sanctioned for the establishment by the authority which sanctioned its employment.
2. Where the authority which sanctioned the employment of the temporary establishment is Government, the pay of no post shall be raised above such a maximum as Government may by general special order fix for this purpose.
3. In other cases, the pay of no post shall be raised above the limit of sanction enjoyed by the authority which sanctioned the employment of the temporary establishment.

(ii) The Director exercises similar powers in respect of temporary establishments of the Bengal Traverse Party and the Bengal Drawing Office.

183. In Minor Settlements the pay of the establishment at headquarters should be limited to Rs. 8 per annum on each square mile of the total area under the operations.

184. When a temporary post is created, it is not necessary to send a copy of the order sanctioning the post to the Accountant. General, provided the pay does not exceed Rs. 50 a month. It will be sufficient if the bill is countersigned by the authority competent to sanction the post. Where however the pay of the post exceeds Rs. 50 a month a copy of the order sanctioning it must be communicated to the Accountant-General.

185. Kanungos are appointed mainly for the inspection of cadastral survey and khanapuri and for the performance of field bujharat, but their services are utilised in connection with other branches also.

186. Sanction will be obtained annually for the following financial year by the Director of Land Records and Surveys for the total number of appointments required in the Presidency in each grade of Kanungos bearing a pay of over Ils. 100 a month.

187. The appointments so sanctioned will be distributed from time to time by the Director between the different settlements in accordance with their respective requirements, subject to budget provision and the Director's power of re-appropriation. For the purpose of audit, the Director of Land Records and Surveys will furnish Accountant-General by the 1st April each year with a statement in the following Form A showing the number of officers

Part 1, Chap. VII.] 50

on 1st Aprilia each grade in the different settlements, and wiil send him monthly by the 10th of each month a statement in the following Form B of promotions and transfers: -

FORM A.

*Financial Year.*

|  |  |  |  |
| --- | --- | --- | --- |
| Name of district. | | Number allotted. | Remarks. |
|  | |  |  |
| Total | |  |  |
| Sanctioned cadre | provincial |  |  |

FORM B.

*For the month of 19*

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of officer. | Transfer. | | | | Promotion. | | | Remarks |
| District. | | Date of Joining the new district | Pay | District | From what date. | Pay |
|  | From | To |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|  |  |  |  |  |  |  |  |  |

51 [Part 1, Chap. VII.

Rules for recruitment of kanungos.

Training class for Kanungos.

Settlement service when qualifying

Leave of kanungo.

Time-scale of pay of kanungos.

Pony allowance of kanungos.

Boat allowance.

Appointment of Assistant Survey Officers.

Time-scale of pay of Assistant Survey Officers.

Training and recruitment of amins.

188. Rules for the recruitment of Kanungos in the Settlement Department are given in Appendix K (I).

189. The training class for Kanungos will begin annually on the 1st August at a District Settlement headquarters selected by the Director of Land Records and Surveys. The rules for the training of Kanungos are given in Appendix M (II).

190. Kanungos are, as far as possible, kept on duty through-out the year, so that if the temporary service is followed, without interruption, whether in Settlement Department or in miscellaneous work for other, departments, by qualifying service, ---- service should count for pension in accordance with Article 381 (b) of the Civil Service Regulations, which applies to all temporary settlement establishment. The period of temporary employment of Kanungos on miscellaneous work of the settlement and other departments qualifies for pension when they are afterwards appointed to the Bengal Junior Civil Service. Regular service books should therefore be kept for all Kanungos as well as for other temporary employees whose services are continuous.

191. The rules for leave of Kanuugos are given in Appendix K (II).

192. The following time-scale has been sanctioned for settlement Kanungos:- Rs. 75-100 (at confirmation)- 25/3-150-20/3 (efficiency bar at Rs. 170)-230-240-250.

193. (a) Kanungos, who are required to do field or other training work, are entitled to a pony allowance of Rs. 20 a month subject to the condition that the Settlement Officer certified that a pony is actually kept.

(b) In the Dacca and Chittagong Divisions, the districts of Khulna, Jessore 24-Parganas and Fabna and the Arambagh subdivision of Hooghly district Kanungos may, draw boat allowance at the rate not exceeding Rs. 30, with the sanction of the Director of Land Records and Surveys, Bengal, a month in lieu of the pony allowance, provided the Settlement Officer certified that it is necessary to maintain a boat and that one is kept.

194. Assistant Survey Officers are appointed by the Director of Land Records and Surveys mainly for the purpose of inspecting traverse survey in the field. They are also employed in miscellaneous surveys and other branches.

195. The following time-scale of pay has been sanctioned for Assistant Survey Officers: Rs. 150-10-250. The ---- of new recruit Assistant Survey Officers has been fixed at Rs. 130-10/2-140-20/2-220.

196. With a view to securing a proper supply of amins Settlement Officers will select for training amins' muharrirs who have worked successfully in the previous field season and give them a month's further training in practical survey and khanapuri before the following field season commences. Those who pass will so far as possible be appointed as amins.

Part I, Chap. VII.] 52

197. Collectors will report to the Director of Land Records and Surveys on or before the 1st August how many amins they require for the following field-season in addition to those already available. The Director will inform each Settlement Officer how many be requires trained by him for this purpose and for what. districts and the Settlement Officer will make necessary arrangement for training the number required in addition to those he requires for his own settlement. The Settlement Officer will retain those and arrange for the deputation of experienced amins to the districts in which minor operations are in progress. The rules for training are given in 'Appendix M.

198. The Director of Land Records and Surveys is empowered to grant travelling allowance to non-gazetted subordinates, other than ministerial officers, substantive or temporary, for the journey to join a first appointment in the public service, the rate admissible being that of the class to which the appointment which the officer proceeds to join belongs.

199. The Director of Land Records and Surveys may grant such rail and steamer fares as he considers necessary to khalasis and other menials of the Survey Department proceeding on or return from leave of any kind such fares should be paid for the journey to and from the place at which each menial was recruited.

He may also grant such travelling allowance as he considers necessary to other subordinates of the Survey Department when proceeding on or returning from leave if their homes are situated in provinces other than those in which they are. employed. [Subsidiary Rule 1:38 of the Fundamental Rules.]

200. The Director of Land Records and Surveys is empowered to sanction the grant of transit pay and allowance to temporary subordinates of the Survey and Settlement Departments under his control and to sanction an advance of Rs. 10 to each of the Amins to join their duties in the Settlement Camp during the field season. The advance will be recovered ordinarily in one instalment by deduction from the first bill drawn for the works of the Amins but in exceptional cases it may be made in two instalments.

201. The Director of Land Records and Surveys is empowered to allow the ministerial and menial members of the "Job charged" contingent establishment of the Settlement Department to draw the same daily allowances as would be admissible to the ministerials and menials on the regular establishment of the Department whenever these employees are required to remain away from headquarters on duty outside their ordinary routine work, subject to the condition that the Settlement Officer should certify that the deputation was indispensably necessary for work on which haltage was justified.

202. The Director of Land Records and Surveys is empowered to sanction advance to officers ………… the Survey and Settlement Departments for the purchase of horses subject to the following conditions: -

1. that the amount of advance shall not exceed one month's salary of the officer taking the advance, subject to a limit of Rs. 300,
2. that the amount of the advance shall be recovered in three equal instalments, by deduction from the pay bill of the

officer taking the advance.

Part I, Chap. VII.] 52-A

The Bengal Survey and Settlement Manuel, 1935.

Correction Slip No.57

Calcutte, the 12th, June 1339.

Chapter VII, Rule 199, page 52. Delete the existing rule and in place substitute the following: -

The Director of Lend Records and Surveys, Bengal, may grant in his

scretion any or all of the following advances, namely: -

1. ----------- and. thereals of the Survey Derartment on their return from
2. of such rail and steamer fares, as he considered necessary, to khalasis and other mendals of the department proceeding on or returning from leave of any kind, the fares being paid for the journey to and from the place at which each menial was recruite
3. of such travelling allowance, ----- condiders necessary, to other subordinates of the departments when proceeding on or returning from leave if their homes are situate in provinces other than those in which they are employed.

The money required for the grant of these advances should not, however, be drawn until they are actually required for disbursement.

The recovery of such advances should commence as soon as possible after the date on which an advances is drawn and in any case not later tha a period of six weeks from such date. The different kinds of advances should be adjusted by deduction from different bills under appropriate heads drawn subsequent to their disbursement, the adjustment being ordinarily complete within three months from the date of disbursement.

The Director of Land Records and Surveys, Bangel is also authorised to permit the Officer-in-charge, Bangel Traverse Party, to draw the mont required from the Treasury on abstract contingent bills to Meet field contingent charges during the field season from October to July, dated bills being furnishes in the month following the crawal of the abstract bills and the total advances drawn being limited to the sppipristion' at the disposal of the officer-in-charge Bangel Traverse Part

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Rule 201, page 52 –F1, the word ministerial “substitute the word"

---------"wherever it occurs in the rule.

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The Bengal Survey and Settlement Manual, 1935.

Correction Slip No. 70.

*Calcutta, the 16th June 1941.*

(i) At the end of rule 205 (a) as modified by Correction Slip No. 50, dated the 7th December 1938, in Part I, Chapter VII. at page 53, insert the following as a sub-paragraph: -

For purposes of this rule, job work establishment means job workers who were appointed before the 1st April 1937 and have been in service since then without interruption."

(ii) At the end of rule 205 (b) as modified by Correction Slip No. 50, dated the 7th December 1938, in Part I, Chapter VII, at page 53, insert the following as a sub-paragraph: -

"They do not however apply to job workers, appointed on or after the 1st April 1937."

(iii) Delete rule 207 in Part I, Chapter VII, at page 54.

Annas 2.

B. G. Press-1941-42-4432E-2.310

55 [Part 1, Chap. VII.

the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing refuse to call a witness. The proceedings si all contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of the rule and these requirements can be waived without injustice to the person charged.

[*Vide* Rule 55, Civil Services (Classification, Control and Appeal) Rules.]

Proscription.

Fines.

Forfeiture of pay

Distinction between dismissal and removal or discharge.

Submission of declaration of immovable property

210. In the case of temporary or fluctuating establishment the punishment may be proscription for a term of years or permanently. In such cases the punishment should be reported to the Director of Land Records and Surveys for confirmation. The Director will prepare a list of all proscribed establishment and forward it to the different Settlement Officers and Collectors keeping them informed of changes in the the list.

211. The imposition of fines on temporary or fluctuating establishment should be carefully supervised by the Settlement Officer or Collector and all fines of over Rs. 5 should be reported to him for confirmation.

212. If it is decided to dismiss an officer, special orders must be passed with regard to any sum that may be due to him, and the reason for forfeiture when ordered must be stated. Such forfeiture should only be made on the ground that the conduct of the dismissed officer has caused loss to Government.

213. Dismissal precludes re-employment in Government service of the person dismissed. Removal or discharge does not preclude re-employment in Government service.

214. (a) The gazetted, subordinate or ministerial officers shall on appointment submit to the authority shown in the table below a declaration of all immoveable property held by him or by his wife or by any member of his family living with him or in any way dependent on him. In the first week of March each year every such officer shall submit an annual statement either of alterations or of the fact that there is no change to the same authority-

|  |  |  |
| --- | --- | --- |
|  | Rank or designation. | Authority to whom the returns should be submitted. |
| 1. | Officers treate Class I officers of Survey of India. | Government in the Revenue Department. |
| 2. | Sub-Deputy Collectors employed exclusively on Settlement or Maintenance work. | Director of Land Records and Surveys. |
| 3. | Officers below the rank of Class I officers of Survey of India. | Ditto. |
| 4. | Settlement Kanungos | Ditto. |
| 5. | Ministerial officers | Heads of offices in which they are employed. |

Part I, Chap. VII.] 56

(b) In respect of landed property owned by Indian members of the Indian Civil Service by officers holding listed posts of Collectors and by members of the Bengal Civil Service a register is maintained in the Appointment Department. Each officer of these general line or in a special department shall submit to that department through the Collector and the Commissioner of the Division in the first week of January an annual statement of alterations during the last calendar year. If there has been no change, he will report the fact.

(c) The statement of landed property owned by an officer should be submitted by him in the following form: -

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name. | District and subdivision in which the property is situated. | Nature of property and extent of interest held. | State whether the interest is sole or joint. | If not in own name, state in whose name held and whether wife or other connection. | How ac- quire whether by purchase Inheritance or other- wise. | If held under superior landlord, his name and place of residence with district. | Annual value of interact. | Remarks. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|  |  |  |  |  |  |  |  |  |

(d) When a Sub-Deputy Collector is transferred from Settlement to the general line or to another department, the statement of his landed property should be forwarded to the Commissioner of the Division or to the Head of the Department concerned.

215. Owing to the difficulty that is experienced by the authorities at the India Office in tracing the relatives of officers who die in India the attention of all European officers is drawn to the desirability of placing on record among their private papers. particulars of the names and addresses of relatives in the United Kingdom to whom in the event of their death they should desire intimation to be conveyed.

Record of relations in United Kingdom.

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The Bengal Survey and Settlement Manual, 1935.

Correction Slip No. 13.

*Calcutta, the 16th June 1439.*

At the end delete the full --------- as 12 own in appendix 12, page 279 of the Funiemeruni and Subsidiary Rules, First Edition (Reprinted ,1929, as corrected by Correction slip No.03.

(B)

Bengal Survey and Settlement Manual, 1935.

Correction Slip c. 51 dated the 21st Dec., 1938.

The following addition and cateration should be male in handwriting in the rule mentioned the in instead of pasting correction slip: -

For the words by Divisional Corrissicars or District Judges as the case may be in rule 210 (----------------) substitute "by the heads of departments to whom they are ---------.".

(C)

18.

Bangel Survey and Settlement Menual,1935.

Correction slip No.5, date. Calcutta, The 17th July 1936.

(i) Part 1, Chapter VIII, Rule 216 at page 57: -

after the word "Police in the third sentence and probationary Munsiffs."

(ii) Rule 217(b). after the words" Collectors “in the third line the words "or Judges" and in the fifth line delete the words "t Collectors" and insert" them" in their place.

(iii) Rule 218. after the word "Collector" in the first sentence and the words "or the District Judge" and after the same were in fourth line add "or the District Judge as the cass may be and. after the same word in the fifth and eighth lines or the District Judge".

(IV) Rule 217. ------- the full stop --------------- may be".

57 [Part 1, Chap. VIII.

CHAPTER VIII.- Training of officers in Survey and Settlement work.

Training of civilians, officers of the provincial Civil Services, etc.

Privileges of Officers of training.

Orderly.

Carriage of camp equipment and horses

216. A survey and settlement training camp will be held annually for the training of Assistant Collectors, Assistant Superintendents of Police, Officers of the Executive Branch of the Bengal Civil and Bengal Junior Civil Services and Wards in a district to be selected by the Director of Land Records and Surveys, Bengal, under the supervision of the Settlement Officer of that district. The training will ordinarily commence on the 1st December and last, subject to the demands of the different departments, for about 4 months, for civil officers and two months for police officers.

217. (a) Officers on training will be entitled to travelling allowances at ordinary rates and to the benefit of Appendix 11 of the Fundamental and Subsidiary Rules, but they will not -- entitled to settlement allowance. During the period of training probationary officers of the Executive Branch of the Bengal Civil Service and Bengal Junior Civil Service will be entitled to a conveyance allowance of Rs. 30 or Rs. 20 a month according & a horse or pony is kept by them.

(b) Travelling and conveyance allowance bills of officers under training will be passed by the Settlement Officer but as the expenditure will proceed against the allotments of the Collectors of the districts to which the officers are attached, the bills will be forwarded to the Collectors, so that the columns for allotments and expenditure may be filled in before they are paid.

(c) Officers temporarily deputed for the purpose of training in survey and settlement work, away from the place where they are stationed, will be entitled to an advance not exceeding one month's pay and subject to the conditions laid down in clause (a) of Article 159 of the Civil Account Code (Eighth Edition) Volume 1.

218. Officers subordinate to the Collector deputed to settlement training will in all cases have an orderly who will accompany them from their districts. The pay and the travelling allowance of the orderly will be paid by the Collector. Where the officer has not already an orderly, the Collector will subject to budget provisions appoint a temporary orderly to accompany the officer. When budget provision does not admit of such an appointment, the Collector should apply beforehand to Government for funds and for sanction to entertain a temporary orderly for the officer.

219. Under Subsidiary Rule 86 (b) framed under Fundamental Rule 44, the Director of Land Records and Survey is authorised to sanction, for an officer deputed to a settlement training camp, the carriage by rail or steamer, at Government cost, of camp equipment up to a maximum of 10 maunds and one horse.

In the case of officers returning from a settlement training camp on the expiry of the period of deputation, a similar power is exercised by Divisional Commissioners.

Part 1, Chap. VIII.] 58

220. The rules for the training of the above officers will be found in Appendix M (I) which will be issued to each officer by the Settlement Officer. Further instructions regarding the requirements of officers, place of training, etc., will be issued by Director annually on receipt of Government orders regarding the number and names of officers and others to be deputed for training.

Rules and instructions for training.

Director’s report to Government about accommodation

Reports on training.

221. On the 15th August every year the Director will report to Government the number of officers for whom accommodation will be available in the training camp.

222. The Settlement Officer in charge of the training of officers will submit to the Director a brief report dealing with the training of such officers in survey and settlement work on or before the 1st May, and the Director will submit it to Government with his remarks on or before the 1st June.

59 [Part 1, Chap. IX.

CHAPTER IX.- Indents and Stock,

223. In operations under the control of the Collector he should s be responsible for (1) forms, (2) stationery, (3) mathematical instruments, (4) tents, and (5) books, each estate, other than Government or temporarily-settled estates being charged Rs. 20 per square mile in return.

Stock for minor operations to be supplied by the Collectorate.

Classification of forms.

Standard forms.

Non-Standard forms.

The Director of Land Records and Surveys shall determine however in particular operation whether the Settlement Officer in charge of land revenue settlement should not follow the procedure of major operations.

224. (1) Forms used in Survey and Settlement Departments (are grouped into the three following classes: -

1. Standard forms, that is, forms which are used by two or more departments and which are included in the list of standard forms approved by Government.
2. Non-standard forms, that is forms used by one department or office only and which are not included in the list of standard forms approved by Government.
3. Saleable forms, i.e., forms which are sold to the public.

(2) The rules for the alteration of standard and non-standard forms are contained in Bengal Forms Manual.

No new form may be introduced without the sanction of Government.

225. Standard forms or forms prescribed by Government are: supplied by the Press and Forms Manager, Bengal, on indent through the Director of Land Records and Surveys, Bengal. Officers in charge of settlement operations are concerned with the following standard forms mentioned in the detailed rules of the Bengal Forms Department: -

1. Bengal Land Records Forms (Survey and Settlement).
2. Board of Revenue Forms.
3. Accountant-General, Bengal's Forms.
4. High Court Forms (Civil Process and Proceedings).
5. High Court Forms (Civil Miscellaneous).
6. Office routine and envelopes Forms.
7. Bengal Executive Forms.

Officers should endeavour, as far as possible, to use standard forms, when such forms are suitable for the purposes required.

226. Non-standard forms or special survey and settlement: forms can be obtained from the Press and Forms Manager through the Director of Land Records and Surveys subject to the provisions of rule 225; any form of this class entered in the indent must have been approved by the Director. The number and date of the orders sanctioning the introduction of all special forms should be invariably quoted. Two samples of each form duly endorsed with print order should accompany the indent.

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227. No form, standard or non-standard, will be printed by the Forms Department unless the consolidated annual demand exceeds 2,000 copies. If this condition is not satisfied copies should be prepared by typewriting or duplicating machines.

Restriction on the printing of forms

Printing of Forms at private presses forbidden.

Stationery.

Allotment for forms.

Classes of indents.

(NOTE. This rule does not apply to saleable forms or to certain forms used for the submission of returns and other purposes which under the orders of competent authority must be submitted in print, e.g., charge reports, apportionment statements, etc.).

228. The printing of forms at private presses is forbidden except when the Press and Forms Manager is unable to supply the forms or in exceptional circumstances.

(Note. -Printing at private presses would be permissible in the exceptional circumstances mentioned in rule 143 of the Bengal Forms Manual 1927.)

229. Articles of stationery are supplied by the Controller of Printing and Stationery on indent through the Director of Land Records and Surveys.

The Director is authorised to sanction petty local purchases of stationery and rubber stamps up to a limit of Rs. 20 in each case.

230. A book allotment is annually placed at the disposal of the Director of Land Records and Surveys to cover the cost of forms required for his own office and for offices subordinate to him. To enable the Director to distribute the allotment, Settlement Officers and the Officer-in-charge, Bengal Traverse Party, should report their requirements not later than the 15th April. The Director will keep a small reserve in his hands to meet unforeseen requirements and communicate the distribution to the different officers and to the Forms Department. No supply in excess of the book allotment will be made by that department. The allotment cannot be utilised in meeting the cost of forms obtained otherwise than from the Forms Department.

231. Out of the provision in the stationery budget an allotment for Survey and Settlement Departments is placed at the disposal of the Director of Land Records and Surveys. The allotment cannot be directly utilised in obtaining supplies from the market and is meant to cover the cost of articles supplied by the Stationery Office and beyond distributing it the Director exercises no control over it. Settlement Officers and the Officer-in-charge, Bengal Traverse Party, should report their requirements not later than the 15th April to the Director who will keep a small reserve in his hand to meet unforeseen requirements and distribute the balance. The order sanctioning the distribution will be communicated to the Stationery Department. and to the officers concerned.

232. (i) Indents for forms and stationery are of two kinds, viz.-

1. annual,
2. supplementary or emergent.

Annual indents should be for a supply of all forms and stationery sufficient to meet the requirements of one complete

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year. They should be prepared with great care and forethought to avoid the necessity for submission of supplementary or emergent indents. The annual indents should be submitted to the Director of Land Records and Surveys who after scrutiny will forward them to the Press and Forms or Stationery Department as the case may be, subject to the provisions contained in the next paragraph, the same procedure will be followed in case of supplementary or emergent indents when their submission is unavoidable.

Supplementary or emergent indents for forms.

Dates of submission of indents.

Mathematical instruments.

Indents for Mathematical instruments.

(ii) No reserve stock of forma is maintained in the Press and Forms Department and no supplementary or emergent indent is entertained save under very special circumstances and with the sanction of Government. Such indents should therefore be submitted with a statement of reasons explaining why their submission is necessary, and after scrutiny in the office of the Director they will be forwarded to the Press and Forms Department through the Revenue Department.

Supplementary or emergent indents for saleable forms or forms newly introduced or revised and ordered to be brought into use immediately will be complied with without any orders of Government and they will be forwarded after scrutiny in the office of the Director of Land Records and Surveys direct to the Press and Forms Department. Supplementary or emergent indents should not be submitted if it is possible to obtain the forms on loan from another office.

(iii) For each section of forma mentioned in rule 225, а sераrate indent should be submitted.

233. Dates of submission of indents and other detailed information regarding them are given in Appendix F(1). No supplementary or emergent indents should be sent, which would reach the Forms Department between the 5th March and 1st April or the Stationery Office between the 28th February and the 15th April.

234. Mathematical instruments are supplied, repaired, adjusted and when no longer required, deposited in the Mathematical Instrument Office, 15, Wood Street, Calcutta. The necessary forms of indents for instruments and for their repair or deposit as well as the rules and regulations of the office are contained in Appendix F(2). Settlement Officers will obtain the price list of instruments from the officer-in-charge to whom all correspondence except the indents for instruments should be addressed. The same procedure will be followed by the Officer-in-charge, Bengal Traverse Party and Drawing Office.

235. Indents for instruments should be submitted in duplicate to the Director of Land Records and Surveys who will consider whether any articles are available from other settlements, and, if not, will send on the indent after countersignature. They should be submitted as early as possible and at least three months before the commencement of survey. Annual indents should be admitted before the 1st July. The budget head from which expenditure is to be met should always be indicated.

62-A

THEE BENGAL SURVEY AND SETTLEMENT MANUAL,218,1935

Correction Slip No.83 Dated the 16th January 1943.

Rules 245 Page 63, by correction slip No.7 ------------

1. After ------------- 245, insert by hand the sign" (i)
2. Before the words "---dak peon" insert by hand the sign" (ii)
3. In lines 6 to 8 delete the sentence "The supply --------------Government" \*\*
4. Inline 22 delete the sentence "The cost \* \* Govt.
5. Insert --------- following as sub-paragraph: -

(111) The Supply should be made every alternate year and should Exceed the rate notes below, as laid down in Finance Department Memorandum No.2---0 Misc., Dates 2nd May, 1938: -

1. Rs.14 for the head orderly of the Settlement Officer;
2. Rs.10 10r the other orderly of the Settlement Officer;
3. Rs 8 each for the orderlies of Charge Officers, Headquarters Assistant Settlement Officers, and Technical advisors; and,
4. Rs. 7 each for office guards, guards at recovery camps and dak peons.

The above dates should not be exceeded without the sanction of Government.

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The Bengal Survey and Settlement Manual, 1935.

Correction Slip No. 72.

Calcutta, the 8th August 1941.

Rule 245, page 63. -(i) In lines 10 and 11 for "Four orderlies" and "Two orderlies" read "Two orderlies" and "One orderly," respectively. The correction should be made by hand.

(ii) Insert the following at the end as a sub-paragraph :-

"A dak peon is entitled to the following articles of livery, every alternate year:

(1) one pugri,

(2) one belt,

(3) one badge, and

(4) two pairs of putties."

The cost should not exceed Rs. 7 without the sanction of Government

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Power of Director of Land Records and Surveys to countersign indents for mathematical instruments.

Tents.

Examination of stock of tents and instruments before indent.

Furniture.

Power of Director of Land Records and Surveys to purchase books, etc.

-to sanction purchase of articles of European manufacture and special contingencies.

-to sanction the purchase of typewriters, duplicators, etc.

Repair and disposal of typewriters.

236. The Director of Land Records and Surveys has power to countersign indents up to a limit of Rs. 1,000 for each item within budget limits. Any item the price of which exceed that amount can be countersigned by the Revenue Secretary to Government.

237. Indents for tents which may be purchased either from the Buxar Jail or from other places provided the quality is not inferior and the prices are lower, should be submitted through the Director of Land Records and Surveys in Forms 40 not later than the 1st June. The provision in the budget for the purchase of tents should always be indicated.

238. Before submitting his annual indent for tents or mathematical instruments, the Settlement Officer should depute an experienced officer to examine and report upon the existing stock. Care should be taken to see that both tents and mathematical instruments are properly stored during recess.

239. Office and camp furniture can be purchased locally or otherwise out of contingencies within budget provision.

240. Subject to budget provision the Director of Land Records and Surveys is empowered to purchase books, newspapers and periodicals required for his own use and for the use of offices subordinate to him, provided that the cost of each item does not exceed Rs. 100. In all other cases the sanction of Government is necessary.

241. Subject to budget provision the Director of Land Records and Surveys is empowered to sanction the purchase of articles usually classed as special contingencies-

(i) Purchase of tents, furniture, type or other press materials for the Survey and Settlement Departments up to Rs. 2,500 in each case and for each item and for other items including stores up to Rs. 500 in each case or for each item.

(ii) Articles of European manufacture for Survey or Settlement Department up to the amount prescribed in (i) above and subject to the conditions and limitations imposed by the rules in Appendix 2 of the Bengal Financial Rules (as revised by correction slip No. 214, dated the 16th June 1933) and in paragraph 116 of the Bengal Audit Manual.

242. The Director of Land Records and Surveys is empowered to sanction the purchase of typewriters and duplicators for use in his own office and in offices subordinate to him. The supply should be obtained from the Stationery Office.

243. If typewriting machines cannot be repaired locally, they should he sent when requiring repair to the Controller of Stationery. The head of an office shall make necessary arrangements for the disposal or sale of typewriters if they are condemned

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after the usual examination by the local representative of the makers. The sale proceeds should be credited as departmental receipts.

Power of Director of Land Records and Surveys to sanction purchase of elephants.

-Liveries. to Settlement Department.

-Liveries to Survey Department.

Tenders for supplies.

Charge of stores.

Duties of Nazir or Storekeeper.

244. Subject to budget provision the Director of Land Records and Surveys is empowered to sanction the purchase of elephants required for the public service up to Rs. 1,500 for each animal. Elephants required for major operations cannot however be purchased without the sanction of Government.

245. The supply of liveries to the menials of the Settlement Department is authorised according to the following scale: -

1. two khaki coats,
2. two khaki shorts, and
3. one head wear.

The supply should be made in every alternate year and should not exceed Rs. 12 in the case of each menial without the sanction of Government. Only the following menials are entitled to liveries at Government expense: -

Four orderlies of Settlement Officer;

Two orderlies of each charge officer;

One orderly of Headquarters Assistant Settlement Officer;

One orderly of Technical Adviser;

Four office guards; and

Three guards for each Recovery Camp.

246. The supply of liveries to orderlies and peons in the Survey Department and in the office of the Director of Land Records and Surveys is regulated by special orders of Government.

247. As a general principle, contracts for the supply of articles worth Rs. 250 or more shall be placed only after tenders have been openly invited, and in cases where the tender which is prima facie the most economical is not accepted, the reason for its non-acceptance shall be recorded. If any contract is placed with any firm connected by relationship with the officer placing he contract, the sanction of the Local Government shall invariably be obtained through, the proper channel as soon as possible.

248. In settlement offices all stores including instruments, furniture, etc., will be placed in charge of the Assistant Settlement Officer at headquarters. In the survey office they will be in charge of the Personal Assistant,

249. In settlement offices, the Nazir will see that all stores, tents, instruments, etc., are kept in good order and will take all necessary precautions to prevent all avoidable loss or injury such as damage by white ants, etc. He will be held responsible for the value of any articles that may be damaged or destroyed owing to his disregard of ordinary precautions. A Settlement Officer may, however, by a special order place the storekeeper it immediate charge of all stores Subject to the general control of the Nazir and to the supervision of the Assistant Settlement Officer

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at headquarters. In the survey office a selected clerk who is designated Storekeeper is placed in charge of the store room and works directly under the control of the Personal Assistant,

Stock books.

Register of forms.

Bound books.

Verification of stock of forms.

Register of stationery.

Register of postage stamp account.

Stock book of instruments, furniture, etc.

Rules for custody of forms and stock keeping.

250. The Nazir or Storekeeper, as the case may be, will keep stock books showing separately, (1) tents, (2) instruments, (3) furniture, (4) stationery, (5) forms, (6) medicine, and (7) books.

All books in the office of the Director of Land Records and Surveys are kept in a library in charge of an assistant designated the Librarian, who works directly under the control of the Personal Assistant.

251. (1) An account of the receipt and issue of forms will be kept in Bengal Executive Form No. 108. Forms will on no account be issued till they are required for use. Each form and register will have its place on the rack, labelled and consecutively numbered.

(2) Before issuing any book or register in which printed page numbers are not given, the Nazir or Storekeeper will have the pages consecutively numbered and certify on the inside of the cover that this has been done after counting the number of pages the book or register contains.

(3) A percentage of the forms to be fixed by the head of the office will be checked annually by a gazetted officer. The stock of saleable forms which should be kept separately should be checked once in six months.

252. Account of receipts and issues of stationery articles shall be maintained in the Bengal Executive Form No. 402 (vide Finance Department Memorandum No. 61T.-Mis., dated the 14th May 1926). The recipient and issuer of stationery articles will put their initials in the columns provided for the purpose at the time of receipt and issue of stationery. At the same time the issuer will cancel the blank columns. The opening and closing balances will be struck monthly by the clerk in charge of stationery articles. The stock of stationery will be verified half- yearly by a gazetted officer, and a certificate to this effect, together with any remarks as to the defects which may have been disclosed, will be submitted to the head of the office concerned.

253. An account of service postage stamps will be maintained in Bengal Executive Form No. 42. The unnecessary use of postage stamps of lower value when fewer stamps of higher denomination might be used should be avoided. (Government of India, Finance Department, letter No. 8101/15-194, dated the 25th September 1907.)

254. A stock book will be kept in Bengal, Form No. 1148, In this will be entered every article belonging to Government with the date of its receipt, except forms, stationery and service postage stamp.

255. The detailed rules of the Forms and Stationery Departments for the supply and custody of printed forms and stationery articles should be carefully observed in settlement offices. Waste of forms and stationery should be strictly avoided.

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256. At the commencement of the field season every Circle 1 Officer or Kanungo will be supplied with forms, stationery, furniture, instruments and other stock. If during the season any additional supply is required and indent in Form 41 which must be signed by the Circle Officer should be sent to headquarters. During recess requisitions for articles from the store room must be signed by officers-in-charge of sections, the same form being used with such modifications as may be necessary. If the Nazir or Storekeeper thinks that any requisition is extravagant, he will refer the matter to the Assistant Settlement Officer-in-charge of the stores. A Settlement Officer may direct that any requisition for stores must be made through this officer.

Requisitions to be signed (Settlement).

Survey.

Balance to be struck.

Erasure or cuttings prohibited.

Receipts to be taken.

Realisation of value of articles not returned.

Entries in stock books.

Stock to be taken.

257. In the Survey Department requisitions for stores other than forms must be signed by the officer in charge or any of his gazetted assistants Requisitions for forms may be made by the head assistant or any officer in charge of a section.

258. The stock books fill be brought up to date each month and a balance struck; the balance in hand being shown in black ink.

The officer-in-charge of the store room will sign all the stock books after the balance has been struck on the second of each month.

259. No erasure or cuttings will be permitted. When the Storekeeper makes any wrong entry, he may correct it but the correction should be put up before the Assistant Settlement Officer for his initials.

260. The Storekeeper must take a receipt for all articles issued. If he fails to do so, he will be held responsible for the articles in case they are lost.

The receipts should be taken in the stock book registers, if possible.

A sample form of receipt for instruments, etc., made over to amins is given in Form 42.

261. At the end of the recess the Storekeeper will see that all articles have been returned. In case articles are not returned the Storekeeper will send a list of such articles with their values noted against them to the officer-in-charge of accounts who will realise the values from the persons responsible.

262. All articles as soon as they are received, or prepared should be entered in the stock book. All articles purchased from contingencies for permanent use should be entered in the stock books. The officer-in-charge of accounts should inform the officer-in-charge of the store room whenever such articles are received. All receipts will be entered in black ink and issues in red ink.

263. At the end of the field season and again at the close of the recess, all articles of furniture, instruments, tents and other stock should be counted and the results compared with the stock books. The officer-in-charge of the section should certify on the stock books that the count has been made.

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264. At the end of the field season, a list will be made of tefta, instruments and all articles which have become unserviceable. They will be inspected carefully by the officer-in-charge of the section who will. send a report to the Settlement Officer, noting whether the articles should be destroyed or otherwise, disposed of and written off the books. The Settlement Officer will pass orders.

Destruction or sale of unserviceable articles.

Responsibility of tour clerk, etc.

Power of Director of Land Records and Surveys to write off irrecoverable losses.

In the Survey Department, orders of the Director of Land Records and Surveys will be taken.

265. Tour clerks or Peshkars in the various circles or sections will be responsible for the return of all articles issued by them. At the close of each circle or section the clerk concerned must prepare under the orders of the officer-in-charge a list of all missing articles with the name of the persons responsible and steps must be taken to realise the value from the persons at fault.

266. The Director of Land Records and Surveys is empowered to write off the irrecoverable value of stores or public money up to Rs. 500 in each case provided that the loss does not disclose a defect of system, the amendment of which requires the orders of Government or that there has not been any serious negligence on the part of some officer or officers which might call for disciplinary action.

**The Bengal Survey and Settlement Manual, 1935.**

Correction Slip No. 73.

Calcutta, the 18th September 1941.

Rule 266, page 66.- In the third line, *substitute* Rs. 1,000 for Rs. 500 and add the following as a sub-paragraph: -

"Subject to the same conditions Settlement Officers may write off irrecoverable value of stores or public money up to Rs. 200 in each case. They can also sanction the sale of old or unserviceable furniture and write off their value up to Rs. 1,000 in each case."

Annas 2.

B. G. Press-1941-42-7969E-2,350.

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CHAPTER X. Settlement buildings.

Public buildings.

Classes of Settlement buildings.

Power of Director of Land Records and Surveys to sanction expenditure.

Charges for departmental buildings.

Construction and repairs.

Public Works Department buildings.

Repairs to Public Works Department buildings.

267. The rules about public buildings are to be found in (1) the Bengal Public Works Department Code, (2) the Bengal Financial Rules, and (3) Board's Miscellaneous Rules. These rules apply generally to settlement buildings.

268. Settlement buildings may, if approved by Government, be constructed and maintained departmentally subject to their cost not exceeding Rs. 5,000 in each case. But when a work is estimated to cost over Rs. 5,000 the execution of the same should ordinarily be entrust to the agency of the Public Works Department. Where necessary, buildings may be rented for the use of the Settlement Department.

269. The Director of Land Records and Surveys has power to sanction expenditure on individual works up to Rs. 5,000. This does not apply to official residences which in all cases require the sanction of Government.

270. Buildings constructed and maintained departmentally are not borne on the books of the Public Works Department. Charges for the construction and repair of public buildings not borne on the books of the Public Works Department are budgeted for in the Civil Budget Estimates and recorded in the Civil books (*vid*e *rules* 120 and 122 of the Bengal Audit Manual).

271. Expenditure on construction and repairs executed depart-mentally should be adjusted as contingent expenditure of the settlement concerned so long as it does not exceed Rs. 2,500. No work, the cost of which exceeds this limit, can be considered as coming within the category of "Petty construction and repairs."

272. All buildings of which the cost is estimated to exceed Rs. 5,000 are constructed by the Public Works Department and borne on the books of that department Charges for original works and repairs to such buildings are budgeted for in the Public Works Department budget and recorded in the Public Works Department accounts.

273. (a) All repairs to buildings borne on the books of the Public Works Department are ordinarily carried out by the agency of that department.

(b) All petty works of construction and repairs, excluding electric, water supply and sanitary fitting works, in respect of buildings borne on the books of the Public Works Department up to a limit of Rs. 2,500 may be carried out by such civil departments in occupation of them as may prefer to make use of this procedure in carry out such works in place of the agency of the Public Works Department provided that such works shall be executed in accordance with Public Works Department standard to the satisfaction of the Executive Engineer.

(c) The Settlement Officer is, however, responsible for all petty repairs to doors and windows including the replacement of broken glass of buildings in his charge. He shall make some person of his establishment answerable for the general condition of the

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buildings in his charge including the glass in each room, and the fixtures; as also for guarding against the attacks of white ants; he is responsible for the cleanliness of the interior and the neatness of the exterior of the building, and of its surroundings, etc., and for keeping the rain water drain pipes and surface drains (where such exist) free from all obstructions. Charges for such items shall be debited to the contingent grant of the Settlement Officer.

274. (a) The selection of sites for settlement buildings shall ordinarily be made by a Committee composed of the District Officer as President, the Civil Surgeon, the Executive Engineer and an officer representing the Settlement Department as members. This Committee will be assembled by the District Officer at the request of the Executive Engineer. In outlying stations officers may, on their own responsibility, depute their subordinates to represent them on the Committee.

Selection of sites.

(b) The Executive Engineer will prepare a plan of the site selected and if the site is on land liable to be flooded, the highest flood level should be shown with reference to the general level of the site. He will forward this plan, with the proceedings of the Committee, after both have been countersigned by the to the Superintending Engineer of the Circle. members,

(c) If the officers composing the Committee are unable to agree as to the site proposed, the case should be decided by the Com- missioner of the Division. A note of any objections made should be attached to the proceedings of the Committee. After deciding the case so referred, the Commissioner will communicate his decision and send the plan of the site approved by him to the Superintending Engineer and at the same time he will communicate his decision to the President of the Site Committee.

d) The Superintending Engineer will, if he approves of the site and arrangements of the buildings, countersign the plan and forward it with the proceedings to the Director of Land Records and Surveys for countersignature and transmission to the Commissioner of the Division for his sanction and countersignature and return to the Executive Engineer. If the Superintending Engineer does not approve of the site or arrangement of the buildings he will discuss the matter with the President of the Site Committee, and if unable to agree, will forward the plan to the Director of Land Records and Surveys with his opinion.

(e) In cases where the views of the Director differ from those of the local authorities the matter should be referred for the decision of Government.

(f) In the case of important buildings the Director of Land Records and Surveys will, before countersigning the plan, send it to the Director of Public Health for opinion.

(g)Two plans are required. In addition to the block plan which shows the position of the subsidiary buildings with reference to the main buildings the site selected, a small scale plan is required showing the position of the site with reference to its on surroundings on north,

south, east and west.

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(h) No alteration in the relative positions of buildings on the site select is permissible except with the authority of a fresh and properly constituted Site Committee.

Major and minor works.

Stages of sanction.

Administrative approval.

Power of Director of Land Records and Surveys to accord administrative approval.

Power of Government to accord administrative approval.

Arrangements for house accommodation in major settlements.

Original petty works costing less than Rs. 2,500.

275. Works on the Public Works Department books are 1 divided into, (1) major works, i.e., works, the cost of which exceeds Rs. 10,000 and (ii) minor works, the cost of which does not exceed Rs. 10,000

276. (a) All original works of construction must pass through the following stages: -

(1) Preparation of a rough or approximate estimate and plan. (If the cost is below Rs. 2,500 detailed estimates may be prepared at the outset.)

(2) Administrative approval by a competent authority as laid down in paragraph 3 of appendix IV to the Bengal Public Works Department Code.

(3) Preparation of detailed estimates and plans and technical sanction to the estimate by a competent authority of the Public Works Department, and

(4) Provision and allotment of funds.

(b) The second stage alone concerns the initiating officers. It consists of the approval of a competent authority to a project of which the general scheme and rough estimate are placed before it, and no fund can be alloted and no action taken until this approval has been obtained.

277. The Director of Land Records and Surveys is empowered to accord administrative approval to expenditure on original works, other than residences, connected with departments under his control up to Rs. 5,000. He has no power to accord final or technical sanction to detailed estimates.

278. All projects in excess of Rs. 5,000 and all projects in connection with residences require the administrative approval of Government in the Revenue Department.

279. When proposals for initiating a Major Settlement are submitted to Government, Government, the Director of Land Records and Surveys will ascertain in consultation with local officers whether accommodation is available for offices and residences and if necessary --- Government in good time to accord administrative approval to building projects and to allot funds. If any building is to be erected, it should be considered whether any use can be made of it after the settlement is completed.

280. The procedure to be adopted in the case of minor works is laid down in Appendix IV of the Public Works Department Code; P.W.A. form No. 32 being used whenever suitable in the case of works costing not more than Rs. 2,500 (vide Rule 131, Public Works Department Code).

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281. Procedure for obtaining sanction to a project is given below: -

Original works costing more than Rs. 2,500.

(1) The Settlement Officer will obtain from the Public Works Department plans and estimates and it will be his duty to furnish full particulars to the necessity and nature of the works and the accommodation to be provided.

(2) When the estimated cost is such that the project can be classed as a minor work, i.e., a work likely to cost Rs. 10,000 or less, the Settlement Officer may request the Executive Engineer or (where District Boards carry out work for the Public Works Department) the District Engineer to prepare plans and estimates.

In the case of a major work, i.e., a work likely to cost more than Rs. 10,000, the Settlement Officer will address the Superintending Engineer but before doing so, he will explain his proposals to the Director of Land Records and Surveys and will obtain the concurrence of the latter to a request for the preparation of rough plans and estimates. The object of this provision is that the Public Works Department shall not be called upon to prepare plans and estimates for major works without an assurance that the necessity for the work and the accommodation required have been considered and adopted by the head of the department and that there is a reasonable probablity of the work being taken up in the near future. By giving his concurrence to such a request the Director of Land Records and Surveys will not be considered to have expressed his final opinion on the scheme.

(3) On receipt of a requisition the Executive Engineer (or District Engineer) will prepare plans and estimates which should ordinarily be rough or approximate estimates. In the case of minor works, the estimate may be prepared in detail without a preliminary rough estimate, provided the Executive Engineer is satisfied that the work is likely to be sanctioned on the lines pro- posed and that the work is one which is likely to be financed in the near future.

(4) If the estimate is prepared by an Executive Engineer and does not exceed Rs. 10,000 it will be forwarded direct to the Settlement Officer. If the estimate exceeds Rs. 10,000 or if it has been prepared by a District Engineer it will be forwarded after approval of the Settlement Officer to Superintending Engineer who after such changes as he may consider necessary and countersignature will forward it to the Settlement Officer for obtaining administrative approval.

(5) If the estimate exceeds Rs. 5,000 or the project is in connection with a residence the Settlement Officer will countersign the project and forward it to the Director of Land Records and Surveys who will obtain administrative approval of Government. Every application for administrative approval should explain clearly the degree of urgency attaching to the project concerned.

(6) When administrative approval has been accorded and communicated to the Public Works Department of the Secretariat, that department will issue the necessary instructions for the preparation of detailed plans and estimates unless these have been

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already prepared [vide paragraph (3)]. Such plans and estimates of a project administratively approved will not be prepared by the Executive Engineer without specific orders from the Chief Engineer who will obtain an assurance-from the Finance Department that funds will be available before permission to prepare a detailed project is given.

If the amount of the estimate does not exceed Rs. 5,000 administrative approval will be accorded by the Director of Land Records and Surveys.

Settlement Officers desiring such works to be undertaken in the next financial year should therefore submit their proposals arranged in order of urgency so as to reach the office of the Director of Land Records and Surveys by 1st of July. On receipt of the schedules from the various settlement officers, the Director of Land Records and Surveys will, after a scrutiny of all the proposals, prepare a combined consolidated schedule arranged in order of urgency which should reach Government by 15th August every year.

(7) When the Director of Land Records and Surveys accords administrative approval to a project, he will countersign the report prefacing the estimate and the principal plans and will record his approval on the abstract of cost using the words "Approved for Rs......." over his signature. He will then return the approved plans and estimate to the Public Works Officers from whom they were received.

Petty additions and alterations to existing residence

Technical sanction.

Rent-Power of Director of Land Records and Surveys to sanction.

282. Projects for additions and alterations to existing residences costing not more than Rs. 200 will be submitted by the Director of Land Records and Surveys after countersignature to Government in the Public Works Department for administrative approval.

(Vide Appendix IV of the Public Works Department Code and rules 166-171 of the Bengal Financial Rules.)

283. Technical sanction to estimates is given by officers of the Public Works Department according to rules laid down in the Bengal Public Works Department Code (Appendix IV of the Bengal Public Works Department Code).

284. The Director of Land Records and Surveys has power to sanction payment of rent on lands and buildings leased by Government up to a limit of Rs. 144 a year. Subject to (a) the existence of budget provision and (b) the condition that the necessity for renting a building will be attested by the Executive Engineer concerned.

He has also the power to sanction the renting of ordinary office accommodation within the following limits: -

Rs. 100 a month.

One-half of the total rent subject to a maximum of Rs. 45 a month.

When the accommodation is provided in a

separate building.

When the accommodation is provided in a

building partly used as a private residence.

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Leases.

Municipal or Cantonment taxes on Govern-ment buildings.

Erection of temporary settlement buildings and custody of settlement records before their final deposit in the Collectorate Record room.

Protection of Government buildings from fire.

Periodical inspection of temporary buildings.

Sanction of Public Works Department necessary to erection of buildings on Public Works Department land and to additions or alterations to Public Works Department buildings.

285. Contracts and instruments in matters connected with the lease or sale of land should be executed by the Collector or Deputy Commissioner, while those relating to house-building advances should be executed by the authority granting the advance. Contracts relating to leases of houses, etc., are executed by the Revenue Secretary.

286. Payment of municipal or Cantonment taxes on Government buildings, whatever be their amount, may be sanctioned by the Director of Land Records and Surveys when such taxes have been assessed by competent authority and the assessments certified to as required by paragraph 21 (c) of Appendix 3 of the Bengal Financial Rules. If the Settlement Officer or Director considers that the assessment is excessive, the matter should be represented by him to higher authorities (vide rule 195 of Board's Rules. Also page 72 of the Bengal Audit Manual).

287. (i) All settlement records should be kept, except for temporary purposes, in buildings constructed of non-inflammable materials.

(ii) There should be no temporary settlement sheds of buildings of any kind constructed of inflammable materials or roofed with thatch, mats or other inflammable substance, within 100 yards of a settlement record room, or if in the direction from which the prevailing wind blows during the dry season, within 200 yards thereof.

(iii) Settlement records can be kept in temporary settlement sheds, only while the muhorirs are actually at work, the records being taken by them from the settlement record room to the temporary sheds every morning and being returned to it by them every evening.

288. The rules for the protection of Government buildings from fire are contained in Appendix Z (2).

289. Temporary buildings should be examined periodically to ascertain their condition and the probable necessity for repairs.

290. No buildings, irrespective of the funds from which the cost is to be met, should be costive ted departmentally on Government land in charge of the Public Works Department without the previous sanction of that department. No additions or alterations should be made to the buildings borne on the books of that department and no new structure should be erected on land adjoining to such buildings without first obtaining the sanction of that department except to works and repairs in connection with sanitary, water-supply and electrical installations in Government buildings, residential and non-residential up to a limit of Rs. 2,500.

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Deposit of religious relies or symbols or erections of shrines, etc., on Government land.

Purchase of buildings for public use.

Sale or disposal of public buildings.

291. No religious relies or symbols shall be deposited or shrines or places of wor: up erected on Government land, without express orders from Government in the Public Works Department. Such encroachments, if permitted, are likely to cause trouble in the event of the land which they occupy being required for improvements or other purposes.

292. No building may be purchased for public purposes without the orders of the Local Government.

293. Permanent public buildings whatever be their book value, constructed from provincial funds may be sold or dismantled under the orders of the Local Government. The limits and conditions on which sale and dismantlement may be conducted by subordinate authorities are regulated by Delegation orders.

Temporary buildings erected during the construction of work, may be sold or dismantled, when no longer required with the previous sanction of the Superintending Engineer.

Part II.- Survey and Settlement Operations.

CHAPTER 1. Programme of Survey and Settlement Operations.

Programme in large settlements.

Programme in serial survey.

Programme in small settlements.

294. In large settlements the programme should ordinarily be as follows: -

1st year-Traverse Survey and preparation for settlement.

2nd year Cadastral Survey (including proceedings in boundary disputes), erection of boundary marks, khanapuri, field bujharat, initial recess.

3rd year-Attestation, draft publication, disposal of objections under section 103A and scrutiny of the draft record (janch).

4th year-Preparation of the final record, maps and statistics.

5th year-Final publication with distribution of copies and recovery of costs, settlement of fair rents under "sections 105 and 105A, trial of suits under section 106.

The preparation the final record, etc., should whenever possible be taken up in the third year and all the remaining operations accelerated. Preparation of a settlement rent-roll, when a settlement of land revenue is being made, is taken up after the disposal of objections under section 103A and the scrutiny of the draft record, but the preliminary enquiries and proposals should be made during attestation.

295. When Cadastral Survey is done by aerial photography, the programme will be varied according to the circumstances of each operation under the orders of the Director of Land Records and Surveys.

296. In small settlements the programme should be compressed, vide the programme in Appendix T.

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**CHAPTER 11. - Traverse Survey.**

297. Traverse survey of boundaries and other necessary details usually precedes detailed survey of areas taken up for survey in:

Whom required.

By whom and how conducted.

How initiated.

Particulars to be given at the time of the requisition.

1. Major settlement.
2. Minor settlement.
3. Municipal surveys.
4. Diara survey when undertaken separately from major operations; such survey being one of the functions of the traverse section of the Office of the Director of Land Records and Surveys, Bengal.

298. Traverse survey is ordinarily conducted by the Officer- in-charge, Bengal Traverse Party, under the Director of Land Records and Surveys, Bengal. He will supply the Settlement Officer by 31st July with a 1" map showing the area traversed in the past season. It is the duty of the Settlement Officer to scrutinise the map carefully immediately on receipt so that any omission may be made good as soon as possible.

The Officer-in-charge, Bengal Traverse Party, will furnish the 16" plots at the beginning of the field season and the extracts of Village Circuits Traverse Tables in Form 175 as soon after as is practicable. A rough 4" plot of the traverse will accompany the 16" plots.

In cases where Technical Advisors to the Settlement Officer run traverses to supplement the traverse done by the Officer-in-charge, Bengal Traverse Party, copies of their sets up together with rough 4" plots should be sent to the latter officer for incorporation in the records of the original traverse survey.

In minor operations the Officer-in-charge, Bengal Traverse Party, should be furnished by the Land Revenue Settlement Officer with copies of the lists and maps prescribed by rule. 318(b)-(f) before the commencement of travers survey. In small isolated areas in minor operations the Assistant Settlement Officer- in-charge may, with the approval of the Director of Land Records and Surveys, make his own arrangement for a traverse with the theodolite, or when this is not practicable, by any of the other approved methods. A description of these methods will be found in the "Technical Rules and Instructions."

299. Except where a survey is directed to be made by Government, all requisitions for such work must be made by the District Officer to the Director of Land Records and Surveys, Bengal, Alipore, to reach the latter not later than 1st August of each year. When an operation is in charge of a Settlement Officer, the requisition will be made by him instead of by the District Officer. When a survey is required to be done by a Civil Court other than the High Court, the requisition will come through the District Judge.

300. Every requisition should state the purpose of the survey, the manner in which the cost will be finally met, the position of the tract (to be shown on a trace of the thana map), the area as accurately as it can be determined and the time of the

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year in which the work can be most conveniently done. It should be borne in mind that traverse survey cannot be carried out in diara areas until floods have receded, that high crops interfere with progress and that survey in urban areas can be conveniently carried on in the hot weather or even, if necessary, in the rains.

Deposit of the estimated cost by local body, etc.

Unit of survey.

Municipalities.

Where no revenue survey village exists.

Unit of survey for notified estates in minor operations.

Boundary disputes not decided at traverse stage.

Where Revenue Survey boundary differs from existing boundary.

Demarcation Major operations.

**301.** No survey at the instance of a private party, or of a local body, or on the requisition of the District Judge, should be undertaken unless the estimated cost is deposited by the 15th September.

**(a) Unit of Survey.**

**302.** The village, according to the revenue survey, is to be taken as the unit of survey, as far as possible. The circumstances in which different units may be adopted, or villages formed, when there has been no revenue survey, are given in Appendix R and the procedure is given in rule 321. Settlement Officers should, by examining the thana maps, revenue survey maps and jurisdiction lists in July, in consultation with the Collector, prepare a list of the probable amalgamations that will be proposed under rule 225, in the block about to be taken up. In order to enable the Officer- in-charge, Bengal Traverse Party, to prepare 16" plots accordingly, these lists should be sent to the Officer-in-charge, Bengal Traverse Party, by 1st August.

**303.** In the case of municipalities the village, according to the revenue survey, will also be taken as the unit of survey. The boundary of the Municipality should, however, be shown on the final map, and its name both on the map and on the record.

**304.** When there has been no revenue survey or previous survey determining villages, special proceedings under rule 321 will have to be drawn up before traverse survey commences.

**305.** In minor operations, when estates not forming compact villages are notified for survey and settlement, the boundary of the estate will be demarcated and surveyed according to possession. When circumstances demand it, the estate can be first demarcated and mapped according to some authoritative map, provided that the record and map shall be subsequently prepared according to possession.

**306.** Boundary disputes will not be decided at the traverse stage, but the boundary lines claimed by both parties must be demarcated and traversed, unless the disputed area is less thana five Gunter's chains in width.

**307.** If it is found that the boundary according to possession differs from the revenue survey boundary by more than 5 Gunter's chains, both boundaries will be traversed.

**(b) Demarcation.**

**308.** When a notification under the Survey Act or under Chapter X of the Bengal Tenancy Act is issued for any area, the Director of Land Records and Surveys will, if necessary, request

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the District Officer to make arrangements for the temporary demarcation of village trijunctions, in accordance with a programme of dates for the completion of demarcation to be furnished by the Officer-in-charge, Bengal Traverse Party. The District Officer will then issue orders to chaukidars-

(1) to demarcate the true trijunction of each village in their jurisdiction with bamboo pegs before the date given for such village in the programme,

(2) to take charge of the permanent trijunction stones and other temporary marks when made over to them by the Traverse Surveyor, and to give receipts for them (nee rule 372).

The District Officer will also cause dafadars to submit to him weekly reports through the panchayats regarding the progress of demarcation.

When the Bengal Village Self-Government Act, 1919 (V of 1919), is in force the Circle Officer will collect the dafadar's reports through the President of the Union Board, and be responsible to the District Officer for the work.

**309.** Officer-in-charge, Bengal Traverse Party, will also issue general proclamations to all parties concerned in Form 22 for the demarcation of boundaries, etc. These notices are to be sent in duplicate to the District Officer for service in accordance with section 5 of the Survey Act, by dafadars under the supervision of the panchayat or the President of the Union Board, as the case may be, in the different villages at least a month before the Survey Party is expected to reach the village. The duplicate of the notice must be countersigned by the dafadar and returned by the District Officer to Officer-in-charge, Bengal Traverse Party, who should subsequently make it over to the Settlement Officer. The issue of this proclamation is obligatory when the operations are under the Survey Act.

General proclamation.

Demarcation minor operations.

When traverse should be done

**310.** In case of minor operations the Officer-in-charge of the traverse survey will follow, where convenient, the procedure of the two preceding paragraphs, or will make his own arrangements for adequate demarcation and the issue of the proclamation. He should be provided whenever possible with 16 maps having the area required to be traversed approximately marked upon them. When there has been a notification under the Bengal Tenancy Act, the proclamation will ordinarily be issued under the Bengal Tenancy Act and can be issued on the landlords personally or upon the patwaris and other headmen of the village. In the case of disconnected villages or estates copies of the notice in Form 22 should be issued also to neighbouring landlords.

**(c) General.**

311. In major operations the traverse survey will usually take place in the season preceding the cadastral survey, except in areas on the banks of rivers liable to change, when both the traverse and

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cadastral operations of the area liable to change should be conducted in the same year as soon as the water recedes and the subsequent operations completed as rapidly as possible. In minor operations the traverse survey will ordinarily immediately precede the cadastral survey.

Traverse in air survey.

Scale of map.

**312.** Where cadastral survey is done by aerial photography, traverse survey will be conducted under special rules.

**313.** The ordinary scale adopted for mapping purposes is 16 inches to the mile. In the case of municipalities or other special areas the Director of Land Records and Surveys and the Settlement Officer will decide whether the scale of 32 inches to the mile, or in exceptional circumstances, any larger scale should be adopted.

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CHAPTER 111. Preparation for Settlement.

314. In major operations the Settlement Officer's preparations for settlement, including cadastral survey, are made during or after the first traverse field-season, but in minor operations where cadastral survey usually follows traverse in the same field-season, the necessary preparations are made before the commencement of the traverse.

Preparation for Settlement.

Agency.

Provision of survey instruments, etc.

Lists of estates, etc., in major operations.

Lists of estates, etc., in minor operations.

315. The Director of Land Records and Surveys will determine in consultation with Government, if necessary, the agency by which a survey and settlement will be carried out.

316. The Settlement Officer will make all the necessary arrangements for the provision of survey instruments, forms, stationery, etc. He will make appointments to all posts within his own powers of sanction and make recommendations to the Director for appointments to posts on the subordinate establishment carrying pay beyond his own powers of sanction.

317. In the case of major operations, before the field-season commences steps should be taken for the preparation of the following:-

(a) Lists in Forms 163, 164 and 166 of estates and revenue- free properties with the villages in which they are found.

(b) Lists of estates and revenue-free properties in each village, in Form 167.

(c) Lists of Government and public lands in Form 165 and of other lands such as chaukidari chakran lands.

(d) Copies of the Collector's Registers showing particulars of proprietors' names and shares, with separate accounts, if any, for each estate or revenue-free property. For this purpose, Form 43 should be used.

(e) A rough small-scale map of the season's area with, if necessary, a list of the villages under settlement.

In preparing the above lists, reference should be made to the existing jurisdiction lists, revenue survey volumes and the Collector's Register C to ensure that every village in the thana is accounted for.

It will be necessary to identify the villages mentioned in Register C with the revenue survey villages and to prepare, a list of estates which have been partitioned since the Register was written in case Register C has not been kept up to date.

318. In the case of minor operations, where the area to be surveyed is not clearly ascertainable, it is necessary to proceed as follows: -

(a) The copies of the Collector's Registers showing details of proprietors prescribed in sub-section (d) of the preceding rule must

be prepared.

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(b) The list of villages prescribed in sub-section (e) of the preceding rule must be prepared with approximate areas (vide also rule 298).

(c) The villages or areas under settlement should be marked on a jurisdiction map or, if there be no jurisdiction map, any other small-scale map (vide also rule 298).

(d) When the survey operations are to be undertaken in a zamindari estate or Ward's estate, the proprietor or the Manager of the estate should be required to file a list of villages with specification of areas (approximate if not exactly known). When the operations are to be undertaken in a Government estate, the list should be prepared by the Land Revenue Settlement Officers in consultation with the Collector.

(e) If the villages, as known locally or as shown in the landlord's rent-roll, are not identical in area and name with the villages of the revenue survey and of the Collector's Register C, the list should show in parallel columns the names and areas as recorded in the revenue survey maps and in the Collector's Register C.

(f) If only a part of a village is to be surveyed, the name of the estate, ate, with its tauzi number comprising the lands to be surveyed, and any information available as to the situation of such lands in the village, should also be entered in the list.

(g) Where it is decided to start the operations from the stage of bujharat or khanapuri or where wholesale traverse is not needed, a list of villages with Jurisdiction List Numbers and names of police-stations, should be sent to the Director of Land Records and Surveys with a request to have "Blue print" copies of the last settlement map prepared. Where there have been more surveys than one in the village, care should always be taken to indicate clearly the particular survey of which the maps are wanted. Unless there is specific order of the Director of Land Records and Surveys to the contrary, two copies of the blue print should be supplied to the Settlement Officer.

Copies of previous maps.

Previously surveyed areas.

319. In all operations, where there are reliable thak maps, traces for the villages under survey during the following field season should be carefully made. In Government and temporarily settled estates careful traces should also be prepared of previous maps for the purpose of comparison.

320. Before district or major operations commence, steps should be taken to locate all areas previously surveyed under the Bengal Tenancy Act lying within the district or area under the operations. Unless definite orders have already been received regarding the re-survey of such areas the state of the old maps and records should be examined, and, if necessary, the old survey and khanapuri tested. A report should then be made as early as possible to the Director of Land Records and Surveys stating the value of the old maps and records, and the reasons in each case for a fresh or revisional survey and settlement or for omitting the

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areas altogether. Small previously surveyed areas, unless they can be conveniently omitted from the operations, will usually be included within district operations.

**321.** On receipt of the traverse plots from the Director of Land Records and Surveys, the Settlement Officer will direct the necessary formal enquiries to be made at the very earliest opportunity for the formation of settlement villages under rule 49 (2) of the Government Rules. The Collector should be consulted and given an opportunity of suggesting any modifications of the units proposed to be adopted by the Settlement Officer or of the revenue survey unit which appears to him necessary. A separate proceeding should be drawn up by the Revenue Officer-in-charge of the cadastral survey of the area for each new settlement village in his area containing the reasons for the proposal; notices should be issued to all parties concerned, and after the objections, if any, of the parties have been considered and such local enquiry held as the Revenue Officer may consider necessary, an order should be passed determining the area proposed to be treated as a unit of survey and settlement village and the proceedings submitted to the Settlement Officer through the Charge Officer for orders. The Settlement Officer will then submit his proposals to the Board through the Director of Land Records and Surveys. The report to the Board should be submitted at the earliest opportunity and in any case before the field-season closes, together with draft notifications under section 3, clause 19 (b), Bengal Tenancy Act, and section 3, clause 7 (b) of the Land Registration Act, VII of 1876, in order that orders may be received at the latest before attestation commences, accompanied by the following form: -

Formation of settlement villages.

Constitution of villages in revision settlement.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| According to Revenue Survey (if any) of 8…… | | | Villages adopted under Government Rule 49(2). | | | Remarks |
| Name of mauza, | Revenue Survey No. | Area in acres. | Name of village. | Thana No. | Area in acres. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|  |  |  |  |  |  |  |

The report should contain an abstract of the reasons for the formation of the new units as villages, of the objections of landlords ........ tenants and of the method of their disposal.

When the proposals have been approved by the Board, the Settlement Officer will prepare an abstract in the above form for each police-station. This together with the proceedings will be made over to the Collector at the conclusion of the Settlement.

322. In revisional operations the Settlement Officer will take orders whether the units of the previous survey will be maintained. If the Settlement Officer considers that any new units should be formed by the amalgamation or subdivision of previous settlement villages, the procedure given in rule 321 should be followed.

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Check of traverse plots.

System of notation of shares.

Registration of amins.

Preliminary arrangement for survey.

Revision Settlements.

Crop-cutting experiments.

323. The Settlement Officer should also check the traverse plots received with his list of villages, to see that he has received t plots for the whole season's programme.

324. In district operations the Settlement Officer will: ordinarily employ the system of notation of shares, which has been adopted in the record-of-rights of all districts of the Dacca Division and also in Rajshahi, Pabna, Jessore, Nadia, Bankura, Tippera and Noakhali, namely-

One anna = 20 ganda

One ganda = 4 karas.

One kara = 3 krantis.

One kranti = 20 tils.

In the interests of uniformity, it is desirable that this system should eventually find its way into the Land Registration records of all Collectors. If in any district where it is not already in force the Settlement Officer in consultation with the Collector is of opinion that there are well-founded objections to its introduction, he will report the case for the orders of the Board through the Director of Land Records and Surveys.

325. Before the field-season commences arrangements will be made for the recruitment by advertisement in the Gazette or otherwise of amins and Inspectors, if any, and for the training (vide rule 196) of amins, if necessary. Names of amins and Inspectors, if any, will be registered in a descriptive-roll (Form 47). Each amin will be given a number. Inspectors and amins may be required to give security to the amount of Rs. 50 and Rs. 20, respectively, a register being kept in the prescribed form (Form 46). These amounts will be deposited in the post-office.

326. Arrangements should also be made beforehand for setting apart the tents, equipment, forms, stationery, etc., of each officer in order to secure an orderly distribution.

Ordinarily proclamations under section of the Survey Act will have been served by the Traverse Party and duplicate copies will have been furnished to the Settlement Officer. Where this has not been done fresh proclamations under the above section or under the Bengal Tenancy Act should be issued.

327. In revision settlements, ordinarily no traverse is necessary and provided the original survey is good work will generally start from the stage of khanapuri or of field bujharat of the record on a blue print copy of the map which will be obtained in accordance with rule 318 (g). The necessary copies of the original maps and records if not available in the Collectorate record-room should be prepared before the operations commence: Where however a separate copy was prepared at the original Settlement, this will not be necessary.

328. The Settlement Officer will arrange in communication with the Director of Agriculture to make a reasonable number of experiments with paddy and other important crops, which are cut in the field-season, and of which there is an extensive cultivation. The number of cuttings to be made per 100 square miles should be settled in consultation with the Director of Agriculture, from whom copies of the instructions can be obtained.

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Relations between the Settlement Department and the Collectorate record-room and Khas Mahal Department.

329. (1) Easy access to the record-room should be allowed by the Collector to Kanungos and Assistant Settlement Officers on the request of the Settlement Officer.

(2) In every case in which the interests of Government are involved, the Collector should be asked for any papers which may throw light on the case. Such papers, when possible, should be made over in original and without delay.

(3) In Government estates and temporarily-settled estates the following rules will be observed: -

(i) The Collector will hand over to the Settlement Officer all the estate papers including a copy of the rent-roll;

(ii) the Settlement Officer will arrange for an examination of all discrepancies between the settlement record and those papers. He will dispose of such discrepancies or submit them to higher authority for orders, in accordance with law or rule, and in case of doubt or in cases not provided for by law or rule will consult the Collector;

(iii) the Settlement Officer will invariably consult the Collector on matters affecting management, e.g., arrangement of kists, amalgamation or partition of tenancies, renewal of temporary leases and the form of leases;

(iv) the Collector will make arrangements for the Khas Mahal Staff to give adequate assistance to the Settlement Officer during the operations;

(v) the Settlement Officer will inform the Collector in due time of the different branches of work in the different estates to be taken up in the field season; he will also inform the Collector when the attendance of any of the Khas Mahal Staff (or of any other Department) is required. Such attendance should not be asked for as a matter of course and will ordinarily only be required when there is any difficulty over the discrepancies mentioned in (ii) or when there is a dispute regarding boundary or title between Government and its tenants or neighbouring estates. The Collector may, however, order the attendances of any of his staff at any time he considers necessary (see rule 403).

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**CHAPTER IV. - Organisation of Headquarters Office.**

330. The headquarters office works under the direct supervision of the Assistant Settlement Officer at headquarters. It is usually divided into five departments in major operations: -

Organisation of Headquarters Office.

Security of ministerial officers.

Duties of Assistant Settlement Officer, Headquarters.

Section Registers.

Correspondence and Reference Section under the Head Clerk.

Accounts under the Accountant.

Nazarat under the Nazir.

Record-room under the Record-keeper.

Sarishta under the Peshkar.

When work is in full swing, i.e., in the third and fourth years of a settlement, there will ordinarily be one or more Assistants in. the first four departments. It is convenient for the same person to act as Head Clerk and Accountant. The permanent staff will also include a Head Draftsman and, if necessary, a Head Estimator, who in addition to his duties in the Area Section should be made responsible for the preparation of all fortnightly, monthly or annual returns and the performance of other miscellaneous duties.

In small operations one clerk will ordinarily suffice for all these duties. When the budget does not permit of the employment of such a clerk, the work will be done by a Collectorate clerk.

331. In major operations the headquarters ministerial officer who acts as cashier will give security of Rs. 250, the Nazir, if he is not cashier, of Rs. 100, and the Store-keeper, when one is appointed, of the same amount. They will execute bonds as prescribed by the Board's Rule (vide also rule 204.)

332. (1) The Assistant Settlement Officer at headquarters will deal with all references and requisitions from camps. He will see that all petitions, cases, returns and indents are submitted duly (calendar of the returns, etc., due from the Settlement Officer is given in Appendix G), that correspondence is dealt with promptly, that the work of the record-room is organised methodically, that copies are granted with clarity and that peons are fully employed. He should make frequent inspections of the office and should verify the stock in the Nazarat at least twice in the year. He will check the accounts according to the rules of the Bengal Audit Manual, the Bengal Financial Rules and the Civil Account Code, and will retain one key of the double-lock safe. He must guard against the opening of unnecessary registers and to increase of clerical work.

(2) In sections of the work where a large staff either on contract or fixed pay is employed the following registers, adapted to the conditions of the section, are normally required: -

(1) Attendance Register.

(2) General Register in which will be shown the movements, distribution and progress of a record, etc., from the time it enters the section till it leaves it, with names of persons working on it with dates.

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(3) Register of individual work, showing daily the work done. By each moharrir, etc., in each branch of the section.

(4) Progress Register showing the total work done daily in each branch.

(5) Diary of moharrir, etc.

(6) Account Register, showing the work done by each moharrir, etc., on contract during the month, the payment for it and fines; and

(7) Dak Register.

In small sections the number of these registers should be reduced; when convenient (3) and (4) should be combined. Samples of Registers (2), (3), (4) and (6) will be found in Forms 97, 98, 99 and 101 or 109.

Section  
accounts.

Distinction between contract and fixed payments.

Duties of Head Draftsman.

Duties of Record-keeper.

Duties of Peshkar.

(3) The officer in charge of each section will be responsible for the accuracy of the contract payments made. Ordinarily only villages in which the work is finished will be taken into account in making up the accounts of the month, which will be prepared from the registers. He will check a proportion of the payments entered in the accounts and will always check the total payment for the month against the total work done in finished villages. The payments will be made by the officer on charge. He will then sign a certificate that the accounts have been properly prepared and payments properly made. When the work of the section is complete, the cost of the section on the total work done will be calculated and compared with the total actual expenditure as obtained from the working bills [ vide Rule 104 (d)]. The result will be communicated to the Settlement Officer.

(4) It should be remembered that work involving check, comparison, or supervision should be paid for, not by contract, but by fixed payments per month, though the actual work of computation, compilation, composing, survey, etc., may be paid at contract rates.

**333.** In addition to his duties in connection with the Drawing Section, the Head Draftsman will attend to the preparation of maps, thak traces, jurisdiction maps, all references relating to the above, to the plotting of missing traverse stations, the supply of 16” sheets, etc. He is subordinate to the Technical Adviser.

**334.** The Peshkar acts as the Settlement Officer’s Bench Clerk and puts up all records and petitions. He will be in charge of the general registers of boundary disputes, appeals, etc. He will keep the Court-fees Register, Register of miscellaneous petitions, and similar registers, and will submit all returns other than those relating to accounts, unless this is done by the Head Estimator. He will also supervise the special copying section, if any, for granting copies in recess of records received from the field. In the first year of a settlement, where there is no pressure of work, it may be possible for the Record-keeper to discharge the work of Peshkar in addition to his own.

**335.** The Record-keeper is in charge of the Record Room. He must see that in no circumstances are records issued without

87 [**Part II, Chap. IV.**

entry in the registers, and receipts from the persons concerned. The copyists will work under the control of the Record-keeper, but he should not allow them to have access to the Record Room. Sample registers are given in Forms 48 to 51.

336. The Nazir is in charge of all Government property at headquarters. He is responsible for seeing that all property issued by him is duly returned or accounted for, and will observe the rules for the custody of stock given in Chapter IX, Part I. he will execute the processes made over to him through the staff of peons allotted for this purpose, and will also be in charge of service rolls and security deposits of amins, etc.

Duties of Nazir.

Method of remittance of money.

337. Money should not be sent through peons if the amount exceeds Rs. 50. It should be sent by insured post from head-quarters to Circle Officers who will be responsible for disbursing it. When money is sent by insured post, a gazette officer should put the contents into the cover which should be sealed in his presence and the seal itself should remain in the custody of the gazette officer.

Payments to amins of muharrirs, who are no longer working in the settlement, should be made by postal money order from headquarters.

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**CHAPTER V. – Cadastral Surveys.**

**338.** Cadastral survey is normally based upon detail furnished by traverse survey, and is conducted by the Settlement Officer.

Cadastral survey.

General organization.

Duties of Kanungo or inspector.

Duties of Circle Officers.

Duties of Technical Advisor.

Technical Advisor’s relation with other officers.

Detailed rules for cadastral survey will be found in the Technical Rules and Instructions.

**339.** In major operations the area to be surveyed will be divided into circles the average size of which is ordinarily 80 square miles. Each circle will be in the charge of a Revenue Officer, called a Circle Officer, who may also be vested with the powers of an Assistant Settlement Officer. He will have under him about seven kanungos, who swill each supervise the work of seven or more amins. A separate halka or sub-circle will be assigned to each Kanungo. In district operations a Technical Adviser will be attached to the cadastral party, and there will usually be one or more Assistant Settlement Officer in charge, called Charge Officers, who will supervise the work of Circle Officers. In minor operations, a single Revenue Officer, assisted by one or more kanungos, or, with the sanction of the Director of Land Records and Surveys, by inspectors, will supervise the work. The number of amins in a halka should never exceed 12.

**340.** The Kanungo or inspector is primarily. Responsible for the progress and quality of the work done by the amins in his halka, both during survey and khanapuri, and for the proper check or “partal” of the work.

**341.** The Circle Officer will be in charge of the whole operations in his circle up to the end of field bujharat. He is responsible for the proper organization of his circle as well as for the progress and quality of the work.

**342.** The Technical Adviser will be employed on the following duties:-

1. Cadastral survey.
2. Sixteen-inch mapping, including boundary comparison and general finish of maps.
3. Area extraction.
4. Reduction for jurisdiction map work and compilations of 4-inch maps.
5. Miscellaneous work connected with survey and mapping.

He will be in charge of the Drawings Office throughout the year, but during the field-season he is expected to spend the major portion of his time in touring and inspecting the work in the field. He should not be employed on duties unconnected with survey.

**343.** The Technical Adviser will bring to the notice of the Circle Officer all defects which demand attention, including inadequate partalling and defective inspection by kanungos or inspectors in the circle concerned. These reports will be sub-mitted by the Circle Officer to the Charge Officer. Similarly, the

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Technical Adviser will bring to the notice of the Charge Officer all important defects running through different circles, and particularly inadequate partalling or defective inspection on the part of the Circle Officer. These reports will be submitted by the Charge Officer to the Settlement Officer.

Power of Technical Advisor.

Technical Advisors.

Technical Adviser’s diary.

Relation with Director of Surveys.

Confidential reports.

Districts provincial boundary

344. The Technical Adviser will have full power to pass direct orders on professional cadastral matters covered directly by technical rules. Notes for orders on such subjects will be disposed of by him in direct communication with the Circle Officers. Where the subject matter of the reference is not, however, covered by the rules, or it is desirable that a general order should issue, he will forward the note for orders with his opinion on it to the Charge Officer, who will take action to communicate the necessary orders. In all such matters the opinion of the Technical Adviser should ordinarily be accepted. If, however, the Charge Officer disagrees on any point, he will refer the matter to the Settlement Officer, who will, in matters, of importance, if he also disagrees with the Technical Adviser, consult the Director of Land Records and Surveys, The Technical Adviser will have the same powers as regards amins and as regards the rejection of sheets as the Circle Officers, but all fines, etc., must be reported to the Circle Officers.

345. Technical Advisers are expected to pay particular attention to the work of junior and inexperienced officers and kanungos and to help them by practical demonstration of the proper methods of survey and survey inspection.

346. The Technical Adviser will keep a diary in Form No. 52, which the Settlement Officer will forward with his remarks so as to reach the Director of land Records and Surveys on the 10th of each month.

347. Copies of general circulars on technical survey matters should be sent to the Director of Land Records and Surveys.

348. At the end of the field-season the Charge and Circle Officers will submit confidential reports on the work of the kanungos, and the Circle Officers and kanungos on the work of amins and of amins’ muharrirs, who seem suitable for promotion as amins after further training.

349. All district boundaries have been notified by Government at one time or other. When two adjoining districts are under survey, the Settlement Officers of the two districts should, in communication with each other, arrange to survey the notified boundary so that the maps of the two districts agree. In the event of one district coming under survey after the completion of the survey of the adjoining district, the Settlement Officer should respect the boundary of the district first surveyed, unless it be inconsistent with the topographical features of the country, in which ease he should report the case for orders. But if the parties concerned are agreed that the boundary laid down at the time of the previous survey is incorrect, as regards actual possession, and consent to the specific correction proposed either by

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themselves or by the Settlement Officer, the necessity for altering the district boundary should be reported through, the Director of Land Records and Surveys to the Commissioner of the Division. When a district boundary is also the boundary of the province, the orders of Government, if necessary, should be taken as to the line to be followed.

When ever it appears during the survey that the notified district boundary cannot be followed, proposals for altering the district boundary should be submitted with detailed reasons through the Director of Land Records and Surveys to the Commissioner of the Division.

**350**. Before surveying lands in the possession of, or contiguous to the property of any public authority, or of a Railway Company, or of any other public body, care should be taken to serve a special notice upon such authority, company or body. Such notice should indicate the probable date of survey and should ask for the deputation of an agent to point out the correct boundaries of such lands.

Survey of cantonments.

Survey of lands belonging to public bodies.

**351.** In case of any survey which includes any portion of the boundary of a cantonment, the boundary should be marked by a series of straight lines drawn from one cantonment boundary pillar to the next, unless official instructions are given to the military authorities for information and scrutiny. As maps exist for all cantonments, it is best to obtain these and follow them closely where their boundaries are consistent with the last notification.

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**CHAPTER VI. – Boundary disputes.**

Boundary disputes.

Procedure for deciding village boundary disputes.

Alternative procedure of deciding village boundary disputes during cadastral survey.

Appeals.

Power of supervision and control.

**352.** Village boundary disputes will be dealt with under. Part V of the Bengal Survey Act (B.C) of 1875. They can only be decided according to possession, unless they are compromised. In addition to determining the boundary of the village according to possession, it is necessary under section 44 of the Survey Act to relay and show on the map the boundary as previously determination has been made by such a court, the boundary as laid down in the course of any previous Revenue Survey or Settlement. A decision under section 41 of the Survey. Act is equivalent to an order of the civil court declaring possession. As regards relay of boundaries by the Collector under section 45 of the Survey Act, rule 732 (g) with the note should be seen.

**353**. During cadastral survey an enquiry should be made by the Circle Officer into village boundary disputes and a preliminary order should be passed by the Settlement Officer or Charge Officer as to how the cadastral survey and Khanapuri should be carried out. The final order on the boundary dispute will be passed at attestation, after the Attestation Officer has instituted a further enquiry. Detailed rules will be found in the Technical Rules and Instructions of the Settlement Department.

**354.** As an alternative procedure to that given in the preceding rule, Assistant Superintendents of Survey may, with the sanction of the Superintendent of Survey, admit and finally decide boundary disputes during cadastral survey. In this case, however, only selected officers should be allowed to decide disputes involving areas of over 20 acres. Officers not so empowered or revenue officers not empowered under the Survey Act should, however, make the necessary enquiries and submit the records to the Cadastral Charge Officer or Superintendent of Survey for the final order.

**355.** Appeals from the decisions of Assistant Superintendents of Survey lie to the Superintendent of Survey and no further appeal lies. Appeals from original orders of Superintendents of Survey lie to the Commissioner of the Division.

**356.** The terms supervision and control used in section 58 of the Bengal Survey Act (Bengal Act V of 1875) have been described as follows by the Legal Remembrance: -

“The fact that a superior authority is vested by any Act of the Legislature with general powers of supervision and control ever the proceedings and orders of subordinate officers does not of itself confer upon a party to a case or proceeding any right of appeal to such superior authority, or any right to the exercise by such authority of revisional jurisdiction, in respect of orders passed by subordinate officers, though such officers may have come to a wrong conclusion by reason of error of law or error of fact. Powers of control and supervision are discretionary, and superior

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authorities exercising such powers are not ordinarily disposed to interfere except in the following classes of cases –

(1) Where a subordinate officer has improperly refused to exercise a jurisdiction vested in him;

(2) Where such officer has acted without jurisdiction;

(3) Where such officer in the exercise of his jurisdiction has signally failed in his duty; or

(4) generally where it is necessary for the purpose of preventing gross abuse or gross injustice.”

**357.** Attention is drawn to sections 41 and 46 of the Survey Act, which authorize the erection of boundary pillars to mark permanently boundaries determined after dispute.

Boundary marks.

Boundary disputes between Government and zamindary estates.

Boundaries to run along ails.

Procedure under the Regulations.

Procedure in boundary disputes in temporarily settled private estate.

**358.** When a zamindary estate has encroached on a Government estate, the boundary and internal detail of only the lands of which Government is in actual possession will be surveyed, when only the Government estate is under survey and settlement. The boundary up to which it is claimed that the ownership of Government should extend, will, however, also be relaid and shown on the map, with an explanatory note to the same under section 44 to 45 of the Survey Act. The Settlement Officer will obtain evidence for the assertion of the claim in the Civil Court. In such cases no demand of land revenue can be properly enforced until the claim to ownership has been decided or admitted in favour of Government.

**359.** In relaying boundaries and in fixing boundaries by compromise, the Assistant Superintendent of Survey should, where possible, cause the boundaries to run along the ails of fields and not across them.

**360.** In surveys and settlements under Regulation VII of 1822, the procedure described in the foregoing rules is to be followed, as far as possible, for the settlement of boundary disputes. The Settlement Officer in deciding disputes is also to follow the provisions of section 14 clause 4 of that Regulation. The Settlement Officer has full power to summon witnesses and to record evidence under section 19, Regulation VII of 1822, and sections 12 and 13, Regulation II of 1819.

**361.** (*i*) In tracing the boundaries of a temporarily-settled estate, the property of private individuals, which has become open to a resettlement of the land revenue, the Settlement Officer may find a boundary dispute existing between the holder of such estate and the holder of an adjoining estate, each claiming the ownership of the disputed tract of land.

(*ii*) In such a case the Settlement Officer will first satisfy himself whether the disputed tract is, or is not, liable to assessment.

(*iii)* If the tract forms part of an area which is covered by the existing assessment on an estate of which the settlement is not actually open to revision, or if it forms part of a revenue free property, the tract cannot be liable to assessment. In that case the Settlement Officer will merely record his finding to that effect as the reason for taking no further notice of the disputed tract in his proceedings.

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(*iv*) But if the tract does not form part of any such area, it will be liable to assessment to land revenue and the question will be what party shall be called on, or admitted, to enter into the settlement engagement. In order to determine this, the Settlement Officer will proceed under the powers vested in him by section 19 and other sections of Regulation VII of 1822 and by Regulation II of 1819 and the Bengal Tenancy Act, to ascertain which of the claimants is de facto in possession as owner.

(*v*) Should he find that such possession is held by A the owner of the estate under resettlement, the Settlement Officer will treat the disputed lands as a portion of. A’s estate for the purposes of resettlement.

(*vi*) If, on the other hand, the Settlement Officer should find that in making the assessment on A’s estate, de facto possession as owner is held by B, the other claimant, he will leave the disputed lands out of account.

(*vii*) But the fact of A having allowed himself to be dispossessed of such lands by B is no sufficient reason for the Settlement Officer’s allowing the lands to remain unassessed to the land revenue, which is payable to the State. He should in such cases, proceed under the first proviso to clause 9, section 10 of Regulation VII of 1822 to obtain the sanction of the Commissioner of Revenue (who now, under Regulation I of 1829, exercises the powers of the Board in this matter) to his making a separate settlement of the lands in question with the party occupying them as owner, and to his constituting such lands as a separate tauzi estate, separately answerable for the land revenue demand to be assessed upon it, and separately borne on the general register of revenue-paying lands.

(*viii*) On receipt of the Commissioner’s sanction the Settlement Officer will call on B, the de facto owner, to enter into an engagement for the land revenue which may have been assessed on the lands; and if he fails to do so, the Settlement Officer may proceed as provided in section 3, Regulation VII of 1822, in the case of recusant proprietors, the person whom the Settlement Officer calls on to engage for the land revenue being looked upon as the proprietor prima facie entitled to the malikana allowance under clause 2, section 5 of the Regulation.

(*ix*) Whether the party called upon to engage refuses to accept the settlement engagement, or accepts it under protest, it will be open to him, if not satisfied with the proceedings of the revenue authorities imposing an assessment on the land to institute a civil suit for the annulment of the proceedings.

(*x*) Should the Settlement Officer after acting in accordance with the above instructions, be made a party to any civil suit between the rival claimants to the ownership of the lands, it will only be necessary for him to plead that he has acted strictly in accordance with the settlement law, and has done no act tending in any way wither to maintain or to disturb the possession of either party (vide the case of the Collector of Murshidabad versus Rai Jhunput Singh Bahadur, reported at page 55, Volume XV, Bengal Law Report)

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**CHAPTER VII. – Fraction of marks, boundary and special.**

**362.** Boundary marks are either temporary or permanent.

Boundary marks.

Temporary boundary marks.

Permanent mark.

Type of mark.

Proceedings not under the Bengal Tenancy Act.

**363.** Under section 14 of the Bengal Survey Act the occupants of land under survey can be directed to demarcate by temporary marks, such as pegs, mounds of earth, etc., the boundaries of any land or village it is necessary to define for the purpose of such survey and to maintain such marks. If the order is not complied with, the order can be enforced under the Bengal Survey Act or the demarcation and maintenance can be undertaken by the Survey Officer and the cost thereof realized under sections 16, 18 and 57 of the Bengal Survey Act.

**364.** Permanent marks are of two descriptions: -

(1) Marks erected to show the tri-junction points of villages (in proceedings under the Bengal Tenancy Act, permanent marks will, under section 50 of the Government Rules, ordinarily be placed at such points), called “tri-junction” marks and represented on the map by A. Sings for other marks are given in the table of conventional signs for use in the settlements of Bengal (From 174).

(2) Marks erected for a special purpose, e.g., demarcation of a disputed boundary, Government estate, etc., called special marks, and represented on the map by. This sign will also be used for all other permanent marks for which there is no special conventional sign.

**365.** (a) The marks erected at tri-junction points should be stones two feet long, cut for a length of six inches at the top into a prism of triangular cross-section, each side of the triangle being five inches in length. The marks erected for special purpose should be stones two feet long, cut for a length of six inches at the top into a prism of square cross-section, each side of the square being five inches in length. The stones should be embedded to a depth of 18 inches.

(b) In special cases, however, special marks should be used, e.g., in the demarcation of-

(i) a district boundary substantial brick-pillars should be erected;

(ii) reference ints in diara areas heavy pillars should be erected

(iii) land on the bargadagi system T steel or iron rods, or ferro-concrete pillars (vide Appendix Q) should be used.

**366.** When the operations are not under the Bengal Tenancy Act, permanent marks, both tri-junction and special, can be erected and maintained and the costs recovered in accordance with Part III

and section 46, Part V of the Bengal Survey Act.

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**367.** When the operations are under the Bengal Tenancy Act, tri-junction and special marks will be erected by Government and the cost of their erection and maintenance realized under section 114 of the Bengal Tenancy Act as part of the costs of the proceedings. The costs of special marks can also be recovered under the Bengal Survey Act.

Operations undo the Bengal Tenancy Act.

Procedure in major operations

Location of tri-junction mark.

Location of tri-junction marks.

Particular cases of location.

Delivery of charge of marks to chaukidar. Register of marks and receipt of chaukidar.

**368.** The following rules apply particularly to major operations, but should be followed so far as practicable in minor operations.

**369.** The Traverse Surveyor will utilize the true tri-junction point as a traverse station and will embed a stone prism at that point. When the traverse tri-junction differs from the true tri-junction, he will embed it at the traverse tri-junction.

**370.** The only occasions on which the true tri-junction cannot be used as the traverse tri-junction are-

1. when it occurs in rivers or inaccessible or unstable places;
2. when it occurs on roads, railways or canal embankments.

**371.** When the true tri-junction-

**(1)** occurs in the middle of a stream or railway, etc., more than three chains wide, marks should be embedded at points on both sides;

(2) is disputed, the Traverse Surveyor will embed no permanent marks, but will use both disputed points as traverse points.

**372.** Each Surveyor will maintain a register of all his marks, both permanent and temporary, in the following form: -

Thana…………………………………………………

Circuit……………………………………….. Sub-Circuit…………..…………………………

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Serial No. | Village forming tri-junction with revenue survey numbers. | Remarks. (i.e., reasons if stone not in true tri-junction and disputes). | Nature and number of temporary marks. | | Signature or thumb Impression of chaukidar. |
| Traverse. | Sub-traverse. |
|  |  |  |  |  |  |

The Surveyor will hand over the marks to the charge of each chaukidar concerned and take his signature in taken of receipt

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in this register (vide rule 308). The register will be forwarded to the Settlement Officer.

Duties of chaukidar.

Check of Settlement Officer.

Register and maps.

**373.** The chaukidars will then be responsible for the marks and will immediately report any disappearance, removal or damage through their superior officers to the Collector, who will forward the report to the Settlement Officer for necessary action. Where there is a Union Board, the chaukidar should report, through the daffadar, to the President, who will forward the report through the Circle officer and collector to the Settlement Officer.

**374.** During the first field season in each block the Settlement Officer will arrange for a complete check of the tri-junction marks. He will have them renewed or embedded at the traverse tri-junctions if they have disappeared, been destroyed, or removed, and will erect them at the true tri-junctions if they have not been erected owing to the existence of a boundary dispute. Extremecare must be taken to erect them over the exact position of the tri-junction. At the end of the season the Officer in charge of each cadastral circle must certify that all tri-junction and special marks have been properly erected.

**375.** For the purpose of this check there will be specially prepared halkawar:-

(1) Four-inch tri-junction maps in which will be shown all tri-junction marks, all special marks and all older permanent marks (such as Great Trigonometrical Survey, Revenue Survey, Diara Survey, etc.). All marks on the south and east boundary of the halka will be entered in this map as well as of all villages adjoining no other halkas;-

(2) A register or list in Form 56. For the purpose of this register each mark should be allotted to a single village. This village on the north or west should ordinarily take precedence of the village on the south or east. If the mark lies within a village and not on the boundary it will be allotted to that village. No mark should be registered in two or more thanas and in two or more districts.

A mark which is at the tri-junction of two villages of thana or district A and one village of thana or district B will be allotted to one of the villages of thana or district A and registered in that thana or district. A mark at a quadri-junction, of which two villages lie in A and two in B will be allotted to the thana or district which lies to the north-west.

The signature of the chaukidar in token of receipt will be taken for all new tri-junction or special marks in this register. Any additions to special marks which occur during later stages will be shown in these maps and registers, which are ultimately useful in the preparation of the final mark maps and registers. Receipts must be taken from chaukidars in token of receipt of charge of all such additions.

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Correction Slip No.80 Calcutta, the 22nd May 1942

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The Bengal Survey and Settlement Manuel 1935.

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Calcutta, the 12th February 1941.

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Marks on gre must corresp exactly with sign of mark plotted on the map

Changes in marks during attestation to be reported.

Preparation of map.

Special marks.

376. Special marks can be erected only under the orders of the Settlement Officer. He will ordinarily pass such orders-

(1) when a boundary dispute is of sufficient importance to warrant it;

(2) when only a portion of a village has been surveyed, to separate the surveyed from the unsurveyed portion;

(3) when it is necessary to demarcate a permanently settled, temporarily settled or Government estate or any line under section 45 of the Bengal Survey Act;

(4) for the demarcation of reference points in diara areas;

(5) for the demarcation of pasture land in Government estates;

(6) to demarcate a district boundary; or

(7) to place additional marks at important points in each sheet, where the village is covered by more than one sheet.

In the first three and the fifth cases the marks should be placed at each important bend in the boundary, and is the case of long straight lines at intervals of one-eighth of a mile.

377. The preceding rules require every tri-junction mark to be erected at a place which has been taken as a traverse station by the Traverse Surveyor and the position of which has, therefore, been accurately determined by a theodolite and plotted on the map by the Survey Office. There may, however, be a few cases in which it is not possible to erect the mark at such a place, e.g.

(a) when the Traverse Surveyor has, by a neglect of the rules, failed to take as a station a true tri-junction and it is thought necessary to mark the true tri-junction;

(b) when in the decision of a boundary dispute it is found that none of the stations taken by the Traverse Surveyor is the true tri-junction and it is thought necessary to mark the true tri-junction; or

(c) when the tri-junction taken by the Traverse Surveyor has been washed away by fluvial action or is otherwise unstable.

In such cases the officer in charge of the cadastral circle must see that the point at which he decides to erect the stone is accurately plotted on the map and marked with the conventional sign of a tri-junction. It is of the utmost importance for revisional survey or relay work that every mark should correspond exactly with the point on the map marked with the conventional sign.

378. When any mark is shifted during attestation, as a result of the decision of a dispute or for any other reason, to a position other than that at which it is plotted on the map, a report should be submitted to the Settlement Officer for the correction of his mark maps.

379. The Settlement Officer will prepare a mark map for each thana on the scale of 2" to the mile. This will show as accurately

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as possible the true boundary of each village and the names and thana numbers of each villa in the vernacular. When the boundary runs along the bank or bed of a stream, both banks of the stream should be plotted in the map.

The position of all permanent marks including previous marks such as Revenue Survey, Diara Survey and Great Trigonometrical Survey, etc., should be shown in this map by the proper conventional sign.

380. The marks will be numbered serially in the vernacular in the special map of each thara. There will be a separate serial for each thana, and it should run from the north-west to the south-east corner of the thana, following as far as possible the order of the villages in the thana serial numbering. The same serial will run through permanent marks of all kinds within the thana.

Serial numbers for each mark throughout the thana,

Reproduction of map

Map and registers to be made over to the Collector.

Distribution of marks to the villages, etc.

381. The map will then be sent to the Bengal Drawing Office for the reproduction of 100 copies.

382. On receipt of the reproduced copies, the Settlement Officer will make over to the Collector of the district the special maps of each thana numbered as above, together with a register in Form 57 showing the villages in which each mark is situated. The Settlement Officer will fill up only columns 1 to 4 and 6 of this register. When a tri-junction mark has been erected by the Settlement Officer, this fact will be noted in column 6.

In minor operations, in which only parts of districts are taken up, the Assistant Settlement Officer should be provided with a 2" map in which he should incorporate the new marks erected, numbering them in the existing serial order with alphabetical addition, e.g., 12A, 12B, or the like, when two or more new marks occur between old marks 12 and 13.

383. For the purpose of this register each mark should be allotted to a single village. The village on the north or west should ordinarily take precedence of the village on the south or east. No mark should be registered in two or more thanas or in two or more districts.

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Correction Slip No. 93, Dated, the 5th April, 1940,

Rule 381, page 93- Substitute the following for the ext rule.

"The map will then be sent to the Bengal Drawing for the reproduction of 50 copies to be distributed as ......

Secretary, Beard of Revenue, Bengal .. .. 10

Secretary, Deptt. of Health .. ..

Collectors of the district .. ..

Director of Land Records... Surveys, Bengal..

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CHAPTER VIII.-Khanapuri.

Khanapuri rules.

Form of records.

Other forms.

Easements. Jungle rights, etc.

Omission of information regarding irrigation.

Classification of land.

Cadastral and Khanapuri amin the same.

384. The Settlement Officer may prepare supplementary instructions for khanapuri, or the initial record-writing consistent with the following instructions and the detailed "Technical Rules and Instructions for Khanapuri" separately published, and suit- able to the special circumstances of the tract under survey. They will be submitted for the approval of the Director of Land Records and Surveys who will, if any new principles are proposed, obtain the orders of Government.

385. The forms prescribed by Government Rules for preparing the record-of-rights are two-the khatian and the khasra or field-index: There are two forms of khatian-the working form which is used for entries in the field and the final form into which these entries are subsequently copied, and which is finally published. One form of working khatian has been prescribed and it is opened in the same way for all classes of landlords and tenants The khasra is used to assist in writing up the khatians and to collect certain statistical information. It is not finally published. The standard forms of the khatian and khasra are given in Forms 59-61.

386. The parcha is an extract copy of the khatian. It is prepared in duplicate and given to the tenant and his landlord at an early stage of the record-writing, and subsequent changes in the khatian are incorporated in it. A list of lands in which the public have common rights and easements (Form No. 65) is prepared for each village and bound with the record; also, except in areas covered by Rule 388, an irrigation form is compiled for each village and bound with the record:

387. When general instructions regarding the record of easements, jungle rights or irrigation are required for any area or district under settlement, the Settlement Officer will submit proposals to the Director of Land Records and Surveys for the consideration and orders of Government.

388. Information regarding irrigation may be omitted from the khasra in districts where it is of no importance with the sanction of the Director of Land Records and Surveys.

389. The Settlement Officer will prepare a strictly limited list of classes of land of which the items must be clearly distinguishable so that they may fall under one or other of the heads of the prescribed milan khasra. Detailed classification of arable land should be attempted except in jungly and hilly areas or where circumstances otherwise demand it.

In minor settlements the classification should generally follow the classifications already adopted in the district settlement unless in special circumstances the Settlement Officer directs in writing Variations therefrom.

390. Khanapuri will be carried out village by village as soon as possible after the survey of the village is finished and the surveyor of each village will generally be the recorder of that.

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village. Where there are several sheets in a village one amin should, if time permits carry out the khanapuri of the whole village. If not, two or more amins will be employed simultaneously.

Possession basis of the record.

Thak comparison.

391. The draft record must, as provided in rules 51, 53 and 55 of the Government Rules under the Bengal Tenancy Act, be prepared on the basis of actual possession, each field or holding being shown as belonging to the estate which is entered in the rent receipts, etc., of that field or holding.

392. The following rules have been prescribed regarding thak comparison: -

(1) In areas where there are reliable thak maps there should be a stage of "thak comparison" in order to test the accuracy of the draft record.

(2) A note should be made of all discrepancies between the thak map and the draft record, but no copy of this note should be given to the public nor should it be one of the papers which are deposited in the Collector's record-room.

(3) The thak map and the "note of discrepancies" should be used by the Settlement Officer and his discrepancies staff, to assist them in the decision of disputes, but no disputes should be written up by the Settlement Officer or his staff suo motu on the basis of the note of discrepancies.

(4) A proprietor or a group of proprietors may, on his or their own application, have the draft record changed so as to bring it into conformity with the thak map, provided that the interest of no third party is adversely affected thereby.

(5) Except as indicated in instruction (4) above, or in consequence of the decision of a dispute, the draft record should not be altered so as to bring it into conformity with the thak map.

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CHAPTER IX. From field bujharat to final scrutiny of the record.

393. As soon as the khanapuri of a village is finished, the map is sent to headquarters for area extraction, and subsequently returned to the kanungo with the area statement. It is most important to ensure an even flow of villages to and from the area section, in order that field bujharat may proceed steadily.

Extraction of areas.

Agency for field bujharat.

Despatch of record to headquarters.

Omission of field bujharat.

Initial recess.

394. Field bujkarat, or explanation of the record on the field to the landlords and tenants concerned, with correction of the map and record, is performed by the kanungo with the assistance of an experienced amin or by special order of the Settlement Officer by a Sardar Amin.

395. At the conclusion of field bujharat the record is arranged in camp and despatched to headquarters. It is generally necessary to send the map and the khasra in advance of the khatians, in order that the work of the drawing and khasra sections may not be delayed.

396. Field bujharat may be omitted with the sanction of the Director of Land Records and Surveys.

397. The headquarters work of a cadastral camp is divided into three, main branches: -

* 1. The area section,
  2. the drawing section; and
  3. the khasra section.

Area extraction is usually performed during the field-season, and recess work is limited to (1) preparation of the village map for attestation and of other maps, and (2) preparation of statistical statements in the khasra section,

In settlements where field bujharat has been omitted, the preliminary work of the drawing section should precede that of the area section and the record must be carefully arranged and checked in the khasra section. The map and record are then ready for attestation.

398. Attestation is carried out by Assistant Settlement Officers or Revenue Officers assisted by a staff of-muharrirs. In- experienced officers should not be employed on attestation.

Attestation.

Organisation of work.

399. The attestation area will be organised in circles, each comprising about, 20,000 interests. In large settlements, there will ordinarily be an Assistant Settlement Officer in immediate charge of the whole area, who will dispose of returns and references under instructions of the Settlement Officer.

Postal arrange monts.

400. As soon as the Settlement Officer has settled upon the nites of the attestation camps, he should inform the Superintendent of Post Offices of the local post offices which will be otilised by the Attestation Officers and the probable dates of commencement and completion of work, in order that the Superintendent

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may be able to arrange to deal with the local increase of correspondence.

401. (a) After the conclusion of attestation, objections under section 103A are disposed of locally. The record is then carefully scrutinised in camp, under the supervision of the Objection Officer. In large operations, however, it may be convenient to have the final scrutiny made at headquarters or at a central camp in charge of a whole-time Assistant Settlement Officer or experienced Revenue Officer. In the meantime the map is prepared for vandyke reproduction in the drawing section at the settlement headquarters, whence it is despatched to the Bengal Drawing Office,

Subsequent processes.

Minor Settlements - Map reproductions.

Detailed instructions.

Liaison between Khas Mahal and Settlement Departments.

(b) In minor operations the Settlement Officer or the Collector should when despatching maps for reproduction to the Survey Office-

(1) specify in each case the particular estate or unit of estimate to which they belong;

(2) state whether the settlement of that estate is "Advances Recoverable" or "Minor Land Revenue Settlement"; and

(3) state that it is for settlement work under the control of the Director of Land Records and Surveys.

402. The above processes are fully described and rules for their proper performance are given in the Technical Rules and Instructions,

403. Rules detailing the methods of co-operation with the Khas Mahal Department are given in Government Estates Manual (Revised). Rules XXIII-XXVIII.

103 [Part 11, Chap. X.

CHAPTER X.-Settlement of fair rents (with some connected rules for the settlement of revenue) when a settlement of land revenue is being or is about to be made.

1. - UNDER PART II OF CHAPTER X OF THE BENGAL TESANCY ACT.

What rents must be settled.

Stage for preparation of rent-role.

Officer preparing rent-role.

Matters for enquiry.

404. In operations under the Bengal Tenancy Act the Settlement Officer is bound to settle fair and equitable rents under section 104 of that Act in all areas and estates in which a settlement of land revenue is being made or is about to be made, unless, in the case of estates or tenures belonging to Government, the Local Government decides that it is not expedient to do so. If the Settlement Officer considers it inexpedient to settle rents for all tenants in an estate or tenure belonging to Government, he should submit a report through the ordinary chain of communication for the orders of Government.

405. In temporarily settled estates, the property of an individual, fair and equitable rents will be settled for the whole area within the proper boundary of the estate, but in Government estates or tenures the property of Government, rents will be settled only for the area in the possession of Government. Encroachments will be treated as laid down in Chapter VI, part II, unless the trespassers agree to come to terms.

406. The draft rent-roll in Form 149 will be prepared after the disposal of objections under section 103A, and after the scrutiny of the draft record-of-rights. The preliminary enquiries and proposals should however be made as far as is practicable during attestation to avoid subsequent delay.

407. The preparation of the draft rent-roll will be undertaken by the Settlement Officer personally or by an Assistant Settlement Officer specially deputed by the Settlement Officer under Government rule 42 (c). When an Assistant Settlement Officer is deputed for this, work he will act according to the instructions, and under the direct supervision, of the Settlement Officer. The draft rent-roll will be prepared in the village or villages concerned. It will be prepared in accordance with the procedure and principles laid down in sections 104-104D of the Tenancy Act, in the Government rules and the following rules. The officer who prepares the draft rent-roll will have regard to any special instructions which have been issued by Government or the Director of Land Records and Surveys for the local area in question.

408. Three separate matters for enquiry should be kept in view by the Assistant Settlement Officer, viz.-

(1) a thorough knowledge of existing facts as to rents, rates and soil classification;

(2) the grounds on which the rents can be legally altered; and

(3) which procedure under section 104A (1) should be adopted.

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Enquiry into existing facts.

Consideration of existing facts.

Legal grounds for change of rents of raiyats.

Enhancement of rent of occupancy raiyats. Prevailing rates.

409. Some of the materials for the existing facts, the Assistant Settlement Officer will find is the draft record, the general rent notes, and any other recorded enquiries or observations made in the course of the preparation of that record. His own enquiries should cover the following points: the classification of tenants, the rents actually paid by different classes of tenants whether in cash or in kind, whether lump rents or rents based upon previous assessment; the all-round rate per acre, the incident of rent per cultivated acre, and the rates, if any, which the tenants them- selves conceive that they are paying, all of which statistics should be compared, as far as possible, with similar statistics of neighbouring estates with similar lands; whether any tenants are legally protected from enhancement; the present and former state of cultivation; the soil classification, if any, actually found and the classification, if any, previously adopted between landlord and tenant. The Assistant Settlement Officer's enquiries should include, therefore, as far as possible, all the past history of rents and of settlements of revenue. It has been, and may be, found convenient to colour maps to indicate soil classes or descriptions of land and where groups of villages belonging to an estate lie together, a sketch village map on a small scale may be prepared to show the kind of soil or descriptions of land and the average rate of rent, or prevailing rate of rent, over considerable areas.

410. On the completion of these enquiry the Assistant Settlement Officer will be in a position to determine whether existing rents should be maintained or not. If they are to be altered he must consider (a) on what grounds he intends to make change, and (b) what materials he has for justifying a change on any particular ground. At the same time he must not endeavour to obtain an increase of rent merely from the supposed necessity of showing an increase of revenue. The enhancement of rent must not be governed by such a consideration so long as a proper share of the produce of the soil is preserved to Government. It is the primary duty of an Assistant Settlement Officer in this connection to fix fair, rents that is, rents which will be fair both to the landlord and to the tenant. When he finds that the raiyati rates are conspicuously lower than those in the surrounding estates, and also that the raiyats in those estates are treated considerately by their landlords, that they agreed willingly to the present rents, pay those rents without difficulty and enjoyed a satisfactory standard of comfort, the Assistant Settlement Officer will be justified in proposing that the raiyats should pay an enhanced rent. Where he refrains from proposing any general enhancement of the rents of the raiyats, inconsistencies of assessment should be remedied.

411. Under the proviso to section 104A (1) (d) of the Tenancy Act the Assistant Settlement Officer must have regard to the principles contained in sections 27 to 36 (both inclusive) 38, 39, 43, 50 to 52 (both inclusive) 180 and 191 of the Bengal Tenancy Act for the change of the rents of raiyats. Rules 412 to 416 below refer to occupancy raiyats.

412. If the Assistant Settlement Officer determines to raise rents on the basis of prevailing rates, he has to consider what rate he will adopt as a prevailing rate, whether a calculated rate under

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section 31A of the Tenancy Act where this section is in force, or an actually existing rate. In imposing, assessment of lands, and in enhancing rents on the ground of the existing rent being below the prevailing rate paid for land of the same quality in the village, the most minute attention to local advantages and disadvantages is indispensable. It should always be borne in mind by the Assistant Settlement Officer, that his business is not to determine the highest rate which the land may pay for one year, but what can be paid with regularity in average years. It is especially incumbent on him not to conclude too hastily that what appears to be an appropriate assessment is actually so. Fertility of soil is not the only circumstance which regulates the power of land to pay rent. Inferior land in an advantageous position will sometimes be found to be paying higher rent (i.e., to be deemed more valuable) than better land less favourably situated; land in the middle of a plain in every respect the same in quality as land on its edge may be found paying double the rent of the latter because less exposed to trespass from cattle; while it may also be that land is held at a lower rate than other land apparently of the same quality in the village, in consideration of services rendered by the tenant to the landlord, or to his predecessor, or in consideration of the tenant having undertaken to grow a special crop, such as indigo, for the landlord or his assignee, or of his having given up part of his holding to the landlord or exchanged part of his holding for other lands of inferior quality. All these circumstances should be taken into consideration in assessing fair and equitable rents. Land near a village may be found paying more than land of the same description at a distance from it. The demand for land or labour as affected by the density or other- wise of the population, the salubrity or inclemency of the climate nud the abundance or scarcity of good culturable soil in the vicinity, must all be taken into account.

Rise in prices.

413. Enhancement on the ground of rise in prices will be found a suitable method, if a small enhancement is required on all rents, and if there be no inconsistencies of assessment to be remedied. The Assistant Settlement Officer should collect evidence as to the values of the produce of the land, as far as staple crops are concerned, and should compare them with the values of such produce at the time when the rents of the raiyats were last fixed, if known, or, if this date be not ascertainable, at some other convenient time during the currency of those rents. He shall refer to the price lists published under section 39 of the Bengal Tenancy Act in the Calcutta Gazette. When the required information is not available in these lists, he may refer to the accounts kept in jails, in police-lines or by grain-sellers, former settlement reports, and the statements of intelligent cultivators. Such evidence, and the sources from which it is obtained, should be specifically noted in the record of his proceedings. The Assistant Settlement Officer can then determine what is the maximum limit of enhancement, and what would be the fair enhancement, in annas per rupee, in the case of rents in the area before him. He is not bound to impose the same rate for all: he may vary the rate of enhancement inversely to the incidence of the existing rent on the present area.

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| The Bengal Survey and Settlement Manual, 1935.  Bantil Chapter X  Correction slip No.56.  Calcutta, the 17th June 1939. Rule 420 page 108-Delete the existing rule and in its place substitute the followings  "Fair end equitable rents cannot be settled under the Tenancy Act for bomestead lands, house sites for shops when the tenency is not regulated by thet sot (Section 4), nor can such rents be settled in respect of lanis held by a non-agriculturist and not, used for purposes connected with agriculture or horticulture proviso to section 101 (1) In such oneesrente should betess sss under the Bengal Non-agricultural Lands Assessment Act, 1936 (Bengal .ct XIX of 1936), except where the lands are of insignificant values In the latter case existing rents may be main teined, if necessary,or if an intermediate landlord occurs between Governmend the lesses a fair and equitable rent may be assessed for the purpose of the calculation of assets, leaving it to the parties to come to terms regardinge new rent, if they have not already Sonex so". |

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Part 11, Chap. Χ.] 106

414. In raising rents on the ground of increased productivity due to improvements by the landlord, only registered improvements and improvements made by Government should be considered, and the Assistant Settlement Officer has to consider what enhancement in annas per rupee may fairly be made on this ground

Increased productivity due to improvements by landlord.

Increased productivity due to fluvial action.

Occupancy raiyats.

Reduction of rent.

Alteration of rent owing to increase or decrease of area Tenure-holders and occupancy raiyats.

Enhancement of the rents of tenures.

415. Where increased productivity due to fluvial action a taken as the basis of enhancement, the Assistant Settlement Officer must obtain trustworthy evidence as to the present outturn of crops compared with the outturn at the former settlement and as to the relative state of the land at the different periods. From such facts he can determine what enhancements in annas per rupee would be a fair limit of enhancement on this ground. Vague statements should be avoided.

416. Except in the case of tenants holding direct under Government, the rent of occupancy-raiyats can be reduced only on the following grounds: (1) General deterioration of the soil, (2) Fall in prices, and (3) Decrease of area.

417. When reduction of rent is thought proper on account of the general deterioration of the soil of the estate, the Assistant Settlement Officer should collect facts bearing on the question of deterioration, collecting evidence and records, if obtainable, of the former and present outturn on specified plots or holdings, and should fortify himself by the opinion of experts, which should be duly recorded in writing.

If it appears that a reduction in rent is justified by a fall in prices, he should make the same enquiries as in rule 413 above, and determine what is the fair percentage of reduction on that ground.

418. Ordinarily in the settlements of Government and tem porarily-settled estates there will be no difficulty in proving either excess or deficit of area. When, however, there has been no previous settlement, strict proof of such increase or decrease must be obtained in accordance with section 52, if this legal ground for alteration of rent is to be adopted, and the necessary correction made for differences of systems of measurements (vide also rule 35 of the Case Work Rules).

419. The rents of tenures liable to enhancement can be enhanced under the provisions of section 7, and of section 191 when an estate is not subject to any subsisting permanent settlement. It is open to the Assistant Settlement Officer-

(1) if he finds that a tenure is held at a rate below the customary rate for similiar tenures in the vicinity if such a rate exists, up to the limit of that rate to enhance; or

(2) by ascertaining the assets of a tenure to determine what share of them should be paid by the tenure-holder as a fair rent. Even though the first alterative is followed, it is advisable to check the result by the second. In any case, regard must be paid to the total percentage of the assets which can be distributed between the proprietors, if any, and the tenure-holders. [Vide rules 594 to 599;]

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(3) in considering the amounts of enhancement to be made for improvements, he should have regard to the principles laid down in rules 600 to 603. See also rule 437.

Rents of under raiyats.

Khas Lands.

Produce-rents.

Follow lands

420. Under-raiyats' rents as well as the rents of other classes of tenants must be settled under section 104, unless in the case of a Government estate or tenure there is an order of the Local Government to the contrary. When fair rent has to be settled for under-raiyats the enhanced rent which an under-raiyat of any grade can be called upon to pay must not exceed one-third of the value of the produce of the land in his tenancy or be less than the rate the Superior raiyat pays. Where, however, there are contracts or decrees fixing such rents at higher levels the contracts or decrees must be respected even though the rent fixed thereunder is in excess of the rent payable under Section 48(D) (2) of the Bengal Tenancy Act.

421. Lands in the direct possession of tenure-holders or of proprietors (for the purpose of settlement of land revenue) should be assessed at a fair and equitable rent for the purpose of ascertaining the assets of the tenure or of the estate. This assessment is ordinarily made at the rate at which such lands can be sublet. When uniform raiyati rates for different classes of land in the estate have been ascertained, such rates can also be applied to the above description of lands.

422. As it is undesirable that tenants on produce-rents should exist in Government or temporarily-settled estates the Assistant Settlement Officer should endeavour to induce such tenants and their landlords, other than Government, if any, to convert produce-rents into cash rents where produce-rents are not so converted. Such rents should for the purpose of ascertaining the raiyati assets in the estate or tenure be assessed at rates which would be fair and equitable in all the circumstances of the case. No produce-rent should ever be fixed for direct tenants of Government. In operations relating to large estates or a large number of estates the instructions of the Director of Land Records and Surveys should be taken.

Unassessed lands.

423. Public lands, lands which are useless and incapable of producing a profit or of which the profits are only prospective, and water, should not ordinarily be assessed. The Assistant Settlement Officer should have regard to the previous custom in the estate of settlement in this respect, and, if any variation is proposed, should state the variation and explain on what grounds it is proposed to assess or omit from assessment any particular class or classes of land. If any land has been diluviated it should be omitted from the khatians.

424. When in Government estates it is the proved custom to let land lie fallow, to recoup either on account of the natural poverty of the soil, or of its natural fertility having been impaired by constant cropping for a long series of years such fallow land should be left unassessed. Thus if a raiyat cultivates 5 bighas, one bigha of which is always left fallow and then if the rate for land in cultivation is Re. 1 per bigha, he should be assessed Rs. 4 for his five bighas.

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Grazing.

Rents of tenants other than those recognized by the Bengal Tenancy Act.

neral principles to the limit enhancement.

Procedure to be followed in setting rents.

425, The Assistant Settlement Officer should satisfy himself that sufficient land has been recorded in the special khatian list as land in which the villagers have the right of grazing their cattle, and, if not, should try to arrange for a sufficiency of such lands. Grazing lands should be demarcated by definite ails and in the manner provided in rule 376. Encroachments on land previously recorded as grazing lands in Government estates should be reported to the Collector for necessary action if the parties will not willingly give up possession.

426. Fair and equitable rents cannot be settled under the Tenancy Act for homestead lands, house-sites or shops, when the tenant is not recognised by the Tenancy Act (section 4), nor can such rents be settled in respect of lands held by a non-agriculturist and not used for purposes connected with agriculture or horticulture. In such cases if the rent is liable to enhancement, an offer of resettlement at a new rent should be made and if it is accepted, kabuliyats and leases should be exchanged. If it is not accepted, and the lessee is liable to ejectment, the Collector should be moved to issue a notice on the tenant to vacate the premises or remove his house, etc., as the case may be, and if the notice is not obeyed, the necessary action should be taken through the Civil Court. Where an intermediate landlord occurs between Government and the lessee, a fair and equitable rent may be assumed for the purpose of the calculation of assets, leaving it to the parties to come to terms regarding a new rent, if they have not already done so.

427. When the Assistant Settlement Officer has completed these enquiries and has formed his theory as to the necessity of any change in the rent, and the method and amount of change, he should test it by applying it to the village, estate or pargana, and by seeing what effect is produced on the rent-roll. Ordinarily enhancement would be considered excessive (i) if in any village there be a rise exceeding 50 per cent. in the rate per cultivated acre as fixed at the last settlement, or as deducted from the incidence of the old rental on the old cultivated area; (ii) if the total of the rents previously paid in the whole area dealt with is enhanced by more than 50 per cent. or (iii) if the rent of any single tenant has been enhanced by more than 100 per cent. It might, however, be fair to double a rent under Rs. 10, e.g., to raise Rs. 3 to Rs. 6, while it might be unfair to raise Rs. 50 to Rs. 100 though in each case the percentage of enhancement is the same. If on special grounds, as where a tenant has taken in a greatly increased quantity of land, it is necessary and equitable to impose a greater enhancement than 100 per cent., it should be eased off by progressive enhancements, the immediate increase being confined to 100 per cent., being reached after two, or even less, and the full rental three, four, five after a longer period (or not exceeding 10) years. Such progressive enhancements should ordinarily be given in the case of bona fide cultivators.

428. The Assistant Settlement Officer having determined what method of change he will adopt, and what amount of change will be caused by that method, has now to consider what procedure

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should be followed in proposing rents to the tenants. The alternative forms of procedure in section 104A (1) of the Bengal Tenancy Act are-

(i) to propose existing rents [clause (d)].

(ii) to obtain from landlords and tenants compromises which will yield rents which he has determined as fair [clause (a)];

(iii) to propose to the tenants fair rents which they are likely to accept agreeing with those which he has determined as fair [clause (b)];

(iv) to fix fair rents without reference to the acceptance of rents by, applying the method which he has already adopted as likely to produce fair rents [clause (d)]; and

(v) to make a new rent-roll after preparing a table of rates [clause (c)].

These alternatives are arranged in order of difficulty; and a decision should be made as to which should be adopted after reviewing the practicability of each.

Ordinarily, the procedure will be to adopt method (iii) combined with method (iv) in the case of recusant tenants. Should, however, the tenants as a body be obstructive and refuse to accept proposals which are obviously moderate and fair, the Assistant Settlement Officer should follow method (ii) in the case of a few substantial tenants; and after the rents of some of these have been settled, he should again turn to method (iii) in the case of the majority of the tenants. The failure of method (iii) in the first instance is no reason for its complete abandonment. The conditions under which the table of rate method (v) may be adopted are given in the statutory rules under the Tenancy Act; but the Assistant Settlement Officer is not bound to adopt this method, if it is practicable to fix a fair rent under any of the preceding methods; and resort should rarely be made to this method of settlement, though an informal table of rates may be adopted for the purpose of settling rents under (iii) or (iv). It is only where it is impossible to ascertain the legally payable existing rents that it is clearly advisable to adopt the method of a table of rates and to utilise in the preparation of the table, the rates or rents payable in neighbouring villages or estates. In settlements over a very large area, method (iv) will ordinarily be adopted as a general rule.

Submission of a preliminary report to the Settlement Officer.

429. The Assistant Settlement Officer will now be in a position to submit a preliminary report to the Settlement Officer embodying in it the result of all the inquiries which have been ailed above. The report should give as fully as possible his proposals for the settlement of the area and if these include the preparation of a table of rates, the rate report should be incorporated.

The report should give information regarding (a) the classification of land and the raiyati rates, if any, adopted for different. classes of land, (b) the rate of enhancement of raiyati rents, when the resettlement takes the form of a percentage enhancement of previous rents, (c) the treatment of excess area, (d) the

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allowances to, or treatment of tenure-holders, (e) the special allowances to special classes of tenants, if any, (f) the treatment of under-raiyats and the settlement of their rents, (g) the method of calculation of assets for khas lands of tenure-holders and proprietors, lands let on produce rent etc., (h) allowances to proprietors, and (i) the treatment of valid rent-free lands.

The period for which it is proposed to make the settlement of revenue should be mentioned in the report and it should be stated whether the tenants are willing to accept the proposals in the report. A copy of the final report of the last settlement if available should also be included.

Procedure after submission of the preliminary report.

To higher authorities.

Procedure when table of rates not prepared.

430. The Settlement Officer will pass orders on the preliminary report and will then have an abstract prepared of the proposals for the settlement of rent containing information on all the points mentioned in rule 429.

This abstract will be published, and so far as possible personally explained by the Revenue Officer, in every village within the estate, and the public will be informed that a period of one month is allowed from the date of publication thereof for the filing of objections in writing.

These objections together with the Assistant Settlement Officer's report thereon, will then be considered by the Settlement Officer, who will, if necessary, modify or revise the proposals accordingly. If, however, the preliminary report has under the following rule 431, to be forwarded to the Director of Land Records and Surveys, the Settlement Officer will send the objections together with his report on them to that authority. Such objections and reports thereon shall be considered as part of the preliminary report.

431. It is not ordinarily necessary that the preliminary report should be submitted to the Director of Land Records and Surveys before the preparation of the draft rent-roll. In the case of large operations a preliminary report should, however, be submitted to the Director of Land Records and Surveys in respect of the first group of estates or first group of tenancies. The "first group" should be so selected that it is, as far as may. be, typical of the whole local area which is under settlement of land revenue. If the rent-roll of the whole local area which is under settlement of land revenue is likely to exceed Rs. 10,000 the Director of Land Records and Surveys will consult the Board of Revenue before passing orders on the preliminary report of the first group. The orders which are passed by the Board of Revenue or the Director of Land Records and Surveys upon the preliminary report of the first group will be treated as 'special instructions" for the whole area which is under settlement of land revenue.

432. On receipt of orders on the preliminary report when a table of rate is not to be prepared, the Assistant Settlement Officer will issue the prescribed proclamation in form 147 giving information of the time and place at which fair rents will be settled. At least one week's notice should be given. On the date fixed

111 [Part 11, Chap. Χ.

the Assistant Settlement Officer will settle as fair those rents which he has determined upon as fair settling either present rents, compromised rents or proposed rents which are accepted or rents fixed by him without reference to acceptances.

Procedure when table of rates prepared.

Publication and inspection of table of rates.

Disposal of objections to tables of rates.

Confirmation of table of rates and settlement of fair rents.

Tenure not binding against Government.

433. When it has been decided to use the method of a table of rates, the Assistant Settlement Officer on the basis of previous inquiries and the orders passed on the rate report will prepare the table of rates containing the particulars prescribed in section 104B (1).

434. The prescribed proclamation will be published in form 147 fixing a date for the publication of the table of rates and directing all persons interested to attend on the date fixed the Revenue Officer will explain the table of rates and leave it open for inspection for one month.

435. The Assistant Settlement Officer will hear and decide all objections filed within one month from the date of publications and will then submit the proceedings to the Settlement Officer.

436. The Settlement Officer will submit the table of rates to the prescribed confirming authority and after such modification, if any, as may be made by the confirming authority the Assistant Settlement Officer will proceed to give effect to the table of rates, thus confirmed, by calculating each tenant's rent at the appropriate rate or rates. The Revenue Officer has power to exercise his discretion when the application of any particular rate would work unfairly. The proclamation in form 147 will now issue and on the date fixed the Revenue Officer will inform the parties what is the fair rent settled in each case according to the table of rates. If any person is absent and it is proposed to alter his existing rent the fair rent is not to be settled till a special notice has been served on him personally or otherwise.

437. (1) When the draft record-of-rights contains a tenure which is valid in all other respects but which does not (vide section 191 of the Bengal Tenancy Act) operate against Government for the purpose of reducing the revenue demand of the estate, such tenure will appear in the Settlement rent-roll and a rent will be fixed for it. The profit of the tenure will, however, come out of the profit of the landlord who created it and a note will be made in the column for special incidents "not binding against Government for the purpose of assessment; the profit of the tenure has come out of the profit of the superior landlord."

(2) When the ... it record-of-rights contains a tenure which was created in contravention of a condition laid down in the contract of the superior landlord, such tenure will appear in the final record-of-rights and the existing rent will also appear there. No new rent will be fixed in respect of such tenure and a note will be made in the column for special incidents "this tenure was found in existence but it was created in contravention of patta or kabuliyat so and so, and is not binding against Government in any respect."

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(3) When the draft record-of-rights contains a tenure which was created by a farmer whose interest is about to expire such tenure should be altogether ignored and should find no place either in the Settlement rent-roll or in the final record.

438. After the rent-roll has been prepared, it will be published in draft in the prescribed manner and, if any objections under section 104E be filed within the prescribed period, they will be disposed of by the Settlement Officer or by an Assistant Settlement Officer. If the objections be made over to an Assistant Settlement Officer he will dispose of them in accordance with the general and special instructions of the Settlement Officer and will take the orders of the Settlement Officer in all cases of difficulty. When the Settlement Officer sees fit, he may instruct the Assistant Settlement Officer to pass no final orders upon any objection, but to submit all objections, with explanatory notes, for the decision of the Settlement Officer. Objections under section 104E must be confined to the particulars which section 104A(2) requires to be entered in the Settlement-roll.

Publication of draft rent roll.

Appeals.

Confirmation report.

Area to be dealt with.

Details to be included.

439. When all objections under section 104E have been dis- posed of, the Settlement Officer will wait for two months. During this period appeals under section 104G (1) may be filed. These appeals will be addressed to the Director of Land Records and Surveys but they may be presented in the office of the Director of Land Records and Surveys or in the office of the Settlement. Officer. If they are presented in the office of the Director of land Records and Surveys they will at once be forwarded to the Settlement Officer.

NOTE. - Under section 104G (1) appeal also lies against the decision on an objection made under clause (3) of section 104B, Bengal Tenancy Act. The same procedure for disposal of such appeals will be followed.

440. At the close of the aforesaid two months the Settlement Officer will submit a confirmation report to the Director of Land Records and Surveys. The confirmation report is a statutory document prepared under section 104F (1) of the Act. It should, therefore, be prepared with great care. As required by law it must contain "a full statement of the grounds of the Settlement Officer's proposals and a summary of the objections (if any) which he has received." It should also contain a clear and succinct account of the previous revenue history of the area under report.

441. As a rule there will be a separate confirmation report for each estate; but the Settlement Officer may submit a single confirmation report for a group of analogous estates. He may also submit a confirmation report for a specific portion of an estate. In each case he will adopt the most convenient course.

442. The confirmation report will contain separate paragraphs dealing with the case of tenure-holders, raiyats and under-raiyats. If the estate is a temporarily settled private estate the confirmation report will also contain proposals regarding the allowance, as malikana or otherwise which will be offered to the proprietors under Regulation VII of 1822. In all cases the report will contain proposals as to the period of settlement. In connection with this report, wide Part III, Chapter VI and Rule 461.

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|  | 443. All petitions of appeal under section 104g (whether originally presented to the Director of Land Records and Surveys of to the Settlement Officer) will be attached to the confirmation report. In a paragraph of the confirmation report the Settlement Officer will deal briefly with these appeals. He will also record upon the back of each petition of appeal such explanatory notes as he thinks to be necessary. The confirmation report and the petitions of appeal will constitute a single nathi to which the Settlement Officer will attach a single order sheet before submission of the papers to the Director of Land Records and Surveys, Bengal. | | Appeals |
|  | 444. The Director of Land Records and Surveys will dispose of the appeals and the confirmation report in one resolution, but he will record such additional remarks as may be necessary in connection with each petition of appeal. Where the appellants desire to be heard, either by pleader or in person, the Director of Land Records and Surveys will arrange, if possible, to dispose of the confirmation report and the appeals while he is on tour in the district concerned. | | Resolution of Director of Land Records and Survey. |
|  | 445. The original Nathi containing the confirmation Report the petition of appeal and the resolution of the Director of Land Records and Surveys will be returned by the Director of Land Record and Surveys to the Settlement Officer and will in due course be made over to the Collectorate Record Room along with the other papers of the record-of-rights. In cases of important estates or group of estates where important questions of law and procedure are involved a copy of the resolution confirmation the rent-roll and the Settlement of Land revenue will also be sent for communication to the Collector or Dy. Commissioner within whose administrative control such estates or groups of estates are situated.  Copies of the Confirmation Report and of the Director's resolution may be issued to applicants on payment of the usual Court fees. Applications for such copies will be dealt with by the Settlement Officer and not by the Director. | | Copies |
|  | 446. Where no objections under section 104E were filed with in the prescribed period, the confirmation report will be submitted to the Director of Land Records and Surveys immediately after the expiration of such period. In Such cases there will. of course, be no appeals under section 104G | | Procedure where no objections filed. |
|  | 447. (a) Where the rent-roll covered by a single confirmation report exceeds Rs. 10,000 the Director of Land Records and Surveys will always consult the Board of Revenue before he passes orders on the report(vide also Rule 632).  (b) Where the rent-roll of the whole local area for which land revenue is being settled is likely to exceed Rs. 10,000 but where the rent roll covered by a single confirmation report does not exceed Rs. 10,000 the Director of Land Records and Surveys will also consult the Board of Revenue before he passes orders on the report; provided that, where the Board of Revenue has already issued special instructions for the local area in question, the Director may, at once pass orders on any confirmation report which is in full accordance with the instructions of the Board of Revenue and which covers a rent-roll not exceeding Rs. 10,000.  (c) Where it has been laid down by the Government or the Board of Revenue that the period of all settlements in the district or local area is to expire on a certain date, that date cannot be varied by the Director of Land Records and Surveys or by the Settlement Officer without a reference to the Board of Revenue Where no such date has been laid down, settlements will ordinarily be made of 15 years. Where it appears to the Director of Land Records and Surveys that a settlement of land revenue should be made for a longer period, he will refer the case to the Board of Revenue. | | When Board must be consulted. |
| Preparation of final record | 448. On receipt of the Director's resolution upon the confirmation report and the petitions of appeal, the Settlement Officer will prepare the final record or rights in accordance with the orders received. In the case of estates for which land revenue is being settled under Part II of Chapter X of the Bengal Tenancy Act the rents which are entered in the settlement rent-roll as confirmed by the Director Land Records and Surveys will be treated for the purpose of section 102 (e) as the "rent payable at the time the record of rights is being prepared.'' the expiring rents will not be entered in the final record. | |  |
| Subsequent reports | 449. A part from the final report upon the whole operations, the Settlement Officer will submit no report after the statutory confirmation report under section 104F. In the case of temporarily settled private estates he will, however, note upon report whether the proprietors have accepted settlement and, if not, the amount of malikana which is due to them during the period of settlement. | |  |
| Procedure under section 112. | 450. Where a settlement of rants has been ordered in a private estate under section 112 of the Tenancy Act, it is to be carried out in the manner provided by sections 104 to 104J (both inclusive). The rules laid down in this chapter will therefore be generally applicable , but rents may be reduced if powers of reduction have been given. | |  |
|  | II.- Settlement of fair rents, Act VIII (B.C.) of 1879 | |  |
| Previous stage. | 451. The procedure up to the settlement of fair rents under Act VII of 1879 is identical as far as possible, with that in proceeding under the Bengal Tenancy Act. | |  |
| Preparation of a Table of Rates | 452. If it is proposed to enhance the rents of occupancy raiyats a table of rates must first be prepared. In drawing pu the table of rates, the Settlement Officer is to have regard to existing rates of rents paid (1) by raiyats having right of occupancy, and (2) by under tenants (who are identical with the tenure -hoklers and under tenure holders of the Bengal Tenancy Act) for lands in their possession and to the principles laid down in part I of the Chapter for determining whether an increase of rent should be expected. | |  |
|  | 453. the rent of an occupancy raiyet can be enhanced only on the grounds given in section 6 of the Act. Subject to the provisions of this section the Settlement Officer should have regard to the procedure and principles laid down in part 1 of the Chapter for determining the proper ground for and limits of, enhancements of rent | | Ground for enhancement of rents of occupancy raiyats. |
|  | 454. On completion of the Settlement Officer's into existing facts and the grounds for an enhancement the Settlement Officer will submit a rat report to the sanctioning authority through the Collector and the Director Land Records and Surveys unless he or the Collector is competent to sanction the table of rates. the following authorities have been empowered to sanction tables of rates prepared under Act VIII of 1879-- | | Rate report : authorities empowered to sanction tables of rates. |
|  | I. Regular Settlement in which the number of raiyats whose rents are to be recorded does not exceed 200. | The Collector or other officer specially empowered by Government to exercise the powers of a Collector in this behalf. |  |
|  | II. Regular Settlement in which the number of such raiyats exceeds 200 but not 400 | The Commissioner of the Division. |  |
|  | III. All other cases | The Board of Revenue. |  |
|  | 455. When the table of rates has been sanctioned by proper authority, the Settlement Officer will prepare a rent-roll in accordance with such rates. It is necessary to specify in the rent-roll the clause or clauses in section 6 under which the raiyats rent has been enhanced, If amount to the enhancement due to each of the clauses mentioned in section 6 should be specified. The rent-roll must be published strictly in accordance with section 9 of the Act, and proof of such publication must forthcoming. | | Rent-roll |
|  | 456. The final report and final confirmation report will in this case coincide and will be submitted to the authorities authorized to confirm to confirm such reports. | | Final report |

**III.- GENERAL.**

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|  | 457. The use of pies, the fractional part of an anna, should be avoided in making rent settlement. Rent should be fixed to the nearest 4 annas. | Use of pies to be avoided in rent settlement |
|  | 458. In assessments of land revenue upon proprietors, except in very small estates where the revenue may be fixed in multiples of 4 annas, annas should never be used and in the distribution of assessment, either in installments or shares, should be avoided where possible. | Use of annas to be avoided in revenue settlement. |
|  | 459. Unless specially ordered otherwise all areas are to be shown in English acres. |  |

**CHAPTER XI-Final statistics**

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|  | 460. During the course of a settlement the following statistical statement and registers should be prepared:- |  |
| Statistical statements | 1. Village Note: Prepared during field bujharat and attestation (Form 161) 2. Milan Khasra (Form 103): Prepared during initial recess. 3. Crop Statement (Form 104)- Prepared during initial recess. 4. Agricultural Stock Statement : Prepared at the same time as above from the lists filled up during the field season (Form 63) 5. Statement of Tenancies and Rents (Ghoshwara (Form 162) 6. Lists of Revenue-paying and Revenue free Properties (Mahaluar Register) (Form 163, 164, 165 and 166). 7. Village Register of Revenue paying and Revenue free properties (Mauzawar Register) (Form 167). 8. Analysis of the results of settlement of Land Revenue (Form 168). 9. Analysis of the results of previous and present settlements (area and rent) (Form 169). 10. Analysis of the classification of tenants in previous and present settlements (Form 170) 11. Analysis of Revenue assessed (Form 171) 12. Register G of lands used for public purposes and Register 6A of lands in the occupation of local bodies (Form 88). 13. Of these statement:- 14. In major operations (b), (c), (d), (e), (f) and (g) will be prepared. When land revenue is also being settled in Government and temporarily settled private estates during major operations, statements (b), (c), (h), (j), (k) (L) will also be separately prepared and incorporated in the final confirmation reports of each estate. 15. In minor operations:- Land Revenue Settlement statements (a), (b), (c), (h), (j), (k), (L) and if specially directed by the Director Land Records and Surveys, statement (d) will be prepared and incorporated in the final confirmation reports of each estate. 16. In minor operation:- Advances Recoverable and Deposits statement (a), and if specially directed by the Director of Land Records and Surveys statements (b) and (c) will be prepared. |  |
| Unit of statistics | 462. In preparing these statements the figures should first be extracted village by village and care should be taken that the figures of the different statements agree. Consolidated statements for (b), (c) (d) and (e) for the whole area under settlement will be submitted with the final report. If desirable, separate statements may also be appended for groups of villages, parganas or thanas.  In all Land Revenue Settlements and in minor operations Advances Recoverable when prepared, statement (b), (c) and (d) should be prepared village by village in each estate and totaled for the estate. These statements should be incorporated in the form of appendices to the final reports. |  |
|  | 463. The Forms Nos. 163, 164, 165, 166 and 167 of registers prescribed in Rule 460 (f) and (g) are identical with the forms prescribed by the Board of Revenue under the Land Registration Act, 1876 (Act VII of 1876) for the Collector ate Registers A (1), A(2), B(1), B(2), B(3) and C to which they respectively correspond. Under Rule 317 ante, they have been partially prepared before the commencement of the settlement operations but in the course of these operations they will require to be thoroughly checked, corrected and probably rewritten Columns, which are blank will require to be filled up so far as the Settlement Department is concerned from the completed record in al cases the thana unit will have to be corrected in accordance with Rule 695. When the registers are completed the Settlement Officer will hand them over to the Collector for use as draft registers in rewriting Registers A, B and C. It will therefore be in the interests of the Collector to give as much help as possible during the operations in the preparation of these draft registers. | Preparation of Statistics. |
|  | 464. When the compilation of statistics is complete the Settlement Officer in major operations will bring together in a thanawar register for each thana all the statistical information required by the Collector for general administration purposes. A thana note will also be prepared at headquarters from the circle notes giving the information prescribed for insertion in Parts I and II of the final report. This will be bound up with the register. The volume should be prefaced by a table of contents and should show the names of villages excluded from the statements if any. The volume should contain a pocket for the thana jurisdiction map a copy of which should be placed therein. The statements which will find entry in this column are the statement of tenancies and rents, the milan khasra, crop statement and the agricultural stock statement for all villages (the thana total being struck at the end of each statement). | The thana statistical register and thana note. |
|  | 465. The Director of Land Records and Surveys will report to Government on the 1st October of each year the figures for the Province showing in the forms (tables of agricultural statistics) prescribed by the Government of India in their circular No 241-317, dated the 31st March 1919, read with circular No 08-10-53, dated the 8th November 1920 for each district up to the 30th June preceding-  (1) the total area cadastrally surveyed:  (2) the totals of compilations of the Milan Khasra, Crop Statement and Agricultural Stock Statement. The statement of Settlement Officer and Collectors on which this report is base should reach the Director's Office by the 1st September | Compilation of agricultural statistics. |
|  | 466. In districts where the distribution of estates or tenures is complicated, the Settlement Officer may prepare a District Regster of Tenures containing the name of description of the estate or tenure its possessor the villages in which it lies, with or without such other information as to the land in the immediate possession of the estate or tenure holders the area sublet and the rent if any a distinction being mad between raiyats and tenure holders etc. Sample forms are given in Nos. 172 and 173. |  |

**Chapter XII- Fair-copying of the Record and printing**

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|  | 467. When the record has been carefully scrutinized it should be fair- copied or printed. | | | Fair copy for printing |
|  | 468. In district settlements the record will ordinarily be printed. In other operations it will be printed with the sanction of the Director Land Records and Surveys. | | | When printed |
|  | 469. (a) (i) In districts Settlements the following number of copies of the records besides those provided for in Rule 470 below will be printed- | | | Number of standard copies required when record is printed or fair-copied. |
|  | (1) Public copy | ----- | 1 |  |
|  | (2) Landlords copy | ----- | 1 |  |
|  | (3) Tenant's copy | ----- | 1 |  |
|  | (4) Copies for the Collector including one for the Sub divisional Officers | ----- | 2 |  |
|  | (5) Copy for the Munsifs | ----- | 1 |  |
|  | (6) Copy for revisional settlement in future | ----- | 1 |  |
|  | (7) Copies for sale | ----- | 3 |  |
|  | Total | ----- | 10 |  |

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| --- | --- |
|  | The number of printed copies required for sale can be reduced or raised according to the requirements of landlords which should be ascertained beforehand, but the number in no case should be reduced below two.  (ii) In land revenue settlement operations when the records are decided to be printed, the number of copies to be printed in addition to the number required to be printed undr rule 470 will be as follows:- |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | (1) Public copy | ----- | 1 |  |
|  | (2) Copy or Collector | ----- | 1 |  |
|  | (3) Landlords copy |  | 1 |  |
|  | (4) Tenant's copy | ----- | 1 |  |
|  | (5) Sale copy | ----- | 3 |  |
|  | (6) Copy for revisional settlement in future | ----- | 1 |  |
|  | Total | ----- | 8 |  |

|  |  |  |
| --- | --- | --- |
|  | The Revisional copy should be kept marked and sealed as the "Revisional copy'' | |
|  | (b) When the record is fair copied by land only the first three copies are required.  (c) When an Advances Recoverable operation is undertaken, the Director of Land Records and Surveys in consultation with the local authorities, should determine if the records are to be printed and if so how many copies are required. | |
| Number of occasional copies. | 470. Both when the record is fair copied and when it is printed the following occasional numbers will also be required:-  (1) copies for Khas Mahal Department of the record relating to Government estates and Temporarily settled estates under khas management-2  (2) additional copy ofr each entire group of persons with separate collections either in the landlord's tenant's column of the khatian-1 |  |
|  | Copies for the Khas mahal will be arranged either mahalwar or mauzawar according to the directions of the Collector. |  |
|  | In binding these copies sufficient interleaving blank khatian forms will be included to allow space for additions to or mutations or holdings and in addition at least 10 per cent. blank forms at the end of each volume to allow new tenancies to be recorded by the Khas mahal Department as the record takes the place of Register I |  |
| Form of final record. | 471. The record will be fair copied in the prescribed form (vide form 60). When it is printed the form must be similar Settlement Officers in major operations may make variations if approved by the Director of Land Records and Surveys but any material departures from the prescribed form require the sanction of Government. |  |
| Copying of speciealCollectorate copy | 472. Special care should be taken with the copying of the Public record or special Collectorate copy. |  |
| Insertion of plot index, etc in public copies. | 473. The Public record the revisional copy and the other copies for the Munsif and the Collector will be bound with the List of Lands in which the public have common rights or easements, irrigation list where this has been prepared and a plot index consisting of the plot numbers serially and the khatian or Khatians in which these plots are to be found. |  |
| Arrangement of Khas Mahal Department copies. | 474. Of the two copies required for Khas Mahal Department under Rule 470 one copy should be arranged mahalwar and one copy mauzawar. Blank pages should be interleaved between khatians and an additional 10 per cent. blank khatians should be supplied at the end of each mahal or mauza record for the purpose of recording mutations and tenancies subsequently created. |  |
| Plot index in the case of municipalities. | 475. In the case of municipalities the occupant of the plot must also be recorded in the plot index. If the municipality desires further information arrangements can be made by the Settlement Officer ofr supplying that information at the cost of the municipality. |  |
| Special Collectorate copy to be the final record. | 476. The copy of the khatians contained in the special Collectorate or Public records is the Final Record. The khasra does not form part of the Final Record. |  |
| **Chatpter XIII : Custody of the printed Records** | | |
|  | 477. Immediately the printed records have been completed in either the binding or arranging section they will be sent to the record room where they will be at once counted classified arranged and registered. Bound copies will be separately registered from loose copies. Loose copies intended for revision will be kept landlords and tenants (if sent to the Record room) and from the separate from the copies arranged in due order for free distribution to sale copies. Copies received back from recovery camps and not required for free distribution should be registered saparately or along with the sale copies. | Arrangement of printed records in record room. |
|  | 478. Applications for copies of the printed records must be made and registered in the English Office. The distribution of copies will be made by the Record keeper. In no circumstances should any money be received in the record room. | Procedure for issuing copies of printed records. |
|  | 479. Rules for the custody and sale of copies of printed records both in Settlement Offices and Collectorates will be found in Appendix IV. | Sale of printed records. |

**Chapter XIV- Final Publication**

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| Final publication | 480. The final records will be published under rule 58 of the Government Rules at such convenient place as the Settlement Officer may determine and left open for public inspection free of charge for at least one month. The prescribed form of proclamation is given in Form 153.  Where the Bengal Tenancy Act does not apply a similar procedure for final publication of the records should be followed and necessary change must be made in the form of proclamation. | |  |
| Certificate of final publication | 481. After final publication, the following certificate attached to the fly-leaf of the volume containing the final record will be filled up and signed by a Revenue Officer: | |  |
|  | Certificate of final publication | |  |
|  | Village | Name |  |
|  | Thana | No |  |
|  | Pargana |  |  |
|  | District |  |  |
|  | Volume |  |  |
|  | pages |  |  |
|  | Certified that the record of rights of the interests as contained in the pages noted of the above village was finally framed and published under section 103A (2) of the Bengal Tenancy Act, (VIII of 1885)  Notification No on  Section  The record of rights is contained in this volume.  Dated the Revenue Officer | |  |
| Certificate on pages of final record | The certificate will be sealed with the seal of the Settlement Office. Each page of the final record will be stamped with a seal in the following form :  Record of rights finally framed and finally published under section 103A (2) of the Bengal Tenancy Act, (VIII of 1885)  Notification No  Section  Seal  Settlement Office | |  |
|  | 482. The certificate of final publication of any village under the general orders of the Board passed under section 102B(1) of the Bengal Tenancy Act, 1885  Notification No  Section  shall be made when the recovery work of that village begins. In an area where no recovery is to be made the certificate should be signed on the 1st day after the expiry on the period of one month when the records will be published for genenral inspection. Entries to be retained or noted according to the applicability of different Acts and administrative notification. | | Date of certificate of final publication. |
|  | 483. The Collector's and munsif's bound copies should be certified to be correct copies by affixing the following certificate on the fly leaf of the volume bearing the autograph signature of the record keeper of the Settlement Officer, Officer authorised under section 76 of the Indian Evidence Act-1872 | | Collector's and Munsif's bound certified copies. |
|  | Village | Name |  |
|  | Thana | No |  |
|  | Pargana |  |  |
|  | District |  |  |
|  | Volume |  |  |
|  | pages |  |  |
|  | The entries in this volume are certified to be a true copy of part of a record of rights finally framed and finally published under section 103A (2) of the Bengal Tenancy Act (VIII or 1998)  Notification No  Section  Record Keeper to the Settlement Officer of authorised under section 76 of the Indian Evidence Act, 1872.  Each page must also be stamped with the seal of the Settlement Office  The above procedure should also be followed when bound certified copies of the record of a whole village estate or tenure are distributed to private parties by sale in the form of bound volumes. | |  |
|  | 484. Each page of the landlords and tenants copies when not bound should be stamped with the seal of the Settlement Officer and should contain a certificate in the following form which will bear the autograph signature of an officer authorised under section 76 of the Evidence Act, 1872.  Certified to be a true copy of part of a record of rights finally framed and finally published under section 103A (2) of the Bengal Tenancy Act (VIII of 1885)  Notification No  Section  Seal  Settlement Office  Officer authorised under section 76 of the Indian Evidence Act-1872  Dated the 19 | |  |
| Notification of final publication. | 485. As soon as final publication has been completed in any considerable area or special case, in single village the Settlement Officer should submit through the Director of Land Records and Surveys a draft notification in the following form for insertion in the "Calcutta Gazette''  "in exercise of the power conferred by section 103 B Sub section (3) of the Bengal Tenancy Act is pursuance of the Bengal Tenancy Act (VIII of 1885) Notification No.  (VIII of 1885) the Government in Council is pleased to declare that a record of rights has been finally published under \* Section 103A Sub-section (2) of the said act in respect of every village included in the police station of in the district of | |  |
|  | Where it is necessary to notify final publication in respect of a single village or group of village the form will be modified to suit the circumstances of each case. | |  |

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| Areas with record of rights prepared | | 486. A printed list of all areas of which a record of rights under the Bengal Tenancy Act is under preparation or has been finally published together with a set of thana maps showing in colours or conventional signs the position of the areas should be maintained in the office of the Collector as well as of the Director of Land Records and Surveys in the following form :- | | | | | |  | |
| Thana in which the land of the estate is situated | Tauzi No | | Name of estate | Name of mouza (with J.L. No) in which the estate is situated | Area (in acree) of estate in the thana | Date and number of the Government notification for the survey and preparation of record of rights | Date of final publication | | Reference to Collectorate and collection in which the final report of the operation has been placed. |
| 1 | 2 | | 3 | 4 | 5 | 6 | 7 | | 8 |
|  |  | |  |  |  |  |  | |  |

Government estate should be marked and temporally settled estate

Entries to be retained or deleted according to the applicability of different Acts and Administrative Notification

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| --- | --- | --- |
|  | These lists and maps will be kept up to date in the manner provided in rule 59 (2) and (3) but should be brought up to date for the settlement year ending 30th September and alterations and additions reported by the 15th October. |  |
|  | 487. In order that the Civil Courts may enforce the provisions of sections 103B (4), 111, 147 (B) (c) and (d) of the Bengal Tenancy Act, and that the Inspector General of Registration may intimate to Registration Officers when lands should for the purpose of section 21 of the Indian Registration Act of 1908 be descrived by reference to the cadastral maps and record of rights (vide rule 734) the following procedure is prescribed :-  1. The Director of Land Records and Surveys will in November every year forward to the District Judge and the Inspector General of Registration copies of lists of areas of which a record of rights has been finally published or is being prepared corrected up to 30th September preceding (vide rule 486) for distribution amongst the Courts and Registration Offices of the districts concerned under them  2. During the following year the Settlement Officer (which terms includes the Collector as office Settlement Officer) will send to the District Judge and the District Registration particulars of any areas of which a record of rights has been finally published after the preparation of the above lists as soon as such records are finally published.  3. Copies of notification ordering the preparation of a record of rights will be forwarded by Government to the District Judge concerned. | Information about areas notified for survey and settlement6 and areas finally published to be given to District Judges and Inspector General of Registration. |

**Chapter XV : Apportionment, Computation, Recovery and Distribution of copies**

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| Early report of probable cost to be made with a view to apportionment | 488. As soon as the work of survey and settlement under Chapter X of the Tenancy Act. other than proceedings under section 101 (2) (d) has sufficiently advanced to enable the Settlement Officer to state approximately what will be the total cost incurred and how in his opinion the share to be paid by private parties should be borne he should submit through the Director of Land Records and Surveys for the orders of Government his proposals for its apportionment. Apportionment proposals should be submitted in good time before final publication as the certificate of final publication of any village is made when recovery of that village and the distribution of copies commence. |  |
| Expenditure to be included and receipt to be deducted | 489. In calculating the total net cost an estimate must be made of all direct and indirect expenditure. The cost of special work not dividable to settlement should be excluded. To the total thus arrived at must be added the estimated cost of maintaining boundary marks for 15 years or such part of that cost as the Local Government may direct. Subject to further orders the cost for maintenance of boundary marks should be calculated at Rs 5-12 as per square mile in major district operations or other large and compact areas and at Rs 10 per square mile in the case of small and scattered areas but these rates may be varied by special orders in any given case.  From the total net expenditure as estimated the estimated total receipts in cash and by book transfers should be deducted. |  |
| Expenditure not to be included | 490. Charge which do not represent expenditure on settlement should not be included in the amount to be recovered. These will include the pay and traveling allowances of officers on settlement duty called upon to appear as witnesses before a Court of Justice or to appear at the Departmental Examinations and also arrear pay if any earned by an officer for a period when he was not employed in settlement but drawn during his employment on settlement duty |  |
| Apportionment order where necessary or where permissible | 491. In case in which funds are advanced by Government an order for apportionment under section 114 of the Tenancy Act, must be passed. In other cases an apportionment order may be passed. In operations under section 101 (2) (d) no apportionment order can be passed. |  |
| Principle of apportionment District operations and operations under section 101(2)(b) | 492. In district settlements and in operations undertaken under section 101 (2) (b) the cost of which has been advanced by Government the first thing to determine in apportioning the amount to recovered from private is the share of the total net cost to be paid by the landlords or tenants. This apportionment must depend on the circumstance of each case and it is not possible to frame any general rules on the subject. |  |
|  | 493. In the case of minor settlement undertaken on the application of landlords or tenants the part applying for the survey and settlement must ordinarily deposit the cost in advance and will be primarily responsible for the whole expenses. An apportionment order under section 114 of the Bengal Tenancy Act may however be passed if circumstances justify the levy of a share of the costs from other landlords and tenants. Among such circumstances would be the following :-  1. When the other landlords and tanants were generally responsible for the state of thing which necessitated the operations being undertaken in advance of the general district operations under the major settlement programme : or  2. When they were responsible by their behaviour during the proceedings for raising the cost of these proceedings : or  3. When they have received direct and substantial benefits other than those ordinarily derived by landlords and tenants from the preparation of a record of rights for their lands. |  |
|  | 494. In minor settlements of the class referred to in the proceeding rule where an apportionment order is under contemplation the first thing which should be determined is the amount to be paid by the landlords and tenants generally including the applicant. This sum should be apportioned in accordance with rules. All classes of tenants should ordinarily be included unless there are good reasons for exempting any particular class or classes. The balance of the total net cost excluding the amount recovered under the apportionment order will be paid by the applicant.  Illustration- Net cost Rs 10000. It si decided that the sum of Rs 5000 shall be apportioned among the general body of landlords and tenants and that the remaining Rs 5000 shall be paid by the applicant. If according to the apportionment order the applicant as landlords has to pay Rs 1000 he will pay Rs 6000 altogether This sum will be recovered from his deposit and the balance of the deposit if any refunded to the applicant at the close of the operations when the account has been closed. The apportionment order will not montion the amount payable by the applicant but will state that the balance of the costs due after deducting the sum recovered from the landlords and tenants under the apportionment order will be payable by the applicant. | Principle apportion section or (2) |
|  | 495. Computation should ordinarily be effected on an area basis in accordance with the rules below. In districts where tenures and estates are complicated it may however be more convenient to complete the costs on an area basis for raiyati lands and lands in the direct possession of tenants holders and proprietors and on a profit basis for the lands sublet. The second method should not be adopted without the approval of the Director of Land Records and Surveys. | Basis comp. |
|  | 496. the proprietors or landlords should pay the whole of the recoverable cost of survey and record of rights of all lands classed as proprietor's private lands whether such lands are occupied by tenants or not and of all lands in their possession. If the area of waste and unoccupied lands is extensive it may be advisable to fix a separate rate to represent the cost of surveying and preparing a record of such lands which would ordinarily be less than rate for cultivated lands. | Land director |
| Railway lands | 497. In proceedings undertaken under section 101(1) of the Tenancy Act no recoveries of cost can be made for the survey and settlement of railway lands. |  |
|  | 498. District Boards should get free of cost a complete set of maps for every village in the district and a copy of every khatian in which the District Board has been entered as occupant or possessor. Union Boards should also get free of cost a copy of the map of every village comprised within the union and a copy of each khatian in which the Union Board appears as occupant or possessor. Each Union Board will in addition be supplied free with a map of the union on the scale of 4''=1 mile. |  |
| Apportionment between proprietors tenure holders and raiyats. | 499. The apportionment between proprietors tenure holders raiyats and under raiyats if regulated by orders of Government under section 114 of the Bengal Tenancy Act. In submitting proposals to Government the following principles (vide rules 500-506) should ordinarily be followed when an area basis is adopted throughout. |  |
| Cost of permanent and temporary tenure holders | 500. As between the different grades of landlords the landlords share should be apportioned thus:-   * 1. Permanent tenure holders whose rent is fixed in perpetuity should pay their own share of the cost and that of the landlords superior to them.   2. Other permanent tenure holders and temporary tenure holders whose lease has over 15 years to run should  pay this of the landlords share and their landlords shall pay remaining th.   3. Temporary tenure holders whose lease has 15 years to run should pay fifteen sixteenths of the share they would pay in accordance with (b) above if they were permanent tenure holders and so on proportionately according to the number of years of the lease to run.   4. Temporary tenure holders who do not hold on a lease or for a fixed term should pay half of the landlords share.   5. The period of the running of the lease should be reckoned in each case from the close of the agricultural year in which the record was finally published. |  |
| Costs of rent free holders | 501. Rent free holders should pay the whole of the landlords share and also the raiyats share for lands in their own occupation. |  |
| Grades of landlords | 502. When there are several grades of landlords the calculation should be made from the lowest grade upwards. |  |
| Cost of under raiyats | 503. Under raiyats having occupancy rights may be ordered to pay half the raiyats share. The share payable by all other under raiyats and by those holding under them will be determined according to the circumstances of each case unless it is considered desirable to exempt them from payment. It may be convenient sometimes to make a fixed charge for under raiyats. |  |
|  | 504. When it has been decided how the apportionment order should be framed. it will be submitted to Government through the Director of Land Records and Surveys. The apportionment order passed by Government under section 114 of the Bengal Tenancy Act will be conclusive as to how the apportionment should be made. | Apportionment order conclusive. |
| Apportionment ordinarily on basis of recorded status. | 505. The apportionment of costs should ordinarily be made according to the status of the landlords and tenants as entered in the record of rights at final publication and recovery made accordingly and at the same time. |  |
| Minimum charges | 506. Ordinarily the minimum charge should be that fixed for one acre. For excess of over one acre in extent the charge on fractions of an acre less than half an acre should be omitted and fractions of half an acre and over be charged as one acre. |  |

**II Recovery**

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| Minimum charges | 507. The recovery of costs is to be made one month after the commencement of final publication or as soon after as possible Recovery will ordinarily proceed throughout the year. |  |
| Staff | 508. The staff for the recovery of costs should be organized under a Gazetted Officer selected by the Settlement Officer who should be specially appointed by the District Collector with the sanction of the Commissioner of the Division to perform the functions of a certificate officer. Recovery will be made locally and camps should be so arranged that their radius of action at the time is not more than 5 miles. |  |
| Intimation to Collector guards | 509. (a) Intimation to of the starting of recovery the position of the camps. the time during which they will be at work and the probable amount and frequency of remittances must be sent by the Settlement Officer to the Collector of the district previously to enable the latter to make arrangements for the receipt of remittances form the camp into the nearest treasury or sub treasure and to make general arrangements with the Superintendent of Police for escorts of treasure.  (b) After general escort arrangements have been made the Settlement Officer will send his indents for escorts direct to the Superintendent of Police in accordance rules 662 and 672 of the Police Regulations Bengal 1927 Volume 1  (c) The Settlement Officer will make arrangements for competent camp guards composed of specially selected trustworthy persons preferably pensioners. |  |
|  | 510. The charge payable by each person will be entered at the time of computation upon demand forms and a receipt must be given as soon as payment is made. It will facilitate work to fill up the receipts in full during computation: they may be stamped and signed at the time of payment. Printed receipt books of different colours for different sums however be employed. A strict account of receipt and distribution of all receipt book must be kept both at Headquarters and in the Recovery Camp. In the alternative a Cash Register machine which records the amount received and grants a receipt for it may be used The receipt numbers should be entered in the Demand Register of which be sample form is given in Form 159. | Demands and receipts. |
| General notices | 511. General notices should first be served upon a who is village of other convenient area stating the date on which payments will be received and copies distributed. Vernacular copies of the apportionment order which is the basis of computation and recovery should be posted at conspicuous places in the area under recovery. The parties should be warned that unless they pay the cost at the time of distribution of the extracts from the khatian they will be required to pay additional sums as process fees under the certificate procedure.` |  |
| Defaulters and certificates | 512. Before a camp is moved from one centre to another the officer in charge should make a personal visit to all defaulters so far as possible. Special notices should be served upon defaulters who cannot be found with or without process fees. If within a reasonable period after such visit or special notice payment is not made resort may be had to the certificate procedure but the wholesale issue of certificates for petty demands is to be avoided and recovery should be made without certificates if practicable The sanction of the Gazetted Officer in charge of recovery should be taken before certificates are issued and the issue of certificates should be carefully watched by the Settlement Officer. |  |
| Large sums dua from landlords | 513. The isolated sums due from large zamindars or other landlords on account of several villages should so far as possible be brought together in one account and sent to the assess together with a notice fixing a day before which payment should be made. In the cases of large demands reasonable installments for payment may be allowed. If sums are not paid and no satisfactory explanation is forth coming. they should be recovered by the certificate procedure. |  |
| Charge levied in cases of transfer | 514. If before the amounts are collected a landlord or tenant dies or transfers or abandons his estate or tenancy or any part thereof recovery may be made from the person in ppssession of the former holders interest. |  |
| Demands from other districts | 515. Sums recoverable from persons inhabiting districts other than the one in which an operation has been going on should be kept pending if they are not realised in the ordinary course till a complete or sufficiently large list of such demands can be prepared. The Settlement Officer will the send the list ot the Collectors of the districts concerned who will endeavor to collect the sums amicably before having resort to the certificate procedure. |  |
| Deficient or excess collection | 516. If the share which the tenants has been required to pay cannot be collected the deficit can be recovered from the proprietors or landlords if they applied for the proceedings: if not it must be paid by Government. If there are excess collections the surplus may be deducted from the share of the cost to be paid by the proprietors for landlord if they applied for the proceedings otherwise it may be credited to Government small items reported to be irrecoverable up to a limit or Rs 1000 in each case : but every such write off should be communicated to the Accountant General as required by rule 326(b) of the Bengal Financial Rules. Every proposed remission in excess of that sum should be reported for the orders of Government. |  |
|  | 517. In very settlement where recovery is being made a statement showing progress of recovery by certificates should be submitted by the Settlement Officer monthly unless the Director of Land Records and Surveys sees fit to prescribe a longer interval This statement will be in such form as the Director may prescribe and when the Settlement Officer has left the district it will be submitted by the Collector. | Statement showing progress of recovery |
|  | 518. When recovery work has been completed or is nearing completion the Settlement Officer or the Collector as the case may be should submit a consolidated statement to the Director of Land Records and Surveys showing (1) the total amount estimated for recovery (2) the total amount computed as recoverable and (3) the total amount recovered up to date including the amount recovered for the maintenance of boundary marks. This will enable the Director to report to the Accountant General the amount to be transferred for the maintenance of boundary marks. | Statement after the completion recovery |

**III- Distribution**

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|  | 519. Certified copies of the record will in all cases whether in Government or temporarily settled estates or in settlements on the application of landlords or other operations be distributed to the landlords and tenants free of charge. Copies of the map except where with the sanction of the Director of Land Records and Surveys such maps have not been reproduced. will be similarly distributed. When there is any recovery of costs the distribution will be made at the time of final publication. In the latter case distribution should be made by a responsible officer such as a Revenue Officer. Under no circumstances should it be done through peons. | Distribution. |
|  | 520. In accordance with Government orders each landlord or group of landlords with a separate collection is entitled to receive a copy of his own khatian and of the khatians of the tenancies immediately subordinate to him or them. The landlord in the group with the largest share should receive the copies unless ht does not pay the costs punctually on the day fixed when the Recovery Officer mqy at his discretion give them to the next largest sharer who is ready to pay. | Distribution of khatians. |
|  | 521. When any person has several interests in the same village he should receive only one copy of the map | Distribution of maps |
|  | 522. When the recored is printed sales of spare copies of the khatians may be made in Recovery Camps or at Headquarters at such rates as may be determined by the Director of Land Records and Surveys. Sales of vendee ked maps may be similarly effected. No copies of the record or the maps should however be sold to persons who have not paid the demands due by them. | Sales of maps and khatians. |

**Chapter XVI : Settlement of fair rents and decision of disputes under part III of chapter X of the Bengal Tenancy Act**

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| Government rules to be followed. | 523. The provisions of Chapter VII part III of the Government Rules, should be carefully observed in proceedings under sections 105 105A, or 106. The notice prescribed in rule 71 (3) of these rules will be found in Form 1. Appendix A of the Case Work Rules. The detailed Case Work Rules as laid down in Chapter XVIII of the Technical Rules and Instructions of the Settlement Department should be carefully studied. | Sales of maps and khatians. |
| Place where Court to be held. | 524. Proceedings under these sections should, if possible be held in the village or at a central camp not more than three miles away from the furthest lands of the village.  In large settlements, however, when the work has usually to be taken up in the hot weather and rainy season it is sometimes convenient to establish the Courts at the headquarters of the district at subdivision and munsifis, whether parties can readily procure legal advice. Local enquiries should however be freely made and are essential in cases where enhancement of rate is claimed. |  |
| Employment of Gazetted officers. | 525. Only experienced Gazetted officers should be employed in case work under sections 105, 105A and 106, Bengal Tenancy Act. |  |
| Principles to be followed in making over cases. | 526. Applications under these sections should be kept at first in the hands of the Settlement Officer or of a special Assistant Settlement Officer. When they are made over to an Assistant Settlement Officer a formal order under Rule 42 of the Government Rules is required. The Settlement Officer should keep cases under sections 105 and 106 in his own hands, until he has mastered the difficulties and the principles involved and he should not make them over to any assistant for decision until he has trained him in the proper system. |  |
| Transfer of section 106 cases to the District Judge. | 527. Suits under section 106 may be made over to the District Judge for disposal by the Settlement Officer but such transfer should not be made without consulting the Director of Land Records and Surveys. |  |
| Issue of commissions. | 528. The existing orders as to the rank of the person to whom commissions may be issued by Civil Courts under sections 31 (b) or 158 (2) of the Tenancy Act, and as to the regulation of expenditure to be incurred on such commissions are reproduced in Appendix E, Under Government Rule 63, these rules are inapplicable to Revenue Officers. |  |

**Chapter XVII:- Appeal and Revision**

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|  | 529. The authorities to whom appeals lie from the orders of Revenue Officers or who have the power of revision are mentioned in the different Laws or Regulations and in the Government Rules under the Bengal Tenancy Act. The following rules govern special cases. | Appellate and revisional authorities |
|  | 530. No appeal lies from an order on objections under section 103A. Parties should be informed that they can file suits under section 106. | Orders in objection cases. |
|  | 531. A note of all rents settled under section 105, of all decisions of issues under section 105A or section 106 and of all orders regarding the same on appeal or revision under section 108 or section 115C and corrections of bona fide mistakes directed under section 115B of the Bengal Tenancy Act must be made in the final record and other public copies by the Settlement Officer of if the Settlement Officer has left the district by the Collector. | Noting of orders on revision or appeal. |
|  | 532. After the records have been made over to the Collector sub divisional Officer and munsifs the corrections or entries of results of cases to be made in the Public copies of records under section 109D or 115B will be made by the staff of the Collectorate Record room. Correction slips will be issued by the Collector's Record Keeper to munsifs and Sub divisional Officers for incorporation in their copies of the records. | Noting of correction after the records have been made over to the Collector. |
|  | 533. It has been ruled that where it is desired to correct an entry in the finally published records that has been procured by fraud the Settlement Officer has an inherent right to order excision of the fraudulent entry and his act in doing so is a ministerial act not open to appeal. At the same time the Settlement Officer should make the correct entry leaving a note against the excised entry that it is fraudulent and either stating his reasons in the record or making in the record a reference to a proceeding in which those reasons have been stated as may be more convenient. | Correction of fraudulent entries. |
|  | 534. A Settlement Officer has inherent jurisdiction to correct obvious errors e-g arithmetical or clerical errors in the finally published records. | Inherent jurisdiction of settlement Officer to correct obvious errors. |
|  | 535. (a) The Act contains no provision enabling the record of rights to be corrected in accordance with the orders of a Civil Court. If a Settlement Officer or a Collector is made a party to a suit in which a prayer for such correction in the record of rights is contained in the plaint he should in the course of its hearing raise objection to that part of the plaint. In his written statement he should urge the want of jurisdiction on the part of the Civil Court to order any such alteration. Any order of a Civil Court in a case in which the Government has been made a party purporting to order the correction of the record of rights is however binding on Government unless. it is set aside. Any such order should thereford, be borught to the notice of Government in order that the question of moving the High Court to revise it under section 115 of the Civil procedure Code may be considered.  (b) On the other hand every Civil Court trying a suit under section 106, or disposing of an appeal under section 109A will communicate to the Collector of the district a note of its final decision in the case for incorporation in the final record of rights (High Courts Rules, Civil, Vol 1, Rule 39A) | Civil court's orders. |
| Orders under section 104H | 536. There is no provision enabling the Collector to note orders under section 104H in the record but the Civil Court will notify any orders passed under section 104H to the Collector of the district. |  |
| Corrections of the finally published maps. | 537. Whenever the Settlement Officer or in his absence the Collector desires a correction of the finally published map to make it agree with the record of rights he should record a proceeding accompanied by a case map and send to Bengal Drawing Office a trace showing what modifications in the map are desired. The changes shown on these traces should then be incorporated by the Bengal Drawing Office on a blue print copy of the original map. When the Collector's stock of maps is exhausted the corrected blue print will be vandyked and issued while a small trace of all badars will be pasted on the original to show that the new map issued is a corrected copy of the earlier map. |  |
|  | 538. When a Village is transferred wholly or in part from one jurisdiction unit to another so that the name of the police station or district printed in map is no longer correct a slip giving the name of the jurisdiction unit with reference to the order sanctioning the transfer will be attached to the original map and to all copies of it. The Officer in charge of the Bengal Drawing Office will send copies of the slip to the Collector to be attached to the record of the village and to all copies of the map in the Settlement record room and in the Collectorate. |  |
|  | 539. Final reports will be submitted to the Director of Land Records and Surveys. The Director will submit the final reports in the following classes of settlement to Government-  (1) All major operation  (2) All settlements of estates private or otherwise of which the revenue exceeds Rs 10000  (3) All settlements under section 101(2) (b) of the Bengal Tenancy Act. | Submission of final reports to superior authorities |
|  | Final reports of other settlement private or otherwise will be disposed of by the Director Land Records and Surveys unless they contain matters of exceptional importance. Except in cases in which the area of the estates settled in one operation whether held by proprietors or not does not exceed 100 square miles the final settlement reports together with the orders of the Local Government thereon will be forwarded to the Government of India for information without a covering letter as soon as the orders are available in print. |  |
|  | 540. A final report will ordinarily be prepared for each area or estate etc or group of areas estates etc covered by a single notification or order. In minor operations in the case of estates under settlement of land revenue the Director of Land Records and Survey may dispense with a final report if the confirmation report contains the information required for a final report. | Area covered by final report |
|  | 541. The final report for the whole area under settlement should contain the following particulars and should be accompanied by a map on the scale of 1"= 1 mile or other convenient scale:- | Particulars required in final reports |

* 1. General description of the pargana or Tract under report and statistical results

This should include-

1. Boundaries and areas
2. Physical features and kinds of soil
3. Communications lines of rail metalled or ordinary roads Improvements made since last settlement
4. Source of irrigation with statistics of area irrigated
5. Rainfall
6. Climate
7. Towns and markets Improvements since last settlement
8. Population and caste distribution. Increase of population to be shown when possible.
9. Particulars of cultivated lands. Increase of cultivation since last settlement to be mentioned and details of areas occupied by each crop to be given
10. Diluvion and alluvion
11. Proprietary and cultivation classes
12. Classification of tenants particulars of areas (a) total and (b) cultivated held by proprietors and tenants average area of raiyati hodings aggregate rents fixed by Revenue Officers average rent rates abwabs found in existence but omitted from the record tenant rights and their incidents specially those of under raiyats effect of legislation regarding the transferability of occupancy holdings extent of the application of section 26F of the Bengal Tenancy Act salami paid on settlement of lands : produce tenancies etc.
13. General condition of the people and indebtedness of agriculturists
14. System of agriculture. In the case of winter and autumn rice the proportion of areas in which the crop is transplanted and in which it is sown broadcast to be estimated.
15. Principle products
16. Trades and manufactures possibilities of economic developments
17. Village customs including customs as to payment of village officials
18. System of zamindars accounts.

**II- Fiscal History**

A- Where a settlement of land revenue is being made.

Under this head should come-

1. A Brief account of previous resumptions and settlements and their effects.
2. An account of the working of the settlement about to expire, with the revisions and alterations of demand found necessary and causes of such modifications.
3. Coercive processes which have been found necessary for the collection of the land revenue.
4. The extent to which proprietary rights have been affected by sale or mortgage or other mode of transfer during the term of the expiring settlement as far a ascertainable along with the amount so transferred and the price fetched.
5. The average price per acre the number of years purchase and the amount of purchase money per rupee of revenue.

B- Where a settlement of land revenue is not being made the following information should be given under head II:-

(i) Number and area of estates under settlement effect of partition and transfer.

(ii) Important changes since the Permanent Settlement whether the estates are held by resident or non-resident proprietors and are managed direct or let in farm permanently or temporarily extent and character of sub-infeudation extent of rack renting if any chaukidari chakran lands and lands of similar description if any

(iii) Comparison of land revenue and rents comparative incidence of revenue and raiyati rent total reals payable by cultivating tenants and total revenue in important estates middle mens profits and the incidence of profits per acre and value of property regularly of payment of total revenue and effect of sale laws.

III- An Account of the survey and settlement operations under the heads of survey record writing attestation methods and principles of settlement of rents case work and publication with a specification of the law and a citation of important notifications and orders under which the operations were conducted.

IV. Comparison of the condition of the tract as regards rentals before and after survey.

This should include a statement of the former and present recorded rentals with an account of the rise in rental ascertained to have taken place during the settlement distinguishing so far as can be done-

1. the increase of assets due to extended cultivation or alluvion
2. the increase due to introduction or extension of irrigation
3. the increase due to rise of the rent rate on any class of soil other than that caused by irrigation and
4. Decrease on account of dilubion.

V- Financial results including approximate division of expenses under the heads

Traverse survey reproduction of village maps, boundary, marks, cadastral, survey, khanapuri, initial recess bujharat attestation objections under section 103A final office work including (a) statistics (b) janch (c) preparation of map and (d) copying or printing computation and recovery of costs supervision supplies and services and contingencies and control.

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| Synopsis | 542. Each final report on a major settlement should conclude with a synopsis of the various recommendations made in other parts of the report with references to the paragraphs in which they are discussed. They may be dealt with in the following order:-  (1) Local i.e. recommendations applying to the particular district and its administration (department by department)  (2) General- (a) regarding (defects in) the (tenancy) Law :  (b) regarding (defects in) settlement procedure:  (c) Miscellaneous. |  |
| Major settlement | 543. Every final report on a major settlement should contain a careful accounts of the extent to which tenants of the cultivation classes have been reduced if at all to the position of under raiyats or landless laborers and of special causes if any contribution to this result. If there are aboriginal tribes in the district the report should contain an account of the extent of their expropriation if any measures taken to check it and the extent of success achieved. The adequacy of the provisions contained in chapter VIIA of the Bengal Tenancy Act should be examined and improvements if any suggested. |  |
| Longth of final report | 544. The final report should not exceed a limit to 120 pages excluding the appendices without the previous sanction of Government. This limit is a maximum and may be allowed only in the case of a district where no previous report exists. |  |
| Index and glossory | 545. Every final report should have an index and a glossary of all vernacular terms used in it. |  |
| Minor operation | 546. In minor operations information regarding extraneous matters should be reduced to a minimum. In all operations other than district operations the report should be accompanied by a list of the villages in each estate with their respective revenue survey jurisdiction or other numbers areas and the areas settled the parganas and thanas within which they are situated and the dates of final publication., The terms of settlement and the date from which it takes effect should all be mentioned in the report. It should also be noticed what arrangements are found existing or have been made as to the dates of payment of instalments of rent and revenue whether they are adapted to local agricultural conditions such as the number and description of crops and the period of harvests and whether they have been fixed in consultation with landlords and tenants. |  |
|  | 547. In the case of final reports dealing with small estates etc separately which are not required to be submitted to Government it will suffice for the final report if a history of the settlement and its results in all its different aspects and the village note with the statistics therein are prepared for the area or estate. | Final reports dealing with small estates individually. |
|  | 548. The statistics required for final reports in major and in minor operations are contained in Chapter XI of this part. Other statistics may be given but the forms prescribed should be practically followed. | Statistics |
|  | 549. In the case of resumed estates the settlement report should be accompanied by the resumption decree. When the settlement is of a resumed revenue free estate and comprises subordinate rent free tenures it should be certified in the report that the prescribed notices were duly issued and the cases disposed of under the provisions of section 5, Regulation IX of 1825. | Resumed estates |
|  | 550. In settlement reports and returns whenever the rate of rent is mentioned the calculation should not be made on the local bigha but according to acres. If it is necessary to quote an area in local measure the equivalent in acres should always be stated. | Adoption of standard of acres in reports and returns. |
|  | 551. In preparing their annual and final reports Settlement Officers should be careful to avoid the use of fractions of acres and rupees and should further avoid the use of uncommon vernacular expressions or when used should explain them or give their English equivalent. | Avoidance of fractions and vernacular expressions in settlement reports. |

**Chapter XIX - The Deposit of Settlement Records in the Collectorate Record Room**

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| Records to be made over to the Collector | 552. The records to be made over to the Collector in major operation consist ordinarily of the following:-  (a) Volumes containing record of rights  (1) Final record  (2) Collectors second copy (with map)  (b) Thanawar volumes of final maps (with an index showing the number of sheets in each village)  (c) Copies of record of rights and plot indexes  (1) For sale  (2) For Khas mahal Department relating to Government estates and temporarily settled estates under khas management.  (d) Copies of final maps-  (1) Sexteen inch (for sale or use by Government officers)  (2) Mark maps  (e) Mauza files  (f) Case work records-  (1) Boundary disputes  (2) Section 103A  (3) Section 105, section 106 and section 108 or section 115B  (4) Section 109C  (5) Section 104  (6) Certificate  (g) Case work Registers  (h) Volumes or Registers containing statistical and other information  (i) Important correspondence rules and general orders  (j) Court fees Account and Miscellaneous Registers  (k) Volumes of traverse data (vide rule 298)  (i) Khasras bound in volumes with Shabekhal list showing on the outside the names of the district thana jurisdiction list numbers and village names. Provided they are bound serially more than one mouza may be included in one volume.  In minor operations when the record is not printed the map will be placed in the copy of the final record and items (a) (2) (b) and (c) (I) and (2) will not exist. | | Avoidance of fractions and vernacular expressions in settlement reports. |
| Records to be made over to (1) Munsifs  (2) Sub divisional Officer | 553. When the record is printed one copy of the record (with map) will also be made over to the Munsifs and another to the Sub divisional Officers (including the Sadar Sub divisional Officer. | |  |
| Accommodation for records | 554. As soon as possible the Settlement Officer should in form the Collector and the judge of the amount of accommodation likely to be required for the records to be deposited with the Collector the Sub divisional Officers and the Munsifs so that the necessary accommodation may be provided in the different record rooms by them in time. | |  |
|  | 555. The working copies of the record the detailed milan khasra etc will be destroyed or disposed of as waste paper by the Settlement Officer when no longer required by him. When these records are sold as waste paper care should be taken to cut them in such a manner as to preclude the possibility o use for fraudulent purposes. | | Destruction of working copies. |
|  | 556. Loose copies of the record when printed including khatians and plot indexes and the maps will be made over after counting to the Collector for sale or use by Government Officers. | | Deposit of copies for sale or use by Government Officers. |
|  | 557. (a) One copy of the printed records with plot indexes will be made of revsional settlement in futurer.  (b) Two copies of the record with plot index relating to Government Estates under Khas management will be made over to the Khas Mahal Department. | | Deposit of records for revesion or with Khas Mahal Department |
|  | 558. Village notes if any village rent notes nal (laggi) memoranda and important notes and orders will be arranged with a fly leaf for each mouza in bundles or bound together in one of more volumes according to the thana serial number of the village. The records of section 109C and section 103A cases will be separately preserved. The remainder of the attestatin file cercle notes and halka notes will be destroyed. | | Mauza or volume |
|  | 559. Boundary disputes will be arranged serially in bundles according to the serial number in the Boundary Dispute Register. They will be shown thanawar in the first page of this register. | | Boundary disputes |
|  | 560. Section 103A objections will be bound in volumes and page numbered with a list of the thana (jurisdiction) numbers and the names of villages and the total number of objections in each village. Notices should be taken out and destroyed. The thana and jurisdiction numbers will be shown on the outside of the volumes. | | Section object |
|  | 561. Cases under sections 105 105 and 109C will be arranged serially in accordance with the General Register numbers and those under section 115B in accordance with the Register numbers. On the outside of the General Register of section 105 and section 106 cases the numbers of the cases contained in the volume will be shown e-g, 150-200 | | Cases after public |
|  | 562. Case-record relating to the settlement of rents under section 104 and of land revenue are A papers and will be handed over to the record keeper for placing in the Collectorate estate bundle. Notices not proscribed by law or by the Government rules may, however, be taken out and destroyed after final publication. | | Settlement of land revenue. |
|  | 563. Diara records of each estate should be made over to the Collector separately to be placed in the estate bundle. The proceeding for the whole river will be placed with the estate of the lowest tauzi number on the river but the report of every estate will have endorsed on it a reference to where the proceeding can be found. | | Diara records. |
| Certificate cases | 564. Certificate cases for higher sums than Rs. 5 in which objections have been preferred and disallowed or sales of immovable property held will be handed over to the Collector in bundles arranges according to the serial number in the register. The remainder will be destroyed. | |  |
| Certificate cases | 565. The following case Registers will be made over to the Collector:-  (1) Register of Boundary Disputes and Appeals.  (2) General Register of Section 105 Cases  (3) General Register of Section 106 Cases  (4) Mauzawar Register of Secton 105 Cases.  (5) Mauzawar Register of Secton 106 Cases.  (6) General Register of Section 108 Cases  (7) General Register of Cases under Section 109.  (8) General Register of Execution of Decress for Costs  (9) Register of Result of Appeals in  Cases.  (10) Camp Register of Section 103 A Objections.  (11) Register of Section 115B Cases.  (12) Register of Fines and Fine Appeals.  (13) Certificate Register X. | |  |
|  | The first seven and the ninth registers will be preserved permanently and the rest for 12 years | |  |
|  | 566. The Following Statistical Registers will be made over bound to the Collector for permanent record:-  (1) Thana Statistical Register with which the thana notes will be bound.  (2) District Register of Tenures when prepared  (3) Tenure Trees when prepared  (4) Estate Registers (Mauzawar and Estatewar) when prepared.  (5) Registers 6 and 6A (in Form 88)  (6) Any other important statistics which may have been prepared during the operations. | |  |
|  | 567. The more important correspondence will be preserved together with the Settlement Rules and important general orders. This will be handed over to the Collector for permanent record with and Index Register of the same in three parts Correspondence Rules and General Order with a note on the first page showing the pages devoted to each part. This Register will give particulars of al letters preserved and the subjects dealt with. The remainder will be destroyed. | |  |
|  | 568. The following Registers etc will also be handed over to the Collector:- | | Court fee Account and Miscellaneous Register |
|  | The Index Register of important correspondence  Register of village records deposited in the record room  Register of Revisional records  Register of Registers etc  Acquittance Rolls  Bill Book | (To be preserved  permanently) |  |
|  | General Cash Book and Disbursement Certificates (to be preserved for 25 years | |  |
|  | Court fees Register  Contingent Register  Stock Books  Register of Indirect Charges  Accountants Subsidiary Registers  Treasury Pass book  Files of chalans for money credited at the treasury \Guard files of copies of bills for temporary and contract establishment.  Recovery Demand Registers  Recovery Treasury Pass book  Certificate Sale Register  Register of claims to money in deposit after sales.  Certificate deposit and repayment register.  And the Subsidiary Registers for Bills for job Work pay (to be preserved for three years) | (To be preserved  permanently) |  |
|  | 569. (1) The Settlement Officer will prepare the following Register of village Records as far as may be possible in the form below after consulting the Collector. The Sadar Subdivisional Officers copy of the records will be entered in the Collectors Registers. The other Subdivisional Officers copies will be entered in registers of the same form. | | Settlement Officers Registers of records maps etc to be made over. |

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| Thana No | Name of mauza | Final records | | | Collectiors second copy and subdivisional Officers copy | | | Mouza bundle (or volume) | | | |
| Volumes | Rack No | Shelf No | Volumes | Rack No | Shelf No | Volumes | Rack No | Shelf No | Statement |
| *1* | *2* | *3* | *4* | *5* | *6* | *7* | *8* | *9* | *10* | *11* | *12* |
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|  | (2) He will also hand over to the Collector his Mauzawar Registers of saleable settlement records and maps. The Collectorate Record Keeper after inspection of the stocks will prepares the Registers of maps and saleable records prescribed by Government (vide Appendices O and W) From these Registers:  (3) The Settlement Officer will also prepare a Register of revision records : and  (4) A Register of Case work Registers Statistical Registers the Miscellaneous and other Registers and Volumes of Traverse Data and Section 103A Objections with columns for the number of papers or volumes date of receipt and signature of the Record Keeper and proposed data of destruction. Registers to be maintained permanently should be entered in one place and those to be maintained for 25, 12 years or shorter periods in other places Sufficient space should be left between each entry to allowed several entries as regards rack and shelf number. | Settlement Officers Registers of records maps etc to be made over. |
|  | 570. (i) On receipt of the volumes of the final record the Collectorate Record Keeper will satisfy himself:-  (a) that the different portions of the record are actually in the volume as shown in the fly leaf : and  (b) that it contains the certificate of final publication signed by a Revenue Officer and the list of authorised correctors made before final publication similarly signed In the Collectors second copy and the Sub divisional Officers copies he will merely check the receipt of the volumes and maps  Note- The mufassal Sub divisional Officers copies of the records will checked on receipt there by the respective Sub divisional Record Keepers in the manner laid down at (a) and (b) above for the check of the final records. The certificate of final publication on these volumes will be a copy signed by the Record Keeper under rule 183  (ii) The Record Keeper will have all the maps made over to him for sale and by use by Government officers counted and will check the khatians and plot indexes for sale against the Register  (iii) He will check the number of revision records against the Register.  (iv) The mauza bundles or volumes must be checked against the fly leaves. They will be kept permanently.  (v) Case records must be checked against the registers and against the fly leaf of each file and treated in accordance with the High Court rules.  (vi) Section 103A Objections will be checked against the lists attached to the volumes  (vii) Records of section 116B and section 109C cases and of section 103A Objections will be treated as B papers and destroyed after 12 years.  (viii) The other volumes registers and papers will be simply counted and checked against the lists supplied by the Settlement Officer. |  |
|  | 571. The bound volumes of the record the village maps and the thana Statistical Registers should be placed in the Collectorate record rooms where they will be easily accessible. | Location of final records in the record room |
|  | 572. Arrangements for making over records etc, to the Collector will be made as soon as after the commencement of case work as possible. The sanction of Government is required for the temporary establishment to be entertained for this purpose It will ordinarily include besides the staff required for taking over records a record keeper and an assistant record keeper and two duftries The latter establishment should be recruited from the settlement staff. It will be retained after the records have been made over and the cost will be provided from the Collectors budget. The scale of the establishment required for taking over the records is indicated in Appendix W (I). | Arrangements for making ovdr records. |

**Part III- Settlement of Land Revenue**

**Chapter I - Preliminary Instruction for settlement of Land Revenue**

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|  | 573. The chief object of a settlement of land revenue is the determination of the amount of revenue payable by proprietors tenure holders and raiyats directly to Government whether under the denomination of revenue or rent. All payments made to Government as the paramount power are revenue while such payments if made to Government as landlord are "rent'' and also "revenue'' within the meaning of clause (d) of section 101 (2) Benal Tenancy Act. The general principle to be followed in such a settlement are that wherever the relationship VII of 1822 should be applied to fix the revenue and in all other cases where the statutory relationship of landlord and tenant exists the rent [which is also revenue within the meaning of section 101 (2) (d) Bengal Tenancy Act] should be settled under Chapter X Bengal Tenancy Act | Settlement of land revenue |
|  | 574. The revenue of the greater part of the territories subject to the Governor of Bengal having been fixed in perpetuity by the Regulations of the Permanent Settlement is not liable to alteration or re settlement. | Land permanently settled. |
|  | 575. The following lands are however liable to assessment or reassessment and settlement of land revenue. They may as far as regards proprietary right be divided into two classes first those in which the proprietary right vests in Government and second those which are the proparty of private persons.  I. The proprietary right vests in Government in the case of the following lands:-  (1) Waste lands which have never been settled  (2) Lands escheated in default of legal heirs or claimants  (3) Lands forfeited to Government for certain offences against the State  (4) Islands thrown up in navigable rivers. (under certain conditions such islands belong to Government by law-see chapter VII of this part).  (5) Lands purchased by Government  (6) Lands acqired for public purposes.  (7) Lands appropriated by zamindars for the maintenance of thanas or police establishments (other than resumed chaukidari chakranlands. which are not detached from the estate to which they formerly appetained) when resumed in consequence of the proprietors having been relieved of police duties (see clause 4 section 8 Regulation I of 1793).  (8) Land annexed by conquest when proprietary rights have not been recognized as vesting in private individuals.  (9) Land not included within the limits of an estate at the time of Decennial Settlement and in which Government proprietary right of any individual.  (II) The proprietary right vests in private individuals in the case of the following lands which may come under settlement-  (1) Lands the land revenue of which has been temporarily settled with the proprietors.  (2) Resumed revenue free lands.  (3) Resumed towfir lands which at th period of the Decennial Settlement were not included within the limits of an estate for which a settlement was concluded with the owners but in which Government has subsequently recognized the proprietary right of some individual.  (4) Alluvial accretions to temporarily or permanently settled estates. | What lands are liable to settlement |
|  | The process of settlement however is not materially affected by the class to which the estate belongs in respect of proprietary right. That question has an important bearing on the calculation of the Government share in the assets and on the selection of the person to be held responsible for payment enquiry into amounts of current rents or rates of rent and the process of record of the rights and interests of tenants are not affected by the class of the estate i.e. whether Government or private. |  |
| Waste lands | 576. (1) The rules in this Manual do not apply to settlements of waste lands (such as the Sundarbans or the Darjeeling Terai) which are governed by the rules for the waste land grants (see Waste Lands Manual). But they apply to waste Lands comprised in and forming part of an ordinary estate or tenure which are settled as parts of such estate or tenure and not according to the waste land rules. |  |
| Bargadagi system | (2) The method called the "Bargadagi'' system of survey should be adopted in initial raiyatwari settlements of Government char or waste lands wherever there are no strong reasons to the contrary. This system is explained in Appendix Q. |  |
| Classification of land revenue settlement | 577. As regards the laws and procedure under which they are conducted land revenue settlement can ordinarily be divided into three classes:-  (1) Settlement of rent under Chapter X of the Bengal Tenancy Act, coupled with the settlement of land revenue under the Regulations.  (2) Settlement of land revenue and the record of existing rents under the Regulations when it is decided not to take action under the Bengal Tenancy Act. In such cases rents of occupancy raiyats can only be enhanced by contract under section 29 of the Bengal Tenancy Act.  (3) Summary settlements of land revenue merely in lump sums without a record of raiyats rents or rights. |  |
|  | In Darjeeling the Bengal Tenancy Act is not in force and rents can only be enhanced under Act VIII of 1879 read with Act X of 1859. |  |
|  | 578. It has been orderedby Government that unless there are special reasons or the tract is unoccupied the first method of settlement of land revenue should ordinarily be adopted. | Settlement of the first |
|  | The sanction for this settlement is to be found in Regulations VII of 1822 IX of 1825 and IX of 1833 as regards the settlement of land revenue with a settlement holder and in the Bengal Tenancy Act and the rules made by the local Government under that Act as regards the settlement of fair rents. |  |
|  | 579. The second method is sufficient to enable a record of existing rents and rights to be prepared and to provide for the determination of the land revenue demand. It is not however possible to enhance rents except by registered agreement (if permitted by the provisions of the Bengal Tenancy Act) or to make the record as authoritative as a record of rights prepared under Chapter X of the Bengal Tenancy Act. | Settlement of the second class. |
|  | This procedure should be adopted only in cases where it is not intended to enhance existing rents or where it is intended to enhance them only by registered agreement where such enhancement is permitted by the provisions of the Tenancy Act. |  |
|  | 580. Settlements of the third class include-  (a) Settlements of uncultivated and unoccupied lands i.e. colonisation by the Collector as landlord (vide Part IV Chapter VI)  (b) Settlements by contract of alluvial lands such as an island thrown up in a navigable river of which possession is taken on behalf of Government. Such lands may be leased to a farmer for grazing purposes for a term of years at a lump rental if the lands are not yet fit for cultivation  (c) Summary settlements under the Regulations continuing previous engagements. | Settlement of the third class  Colonisation |

**Chapter II- Resumption proceedings or Assessment to Revenue or Rent of Lands held Revenue free or Rent free**

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| Powers of resumption and assessment | 581. (a) When a settlement of land revenue is being made and proceedings under Chapter X of the Bengal Tenancy Act have been initiated the Revenue officer is bound under section 104 (b) of the Act to settle a fair rent for any land in respect of which he has recorded that the occupant is not entitled to hold it without payment of rent. Under section 191 of the Act he may in certain cases when settling land revenue settle a fair rent for any tenancy held rent free not withstanding any contract between the landlord and the tenant.  (c) If land is claimed free from assessment of land revenue as well as of rent and if the Settlement Officer thinks that the title is invalid and that Governments claim to assess revenue is not barred by limitation he should apply to be invested by Government with powers to take action under Regulation II of 1819 and IX of 1825 and should then proceed under these Regulation. |  |
| Proceeding under what Acts to be taken. | 582. Proceeding to resume and assess holding or tenures which the occupants do not hold as squatter but claim to have a right to hold without payment of rent or at a rent fixed for ever should be taken under Regulation II of 1819 and IX of 1825 as modified by Regulation VII of 1822 to take action in regard to such tenures they must by vested with the powers of a Collector under Regulation IX of 1825. |  |
| Notice to be issued when proceedings taken under the Regulation. | 583. The settlement Officer should in al cases in which it is proposed to take action against such tenancies issue the notice prescribed by clause 2 section 5 Regulation IX of 1825. After the expiration of the time specified in the notice he should issue a fresh notice under clause 4 of the same section and take up the claims in the manner enjoined by law. |  |
| Title to be held rent free when admissible. | 584. If the rent free or mokarrari title appears to be unimpeachable the facts should be reported to the Commissioner who will review them and record a proceeding which will form part of the settlement record. If the Commissioners proceedings will be taken, the tenancy will be admitted to be rent free or mokarrari. Under Regulation I of 1829 Commissioners exercise the powers conferred on the Board The above quoted regulations. |  |
| Procedure if title is invalid. | 585. If in the opinion of the Settlement Officer the title is invalid he should report the case for the orders of the Commissioner and on receipt of orders confirming his decision he should proceed to assess it under sections 21 and 22 Regulation II of 1819 as modified by section 10 Regulation III of 1828. |  |
| No procedure to be taken if barred by limitation. | 586. No tenancy should be brought under assessment in the course of settlement proceedings where the facts show that a civil suit for resumption would be barred by limitation. |  |
|  | 587. No tenancy therefore which has been held rent free or at a fixed rent since the Permanent Settlement can how be assessed and no resumed tenancies are entitled to the favorable terms of settlement prescribed by clause 2 section 8, Regulation XIX of 1793. If in any case however the Collector or settlement Officer thinks that favorable r4ates of settlement should be granted to the holder of a resumed tenancy he should report the case specially for the orders of the superior revenue authorities. | Resumption barred in curtain cases. |
|  | 588. In escheated forfeited and other such estates where Government merely steps into the rights of a former proprietor the provisions of clause 6, section 2, and of the thirty three following sections of Regulation VII of 1822 are made applicable by clause 2, section 2, Regulation IX of 1825. but the provisions of that regulation and of Regulation II of 1819 cannot be employed in such estates for the resumption of rent free and other tenancies under 100 beghas. The Collector must in such cases proceed by civil suit and the onus is on him to show that at some time since the Permanent Settlement the tenancy formed part of the revenue assets of the estates and that the suit is not barred by the law of limitation under section 28 of Act XV of 1877. | Procedure in estates acquired by Government . |
|  | 589. On the occurrence of resumption cases in settlement on a small scale. it will be sufficient to enter them in the Collector's Register No 8 of Miscellaneous Cases. The third heading of that register "Abstract of case'' will admit of entry of all the details which were shown in the headings of old Register 3 (i.e. date of the Boards sanction to the institution) As the Boards sanction to institution of resumption proceedings is no longer required heading 6 of closed Register 3 need not be reproduced in the "Abstract of Case'' When settlement proceedings are undertaken on a large scale. it will be desirable to make a separate statement in the form of the closed Register 3 of the resumption proceeding conducted in connection therewith.  \* The main headings of closed Register 3 were names of parties including claimants date of institution of case names of pargana and village and area of land how the case originated date of Boards sanction to the institution date and purport of Collector's opinion date and purport of Commissioners order. | Procedure in minor settlement |

**Chapter III- Land revenue demand and determination of assets and allowances**

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| Classification of demand | 590. The land revenue demand is differently constituted and may vary in amount according to the class of settlement, i.e-  (A) Where the assessment is made on proprietors under Regulation VII of 1822  (B) Where Government is the proprietor and revenue or rent is assessed on tenure holders or on the raiyats of khas mahals direct.  (C) Where Government is the proprietor and the revenue or rent is assessed under Rule 595 on a tenure holder or other lease holder whose relations with Government are fixed by a special. |  |
| Assets in proprietary estates | 591. In the case of class A the assets are (i) the rents payable by raiyats to the proprietors or to tenure holders (ii) the fan rent assessed on land hold in direct possession by tenure holders if any (iii) the annual value fixed by the Settlement Officer on land held by the proprietor in direct possession if any (iv) miscellaneous item of income (sair) such as jalkar phalkar hat dues and the like. Rights in minerals are not included in the assets. The State has reserved to itself full rights in minerals. A clause in the prescribed form reserving these rights should always be inserted in the kabuliyats taen from the proprietors for farmers in temporarily settled estate (vide Appendix N) |  |
| Assets in Government estates. | 592. In the case of class B the assets are the rent fixed as payable by the raiyats or in case tenure holders intervene between Government and the raiyets the rents fixed as payable by them which are based on the assets of the tenures as laid down in Rule 591. In case of class C, the assets will be determined according to the nature of the contract. |  |
| Authorised allowances. | 593. In the case of the first class of settlement it is necessary before calculating the land revenue demand to exclude from the assets any authorised allowance such as those for embankment repairs patwaris and the like unless in the case of embankment repairs an additional percentage of the gross assets is allowed for that purpose. If it is necessary to make provision for the maintenance of village police. as may still be required in some estates the District Magistrate will on application inform the Settlement Officer whether the provision should be in land or money and what numbdr of police are required for each village and the Settlement Officer will make provision accordingly deduction the amounts from the assets. |  |
| Land revenue demand in estates settled with proprietors | 594. In estates which are not the property of Government other than resumed revenue free estates (assessed in accordance with clauses 2 and 3 of section 8 of Regulation XIX of 1793) the land revenue demand will be assessed by dividing the assets after deduction of the allowances referred to in the preceding rule between the proprietor and Government in such proportions as the Government may from time to time direct. In resumed estates settled with the proprietors and in settlements of alluvial accretions. settled with the proprietors of the parent estate a consolidated allowance of 30 per cent after deducting the authorised allowance if any referred to in rule 593 has been prescribed (vide letter No 1917 dated the 8th September 1874 from the Government of Bengal in the Revenue Department to the Board of Revenue). |  |
|  | 595. In an estate the property of Government where there is a tenure holder or other lease holder whose relations with Government are fixed by any special contract the land revenue will be assessd under the appropriate Act or Regulation in accordance with the conditions of that contract and the orders of Government then recorded. if any. It will not be settled under the Bengal Tenancy Act. | With special tenure holders. |
|  | 596. In Government estates where there is no such tenure holder as described above and other where settlement is made direct with raiyats or tenure holders the land revenue demand will be the fair rents settled under the Tenancy Act on all tenancies held direct under Government. | With raiyats or tenure holders |
|  | 597. In Government estates when such estates are not held under direct management but settled with a farmer or in the case of estates let in farm in consequence of the refusal of the proprietor to accept settlement the land revenue including malikana will ordinarily be the asests less 20 percent allowed fro collection expenses and farming profits after deducting in the case of proprietary estates let in farm the authorised allowances if any referred to in rule 593. | With farmers |
|  | 598. If in any particular case looking to the allowance hitherto made in the particular estate under settlement or for any other good reason the allowances as fixed above appear to be unduly high or low the Board or Government may at their discretion alter the allowances should be liberal and such as to content the farmer or proprietor concerned and to leave him no excuse for attempting to levy irregular exactions. | Consolidated allowances may be varied. |
|  | 599. The allowances will ordinarily be divided between the proprietors and tenure holders if any having regard to any special conditions of the tenures which may be binding on Government. | Distribution of allowances |
|  | 600. Progressive enhancements are not to be based on prospective improvements bu are to be treated as the natural mode of easing off the harshness of a large and sudden rise in the demand. | Progressive enhancements. |
|  | 601. The following rules have been laid down for the exemption from assessment of improvements made at private expenses in Government and temporarily settled estates. | Rules for exemption in case of improvements. |
|  | 602. In settlements temporarily settled estates the Settlement Officer will prepare for every village a list of the improvements which have been made at private expense by the proprietors or settlement holders including improvements which have been made with the aid of a loan from Government. This list shows-  (a) the nature of the improvements;  (b) the area of the land benefited thereby;  (c) the cost of the improvement initial and recured  (d) the estimated annual value of the land to the improvement (1) before the improvement and (2) after it was made. | Rules for exemption in case of improvements Lists of improvements. |
| Calculation of term of exemption and certificate. | 603. The Settlement Officer will calculate in respect improvement the number of years within which the improvement will be able to recoup his outlay thereon with interest at the rate of 6percent. per annum increase in the value of the land due to the land due to the improvement fix the period of exemption as a term of years 50 percent excess of the number of years thus arrived at subject minimum of 30 years. A certificate regarding the period exemption shall be granted to the maker of the improvement. |  |
| Tenure holders | 604. In the case of tenure holders in Government same principles will be followed in respect of the exempt improvements from assessment as in the case of proprietors temporarily settled estates. |  |
| Raiyats | 605. No enhancements are claimable for improvement by raiyats under the Bengal Tenancy Act. Where that not in force the same principle should be observed. |  |

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| Exclusion of certain kinds of lease. | 606. The preceding rule will not apply to raiyats under a lease or contract falling under provisos (i) and section 178 of the Bengal Tenancy Act. In such caser the improvement of improvements will be governed by the conditions lease or contract or by the law or custom applicable to the or by the rules. if any sanctioned by the proper authority estated.  Note:- The term "improvements'' means improvements as defined in of the Bengal Tenancy Act. |  |
| Malikana | 607. The allowance for malikana is regulated by clauses (2) and (3) of Regulation VII of 1822 and should as follows-  (i) Settlement is to be offered to the proprietor of the all cases except where as contemplated by the last clausetion 3. Regulation VII of 1822 it is considered inexped do so. Such cases are to be specially reported to the Board will refer them for the orders of Government.  (ii) If settlement is not offered as above to the would be otherwise entitled to it he shall receive amounting to not less than 5 per cent. on the net amount. Government from the lands which under the last section 3 pf Regulation VII of 1822 may either be held is let in farm. The percentage whichit is proposed to allow reported to the Board. It shall not except with the sanction of Government exceed 10 per cent vide section proviso G. Regulation VII of 1822. The percentage at which amount of malikana is to be allowed shall be fixed at the settlement but the annual amount to be paid to the proprietor will be adjusted yearly when the actual receipts cost of collection have been ascertained.  (iii) When settlement is offered to the proprietor and he has been called upon to state and has stated the highest amount of revenue for the payment of which he is willing to engage the allowance of malikna eill if his offer is not accepted ordinarily and in the absence of special reasons to the contrary be 10 per cent. of such amount (vide section 5 (3) proviso I, Regulation VII of 1822).  (iv) If the proprietor fail to specify any amount, the allowance will ordinarily and in the absence of special reasons to the contraty be 5 per cent of the net revenue derived by Government from the estate on account of the year preceding that in which the proprietor was called upon to specify an amount. The net revenue derived by Government will be ; (a) the annual revenue paid by the proprietor during the last settlement. if the estate was held by the proprietor (b) if it ws held in farm the amount paid by the farmer for the year preceding that in which the proprietor was called upon to specify an amount or (c) if held khas the actual amount realised from the tenants for the period specified in (h) less the cost of collectin (vide sectin 5 (3) proviso II, Regulation VII of 1822) to be ordinarily calculated at the rate of 10 per cent of the rent roll of the year preceding that in which the requisition is made.  (v) It is of great importance that there should be no delay in calling upon proprietors ot specify the sum at which they will take settlement in order that the amount of malikana may in the case referred to in clause to be fixed upon the revenue of the estate as it stood in the year before that in which the new settlement came into effect. |  |
| Exclusion of certain kinds of lease. | 608. In temporarily settled areas that are under resettlement of land revenue the Collector will furnish the Settlement Officer with details of all existing separate accounts. The Settlement Officer will report to the Collector for such action as the Collector may deem necessary under section 74A of Act VII (B.C) of 1876 all cases in which separate accounts opened do not represent existing facts e.g. where a separate account has been opened under section 10, Act XI of 1859 in respect of a share in a joint undivided estate and the Settlement Officer finds that the parties have subsequently made a private partition of the lands of the estate and the separate account holders is in possession of a specified portion of the lands of the estate and the Settlement Officer finds that the parties have subsequently made a private partition of the lands of the estate and the separate account holder is in possession of a specified portion of the lands of the lands of the estate. In such cases calculation of the share of revenue payable by the separate account holder need not be made till further instructions are received from the Collector. The settlement Officer will prepare and include in his final report a statement showing the share of new revenue which would be payable by the holder of each separate account in the proportion which the assets of the separate account holder bear to the total assets of the estate. | Separate accounts of temporarily settled estates under resettlement |

**Chapter IV- Selection of Settlement holders**

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| Settlement officer to select | 609. It is the duty of the Settlement Officer vested with powers under Regulation VII of 1822 to determine with whom the settlement shall be made and to adjust the terms subject to revision by the superior Revenue authorities. The forms of leases to be executed are given in Appendix N. When any waste land in an estate is excluded from settlement under section 8, Regulation VII of 1822 or otherwise the appropriate form should be amended so as to exclude such lard from the lease. |  |
| Dofaulting estates not to be settled with proprietors | 610. The former proprietors of estates purchased by Government at a sale for arrears of revenue are not to be admitted to settlement as farmers unless it should clearly appear that the sale of the estate was not caused by any oppression or mismanagement on their part. |  |
| Private estate to be settled with proprietors | 611. The settlement of temporarily settled estates the property of private individuals is to be offered to the proprietors and careful attention should be paid to the provisions of section 10, Regulation VII of 1822. |  |
| Rosumed estates to be settled with proprietors. | 612. The settlement of resumed lakhiraj estates should as a general rule be made with the proprietors. |  |
| Excess lands to be settled with owner | 613. The settlement of excess or towfir land should be made as in the case of private estates with the party who may provehis right to settlement [vide Rule 361 (iv)] |  |
| Alluvial accretions to be settled with parent estate. | 614. The settlement of resumed alluvial should be made with the proprietor of the estate to which it is an increment. Such settlement is to be temporary unless otherwise desired by Government in any particular case. Whenever settlement is not made with the owner of the proprietary right he is entitled to malikana. |  |

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| Agreements or leases to provide for the construction of embankments cross bunds or dams | 615. In the case of the first settlement of a temporarily settled estate with the proprietor and in all cases of estates or lands let out on such terms as permit of the insertion of new conditions on renewal of the leases the agreements or leases should clearly provide that whenever the Collector will declare that construction of new or repairs to existing outer empankments cross bunds or dams or both are necessary for the protection of the lands of the estate or area under settlemetn the leasse shall make such construction or repairs according to the dimensions and specifications approved by the Collector and shall maintain them in proper repair to the satisfactions of the Collector who shall have power to inspect the works himself or through an officer july authorised by him. The lessee shall have however a right of appeal to the superior revenue authorities against the order of the Collector under this rule. |  |
| Issue of notice to the person entitled to settlement | 616. When all the arrangements for making a settlement have been completed the Settlement Officer will issue notice to the person entitled to settlement and call upon him to execute the kabuliyat. If the latter prefers any objection it must be considered and should be removed if practicable if however the objection is not valid the reasons for rejecting it should be recorded. |  |
|  | 617. When it is found necessary in consequence of the recusance of the party entitled to settlement to engage with other parties for the payment of the Government revenue or when in Government estates there is no tenure holder with rights of settlement preference should be given (1) to direct management by the Collector (2) to a framing settlement with one or more of the head raiyats of the estate (3) to a framing lease to an outsider. | Procedure in case of recusance and khas mahals. |
|  | 618. A Government estate should be kept under direct management:-  (i) whenever it si of sufficient area and sufficiently cultivated to justify the employment of a tahsildari establishment:  (ii) Whenever though not now yielding a revenue sufficient to cover the expense of such an establishment there is reasonable expectation that its gross rent could be increased to that amount by improvements extended cultivation or otherwise and  (iii) Whenever though not of itself coming within class (i) above it is so situated as to be capable of being incorporated with one or more similar estates under direct management so as to form a compact tahsildari circle. | When an estate should be held under direct management |
|  | If such direct management is impracticable and if it is proposed to let out the estate in farm care must be taken to secure the rights of the tenants before doing so |  |
| Security from farmer | 619. In farming out Government estates the Settlement Officer should exercise his discretion as regards the requisition of security with due reference to the means and character of the farmer. When the farmer is a person of known integrity and substance securities may be dispensed with. Sums due from farmers and their securities are recoverable under the provisions of Act III (B.C.) of 1913. As property situated in other provinces cannot be attached under this Act. Collectors should make certain that the sureties of farmers possess sufficient property within the jurisdiction of the Government of Bengal to make good the amount for which they undertake to become responsible. The form of the security bond is form No 4,Appendix N. This security should also be taken from famers in temporarily settled estates. |  |
|  | 620. It occasionally happens that the duty devolves upon a Settlement Officer of making a settlement of an undivided share of an estate or tenure which is the property of Government. It will often be convenient and unobjectionable to avoid the inconvenience to the tenants of having to deal with more than one landlord. | Settlement of undivided share of estates. |

**Chapter-V- Period of Settlement**

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|  | 621. No estate should be permanently settled. unless the holders have a clear statutory right to such a settlement. |  |
|  | 622. Under the orders embodied in the Board's Circular No 6, of January 1866 (reproduced below), all proprietors of resumed revenue free estates in permanently settled districts are entitled to permanent settlement:-  (i) It has been decided by the Government General in council that clauses 2 and 3 of section 8 of Regulation XIX of 1793 lay down rules for calculation the revenue to be fixed on resumed zamindari lakhiraj tenures and provide that if the proprietor agrees to the amount so fixed he and his heirs and successors shall hold the land at such fixed fevenue for ever. There is no power to make any reservation on account of any particular sort of profit or any one or more of resources of the land and no power to reserve a right of future increase on any account whatever. The jama must be assessed once and for ever as the whole demand of the State as its share of the profits and resources of the land of what soever description. The only way in which any enhancement above the first year's revenue is allowable is by the fixing of a progressively increasing jama which is allowable only when part of the land is uncultivated and must be definitely fixed at the time of settlement under certain reasonable restrictions.  (ii) In accordance with this construction of the law on the subject the Government General in Council has deliberately declared that "the proprietor of a resumeed lakhiraj estate in a permanently settled district is entitled to a permanent settlement thereof based on the assets as existing at the time of resumption''.  (iii) The Government General in Council has further resolved that these principles shall be applied immediately to the case of all resumed revenue free estates which under any different interpretation of the law are now settled for a term of years only instead of being settled permanently. |  |
|  | 623. The term of settlement of revenue with proprietors in the case of each regular settlement will be fixed by the confirming authority vide rule 631. Regard should be had to the rules below in fixing the term of settlement. They will indicate the shortest period for which it will ordinarily be expedient to settle the estate. |  |
|  | 624. When an estate the property of Government is to be held under direct management discretion should be exercised in fixing the period of a settlement with the raiyats subject to the provisions of the Tenancy Act and of Bengal Act VIII of 1879. Under the Tenancy Act the enhancement of the rents of tenures and occupancy holdings within fifteen years and of non-occupancy holdings within five years of a previous settlement or enhancement is inadmissible. Under Bengal Act VIII of 1879, rents are not ordinarily liable to enhancement for ten years. In ordinary cases the period prescribed by these Act, Should be adhered to the |  |

**THE BENGAL SURVEY AND SETTLEMENT MANUAL- 1935**

**Correction Slip No 82**.

Dated Calcutta the 15th March 1944

Appendix K. Part 1, pages 259 and 260- Substitute the following for the appendix:-

The following rules provide for the recruitment of Settlement Kanungos:-

* 1. Appointing authority- The Director of Land Records and Surveys, Bengal
  2. Method of appointment,-By selection from-

1. candidates nominated by the District Officers and the District Settlement Officer;
2. candidates nominated by the Director of Land Records and Surveys, Bengal himself; and
3. in exceptional cases approved District Kanungos in consultation with Divisional Commissioners.

In the case of (a) and (b) only candidates who have successfully undergone the prescribed training after selection will be eligible for appointment.

3. Qualifications-

(i) Age limits- In the cases of (a) and (b) 21 and 25 years, in the case of (c) 30 years.

(ii) Domicile: British subject permanently domiciled in Bengal or a Ruler or a subject of an Indian State declared eligible under section 262 (2) of the Government of India Act, 1935.

(iii) Character: Certificates from two responsible persons not connected with or related to the candidate in the case of 2 (a) and (b) only.

(iv) Physical fitness: Certificate of physical fitness for Government service in the prescribed form from a Civil Surgeon or a Presidency Surgeon.

Candidates must be fit to undergo hardship incidental to employment on field work.

(v) Minimum educational qualification- In the case of 2 (a) and (b) must possess an I.A. I.Sc. or I.Com. pass certificate.

4. Disqualifications-

(i) Canvassing in any form;

(ii) Disability arising from participation in undesirable activities;

Nominating authorities will satisfy themselves by special inquiries.

1. Communal representations: Appointments will be made according to the communal proportions laid down in the Bengal Services Recruitment (Communal Ratio) Rules 1940 as amended from time to time.
2. (i) In April each year the Director of Land Records and Surveys, Bengal will estimate the number of vacancies likely to arise in the ensuing year. Nominations will then be called for from the District Officers and the District Settlement Others. An advertisement inviting applications will be published in the Press. Nominations which will be made in the accompanying form by the District and the District Settlement Officers must reach the Director of Land Records and Surveys. Bengal by the 31st May.

(ii) For the purpose of nomination Calcutta will be treated as a separate district for which nominations will be made by the District Officer of 24 Parganas.

7. Candidates will in the first instance be selected for training. The total number of selections will ordinarily be 20 per cent more than the estimated number of vacancies likely to occur during the ensuing year. The District Officers and the District Settlement Officers will make 75 per cent of the nominations the remaining 25 per cent. being made by the Director of Land Records and Surveys, Bengal.

8. Selected nominees will be sent at their own expense to a major Settlement to undergo a course of training for two months. At the end of the training an examination will be held by the Settlement Officer in charge of the training and the trainees who will pass the examination successfully will be appointed according to merit as Settlement Kanungos on probation ofr two years on pay of Rs.75 a month. At the end of that period if they have rendered satisfactory service they will be confirmed as Kanungos and appointed in the scale of 90-5/2-100-10/2-180, sanctioned in Government Order No 9308L.R dated the 25th September 1941.

If the number of vacancies is less than that of trained candidates who have passed passed candidates who cannot be appointed in the first instance will be appointed in subsequent vacancies in accordance with Communal Ratio Rules.

**Form of nomination by District Officer and District Settlement Officer for the post of Settlement Kanungo.**

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| 1. | Name of candidate.............................................................................. |
| 2. | Religion (if a non Muslim, state if ......................................................  the candidate belongs to a scheduled  Caste. If so the name of the scheduled  caste should be given). |
| 3. | Date of birth........................................................................................ |
| 4. | Permanent residence of candidate.......................................................  (with name of post office and police station |
| 5. | Present residence of candidate (with ..................................................  name of post office and police station |
| 6. | Name and profession of candidate's father ......................................... |
| 7. | Education qualifications of candidate with dates of passing examinations....................................................................................... |
| 8. | School or schools at which the candidate studied ............................... |
| 9. | College or Colleges at which the candidate studied ........................... |
| 10. | Physique.............................................................................................. |
| 11. | Particulars of candidate's employment if any since leaving college together with the salary drawn in each appointment........................... |
| 12. | Is the candidate's present post if any a permanent and pensionable Government post or otherwise? .......................................................... |
| 13. | Name of relations if any Government service.................................... |
| 14. | General remarks of District Officer or of the District Settlement Officer................................................................................................. |

term of the settlement being fixed so as to correspond with the term for which the rents of occupancy with the term for which the rents of occupancy holding must remain unaltered. But the adoption of this term will not affect the right of Government to revise the rents of non-occupancy raiyats within that term or to assess additional rent for lands taken up by all classes of tenants in excess of the area originally settled with them. It may sometimes be unnecessary or inadvisable to exercise the right of revising non-occupancy raiyats rent at the end of every five years but care should be taken in all cases to levy a fair rent for excess lands brought under cultivation.

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|  | 625. In dealing with some char and diara lands, where land on its first appearance is often poor in quality but rapidly becomes more valuable by the deposit of silt and where the culturable area itself is liable to constant change and where fresh lands of great fertility are continually becoming available. the adoption of the term prescribed in the proceeding rule may be unfair to Government. In such cases therefore settlement may be made with the approval of the Director of Land Records and Surveys for a shorter term or from year to year for an indefinite period in order that Government may step in and enhance rents or add new rents whenever it is considered equitable to do so in accordance with the special provisions relating to char and diara which are contained in section 180 of the Tenancy Act.  In the cases of the first settlement of island formations however the orders of the Board should be obtained in accordance with section 3, Bengal Act IV of 1868. | Term of settlement in char lands |
|  | 626. On the other hand when the raiyats are persons of substance and the land is in such condition that no further improvement is to be looked for without the outlay of capital leases may be longer than the normal period. When the land is overrun with jungle and much labour is required to clear it long leases may be given. In leases for cutting jungle (as distinct) from leases for reclamation and cultivation) grazing gathering jungle produce etc. The accrual of occupancy rights can be barred in the contract until the expiry of the lease under section 178 of the Tenancy Act and a clause to this effect barring the right to cultivate should ordinarily be inserted. | When long lease may be given. |
|  | 627. When settlements are made direct with the raiyats or tenure holders of a khas mahal no leases or kabuliyats are necessary but copies of the record of rights are given to the raiyats. An exchange of pattas and kabuliyats should however be made in the case of tenure holders who have special liabilities or special rights or when necessary in the case of tenants of any other grade. If leases are given to non occupancy raiyats or to tenants of town lands they should be given in the forms prescribed in the Government Estates Manual. | When leases are required. |
|  | 628. (i) Where it can be avoided the system of letting Government estates in farm is to be deprecated. If a farming lease is given at all, the lease should be for a period of not less than 15 year;  (ii) In the case of temporarily estates, the proprietors of which are recusant at a resettlement of revenue it may owing to the scattered position of their estates or to their aggregate rental being insufficient to justify khas management be impossible to avoid letting them in farm. The recusant proprietor should then have the right of re entry at the expiry of the lease whatever its period may be. The period of such leases as may be given should not in view of the Government General in Council exceed ten years. In the case of such estates held under khas management an offer of settlement should be made ot proprietor after a period nt exceeding ten years.  (iii) A careful selecetion of settlement holders should be made the auction system should be tempared of selection. the highest bidders not being always allowed the farm as a matter of course and no farmer who has once defaulted except for causes beyond his control should ever again be granted a farming lease.  (iv) The deposit of a year's rental in advance should be insisted upon where practicable at all events a sufficient realisable security should always be taken.  (v) The Board deprecate the cancelement of farming leases before the expiry of their term owing to the worry involved to everyone cencerned but when leases expire or are cancelled it should be fully considered whetever khas management cannot be resorted to with advantage as the circumstances which led to the preference of the farming ovdr the khas system may have materially altered during the currency of the farm lease.  (vi) the Sunset Law cannot be legally applied either to private estates leased to farmers (the owners of which have a right of re entry on expiry of each farm leas) or to estates the property of Government similarly leased out. As regards cancellation of farming leases see Chapter IX of this part.  (vii) When in a lease it is provided that in the event of certain contingencies occurring the Collector will enter upon and take possession of the property it must be understood that where the settlement holder objects such cannot be done save through the orders of a competent Civil Court. | Farming lease. |

**Chapter VI,** Confirmation of Settlement of Land Revenue Powers of Revenue Authorities to sanction and to give effect to such Settlements.

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|  | 629. When a settlement of rents is being made under the Bengal Tenancy Act in cases in which a settlement of land revenue is being or is about to be made the powers of confirmation have been vested by law in certain Revenue authorities. Government Rule 45 specifies the officers who have power to confirm the table or rates if such be prepared and the officers who have power to confirm the settlement is made with those who can be completely dealt with under the Tenancy Act. | | | Powers of confirmation of rent settlement under the Tenancy Act. |
|  | 630. The confirming authorities should see that the principles which have been laid down in Chapter X of part II and Chapter III of part III are duly followed. | | | Principle to be followed. |
|  | 631. The selection of settlement holders in the case of proprietor and farmer the amount at which a revenue settlement should be made and the terms of settlement require confirmation by the Revenue authorities in addition ot the confirmation of the rent roll. | | | Confirmation of settlement of land revenue. |
|  | 632. (1) In exercise of the power conferred by section 10 clause first of the Bengal Land Revenue Settlement Regulation 1822 (Bengal Regulations VII of 1822) the Government in Council has been pleased to delegate to the authorities mentioned in the second column of the following table the power to confirm the settlements of land revenue (other than summary settlements under section 9, clause third of the said Regulation) specified in the first column of the said table subject to the limitations prescribed in the third column thereof:- | | | Authorities empowered to confirm settlements of land revenue. |
| Nature of settlement | | Authority to whom the power is delegated | Limitation on rent roll of the estates tenure tract or area under settlement and on term of settlement | |
| 1. Temporary settlements under the Regulations for which no special establishment is employed. | | Commissioner | Rent roll (in agricultural) land raiyati rent roll) not exceeding Rs. 10000 fir a term limited to 15 years. | |
| 2. Temporary settlements under the Regulations for which special establishment is employed  3. Temporary settlement in which the rent roll is prepared under Chapter X of the Bengal Tenancy Act 1885  4. Other temporary settlements  5. Permanent settlements to which the proprietor have a statutory right. | | Director of Land Records and Surveys  Board of revenue | Ditto. | |
|  | (2) Nothing contained in this rule affect the powers of control or revision reserved either to Government or to the authorities mentioned herein by any provision of law or by any rules framed in accordance with the law. | | |  |
| Summary settlement (temporary) | 633. The Collector is empowered to confirm summary temporary settlements of land revenue up to Rs 500 and the commissioner up to Rs, 10000. The Board of Revenue confirms summary temporary settlements of land revenue exceeding Rs 10000. The control of all such settlements rests with the Board of Revenue but a report to Government is required by clause 3 of section 9 of Regulation VII of 1822. the report will take the form of an annual statement submitted by the Board. | | |  |
| Confirmation report | 634. No separate report other than the final confirmation report on the rent roll or in the case of proceedings under Act VIII of 1879 other than the final report is ordinarily required for the confirmation of land revenue (vide also rules 442 and 449). | | |  |
| Whom confirmation of Government of India is required. | 635. The confirmation of the Government of India is only required when the proposals exceed the powers of the Government of Bengal under rule 6 or when it is proposed to grant a permanent settlement to which the proprietors have not got a statutory right. | | |  |
| Possession to be given to settlement holder. | 636. On the confirmation of a settlement by competent authority the Collector should put the settlement holders in possession if they are not already in possession of the estate or estates settled with them. | | |  |
| Effect when to be given to settlement | 637. The following rules should be observed in giving effect to a settlement :-  (i) A settlement of land revenue with a settlement holder should ordinarily take effect from the beginning of the financial year next after that in which the proceedings of the Settlement Officer have been completed.  (ii) A Settlement of fair rents under Part II of chapter X of the Tenancy At takes effect from the beginning of the agricultural year next after the date of the final publication of the rent roll which is in effect the final publication of the records; enhancements made under Bengal Act VIII of 1879 take effect from the beginning of the year (of the era current in the district) in which the rent roll was published if the publication was made within the first six months of the year and if otherwise from the beginning of the following year.  (ii) The installments of rent or revenue should wherever possible be arranged in consultation with the land lords and tenants according to local agricultural conditions such as the number and description of the corps and the period of the harvests. Due regard must be given to the provisions of section 53 of the Bengal Tenancy Act. In estates previously settled there will always be an "agreement'' or an "established usage'' which regulates the existing installments. If any existing installment is found to be unreasonable early the tenants will no doubt give a ready consent to its postponement On the other hand an existing installment which is unreasonably late cannot be changed to an earlier date without the consent of the tenants. | | |  |
|  | In Government estates under khas management the final installment of rent or revenue payable by all direct tenancies should if the tenants agree be fixed so as to be realisable within the financial year. For saleable tenures the date should be 28th February; for other tenancies 31st March. The installments so fixed should be noted in the record of rights of the respective  (iv) In fixing installments of revenue payable by private proprietors it must be remembered that an installment becomes as arrear of revenue only on the first day of the succeeding month and that it can in no circumstances be realised as such until the next succeeding latest day for payment of arrears of revenue fixed by the Board under the provisions of section 3 of Act XI of 1859. The months in which these latest days of payment occur should therefore be avoided in fixing installments of revenue in temporarily settled estates settled with private proprietors. For example when the latest day of payment is the 28th March the corresponding installment may be made payable in February but not in March.  (v) The date on which an installment of revenue (kist) falls due is not the same as the latest date of payment of an arrear of revenue. The latter is a date before sunset of which every unpaid installment of revenue which has technically become "an arrear of revenue'' must be paid failing which it may be realised by sale. The latest dates of payment are fixed by the Board under section 3 of Act XI of 1859. The number of installments of revenue should always be fixed in accordance with the principles laid down in (iii) above and need not be the same as the number of latest dates of payment of arrear of revenue fixed according to Rule I at page 259 of the Sale Law Manual 1927. Thus there may be only one installment of revenue in an estate which pays revenue exceeding Rs 100 if there is an agreement to that effect or if it is in accordance with established usage. | | | Distinction between latest dates of payment of arrear of revenue and dates of payment of installments of revenue. |
|  | 638. In a Government or ward's estate care is to be taken that as soon as a settlement is confirmed the working rent roll of the estate is revised and the new settlement brought into effect. The omission to do this promptly has in many estates resulted in much confusion and loss of rents. | | | Prompt revision of the rent roll |
|  | 639. All orders passed by any authority regarding settlements was be open to appeal according to law and to revision by superior authority unless such revision by executive authority is barred by law. | | | All executive other subject to appeal. |
|  | 640. In reporting for confirmation settlement which have been carried out by a Deputy Collector or Assistant Settlement Officer it will be necessary for the Collector or the Settlement Officer to report his own opinion in full upon the questions of the fairness of the rents or rates of rent, the mode of settlements to be adopted and other important matters covered by the rules in force. Similarly it will be incumbent upon the Director of Land Records and Survey in all cases to add his own remarks when forwarding the papers for the order to the Board of Revenue (vide also rule 447). | | |  |

**Fisheries**

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| Right of fishery | 641. Government has the right of fishery in all navigable rivers which are public property unless the right has been granted or leased to some individual. But in regard to tidal rivers it may sometimes be expedient that the exclusive right of fishery should not be granted to private individuals or to certain classes of individuals to the exclusion of the general public. A Collector should not grant a lease of such a fishery without the previous sanction of the Board. |  |
| Fishery rights in pool | 642. The question has arisen on several occasions us to the fishery rights in pools which originally formed part of a river. The Legal Remembrances has been consulted and in accordance with his opinion the following principles have been laid down :-  (1) When the pool lies in the old bed of the river and in consequence formed no part of an estate the fishery right to the holder of the river jalkar subsists in it whether it is connected throughout the year with the flowing stream or not.  (2) When the pool lies within the area of an estate-  (3) otherwise the fishery right in the pool passes to the zamindar of the estate. |  |
| Confirmation of settlement of fisheries | 643. Settlement of fisheries are confirmed under the same rules as summary settlements of land revenue. It will be sufficient to show in the report (i) the tauzi number of the fishery mahal (ii) the geographical limits of the right (iii) the term of the lease (iv) the rent (v) a brief explanation of the nature of the fishing (the fish caught and the means used to catch them) (vi) the position of the lessee (e.g. co-operative society fisherman or speculator who intends to sublet to fisherman): and (vii) the mode of settlement. |  |
| Principles of settlement | In setting Government fisheries the objects to be kept in view are to protect fish against improper methods of fishing and fishermen against the oppression of middlemen rather than to obtain the largest possible revenue. In making settlement preference should ordinarily be given to a co operative society of fishermen. If no such society exists. the Collector shall consult the Registrar of Co operative Societies not less than six months before the fishery is due for resettlement. In the absence of any co operative society. leases should be given to one or more selected fisherman failing this to one or more carefully selected persons who are not fishermen. The practice of settling Government fisheries by open and unrestricted auction has been for bidden. In every case the Collector will consider what restrictions if any as to close times and methods of fishing should be embodied in the lease. For this purpose. He shall consult such competent opinion as may be available. |  |

**Chapter VII- Settlement of Alluvial Formation**

**I.- Islands, The Property of Government**

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|  | 644. Whenever the Collector receives information from any source that an island had formed in any large navigable river within his jurisdiction he shall proceed to enquire whether the alluvial formation or any part of it occupies a site identifiable as having once belonged (i) to an estate on which no remission of revenue has been allowed in respect of such a site or (ii) to a revenue free property. If the whole formation occupies such a site the Collector Should take no further proceedings. | Reformed islands |
|  | 645. If on the other hand the formation or any part of it does not occupy a site identifiable as private property the Collector shall next proceed to consider whether such formation or such part of it comes properly under the description contained in clause 3, section 4, Regulation XI of 1825. If he finds that it does he should at once proceed to take possession of it under the authority conveyed by section 3, Bengal Act IV of 1868, which modifies Act IX of 1847 as regards islands. | New islands |
|  | 646. This should be done in the usual method fix by erecting a long bamboo on the land in the presence if possible of some of the chief inhabitants of the neighboring villages, including members of panchayats and chaukidars. A proceeding should be recorded on the spot by the officer taking possession and should be attested by the witnesses. This proceeding should contain as exact a statement of the position and area of the land as can be made with compass bearings of conspicuous objects on the main land or any similar method of identification. | Possession how to be taken |
|  | 647. Possession taken under the above rules should be merely temporary until it has been ascertained whether or not the channel round the island is fordable at any time during the year. This should be ascertained by a formal enquiry in presence of persons such as those mentioned in last paragraph. If the channel be found to be unaffordable at all seasons of the year a formal proceeding to this effect should be drawn up and signed by the witnesses and the land should be considered the property of Government and should be properly surveyed the survey being connected with identifiable points on one or both main banks. The depth of the channel at low water should be shown at convenient distances on the map which will be accurately prepared and form part of the proceedings to be submitted through the Commissioner to the Board. If the land is not fit for cultivation only a grazing settlement should be made. The land should not be assessed or settled and a regular settlement must not be made till it is fit for cultivation. | possession to be temporary in the first instance. |
|  | 648. In every succeeding year up to the time when the island may come under regular settlement a local enquiry as to its condition should be made at the end of the rainy season and the rights of Government should be reasserted if necessary. | Procedure until settlement is undertaken. |
|  | 649. A register of such cases should be kept in the prescribed form (Register 67) in the Register and Return Manual. | Register of cases |
|  | 650. In such cases the proprietary right being vested in Government no party can have any right to engage. Should any person, however, acting in good faith has broken up the soil his prior occupancy may be taken into consideration. | Rights to settlement |
|  | 651. All reports and orders connected with the island formations which have been taken possession of on behalf of Government under Bengal Act IV of 1868. Should be treated as confidential. Officers are accordingly prohibited from granting copies of such communications to private individuals without first obtaining the orders of the Board. | Reports etc to be confidential |

**II.- Increments to estate The property of the owners of The estates**

**Diara Operations**

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| Land to be treated as increments. | 652. Land gained by gradual accession whether from the recess of a river or of the sea is under section 4. Regulation XI of 1825. to be considered an increment to the estate or tenure of the person to whose estate or tenure it is thus annexed but as mentioned in that section such land is liable to any assessment to the public revenue to which it may be liable under to provisions of Regulation II of 1819 or of any other law in force i.e. it is liable to assessment in the same manner as other unsettled mahals and the revenue assessed belongs to Government (vide clauses 1 and 2 section 3 and section 7. Regulation II of 1819). |  |
| Re survey of riparian and maritime lands when lawful. | 653. Act IX of 1817 has laid down "that no measure shall hereafter be taken for the assessment of such lands .................  ........................ except under the provisions of this Act. |  |
|  | Section 3 of the Act is as follows:- |  |
|  | "It shall be lawful for the Government of Bengal in all districts or parts of district of which a revenue survey may have been or may hereafter be completed and approved by Government to direct from time to time whenever ten years from the approval of any such survey shall have expired a new survey of lands on the banks of rivers and on the shores of the sea in order to ascertain the change that may have taken place since the date of the last previous survey'' and to cause new maps to be made according to such new survey. |  |
|  | Section 5 provides for deductions to be made from the sadarjama on account of land which such new maps show to hae been washed away, while section 6 provides for the assessment of land which such new maps show to have been added to estates paying revenue directly to Government. |  |
|  | 654. Whenever on inspection of the new map it shal appear that land has been added to an estate the Diara Officer shall at once assess the same according to the rules in force for assessing alluvial increments and shall report his proceedings to the Collector and Commissioner for report to the Board as required by section 6, Act IX of 1847. provided however that the Diara Officer shall assess no accreted land which is proved to his satisfaction to occupy the site of the land which formed part of the estate at the time of the settlement (even though such accreted land may not have been in existence at the time of the previous survey and may have reformed since that survey was made). unless the proprietor shall have abandoned his proprietary right to land forming on that site by accepting a deduction from the amount of revenue originally assessed on the estate on account of the decrease of its area by dilluvion Provided also that where an estate is held under a temporary settlement it will not ordinarily be desirable to interfere with the amount of revenue payable until the term of the settlement shall have expired.  Land added to an estate does not mean only land accreted after the previous survey but all land for which no revenue is now being paid unless included within the boundaries of a revenue free property. | Assessment to be imposed on excess area according to rules in forces. |
|  | 655. Alluvial increments to an estate do not come within the category of "waste land'' within the meaning of Regulation II of 1819. Such land producing little or no revenue to the proprietor if included within the limits of any estate for which a settlement has already been made is not liable to further assessment on being brought into cultivation. Alluvial increments formed since the Permanent Settlement are however unsettled lands and the mere fact that they have formed in a river bed which at the time of the settlement was the property of the Zemindar does not affect the assess ability of such lands to revenue. The true test is whether the lands have been already assessed and not whether they lie within the limits of an estate and the assess ability of alluvial formations arises from the fact that not having been existence at the time of the settlement no assessment in respect of them was made. | Treatment of alluvial increments since the Permanent settlement. |
|  | 656. The mere fact of an area of the estate being less than it was at the time of the settlement (in consequence of diluvion having taken place in other parts of the estate) will not exempt the settlement holder from the liability to assessment on any particular plot of land which an inspection of the map shows to have been "added to the estate'' since the last survey unless he can prove that such land has actually reformed on the very site of land which previously existed and which was included in the Permanent Settlement of the estate made either in 1793 or at any subsequent date. | Burden of proof |
|  | 657. (a) If a settlement holder in a permanently settled tract can prove that the site of an accretion was dry land at the time of the Decennial Settlement in 1780. it can be presumed to have been assessed at time but Diara Officers must bear in mind that the onus of proving that the Government revenue fixed in 1793 was assessed on any particular lands as being included in the Permanent Settlement is on those who affirm that such is the case and the onus is not on Government to proe a negative (Privy Council decidion-Jagadindra Nath Roy versus Secretary of state for India, I.L.R.XXX, Calcutta page 291. also Ananda Hari Basak and others versus Secretary of State for India, III Calcutta Law Journal, page 316). | Leading rulings. |
|  | (b) It is a question of fact and not of law what lands are included in the Permanent Settlement. Revenue Survey maps and thakbast maps are evidence of the state of things existing at the date of their preparation. They are not conclusive evidence of the state of things existing at the time of the Permanent Settlement-  (1) Privy Council decision- (Privy Council decidion-Jagadindra Nath Roy versus Secretary of state for India, I.L.R.XXX, Calcutta page 291.  (2) Ananda Hari Basak and others versus Secretary of State for India. III Calcutta Law Journal, 316. |  |
|  | (c) Areas already covered by the Permanent Settlement are not liable to assessment on their reappearance-  (1) Privy Council decision- Felix Lopez versus Madan mohan Thakoor, etc B B.L.R. 521.  (2) Privy Council decision- Harshahai Singh and others versus Syed lootf Ali Khan and others, 14 B.L.R.4, 268.  (3) Privy Council decision- Secretary of State for India versus Fahamidannissa Begum and others, I.L.R XVII, Calcutta, 590 |  |
|  | (d) Departures from the Revenue Survey Should not be made except on sound evidence but surveys subsequent to the Permanent Settlement and previous to the Revenue Survey, whether made for revenue purpose or not chauhaddibandi papers quinquennial papers, partition papers chittas, etc. if reliable may all be usable as evidence whether they can be accurately relaid or not If they disclose that a state of affairs existed at the time of their preparation different from that existing at the time of the Revenue Survey and there is no previous evidence subsequent to the Permanent Settlement it cannot be assumed that a state of affairs existed at the time of the Permanent Settlement different from that existing at the time of their preparation. It may therefore be presumed that what was water at the time of their preparation and is now land is an accretion since the time of the their preparation ascertained by the best means available but care should be taken that the interests of the proprietors are not prejudicially affected by the adoption of unfounded assumptions regarding the configuration of the land unfavourable to them (Cr Haradas Achariyn Choudhury and others versus Secretary of State for India in Council and others, XXVI, CL.J. Page 590. q.v. regarding Rennell's maps.) |  |
|  | (e) Diara Officers should also remember that dependent tenure holders have no locus standi to object under Act IX of 1847.Their authority in respect of diara proceedings is derived solely from Act XXXI of 1858. |  |
|  | 658. If the parent estate be permanently settled or if in the case of a temporarily settled estate either the proprietor or the Board decline to assent to the incorporation of the assessment with that of the parent estate. the accretion must be assessed as a distinct estate and will be thenceforward held separately liable for the revenue assessed upon it.  When an accretion is assessed as a distinct estate, the proprietor or if he has not accepted settlement the settlement holder should forthwith be informed of the new tauzi assigned to the estate. | Assessment of accretions as separate estates in the case (a) permanently settled estates and (b) temporarily settled estates under certain conditions. |
|  | 659. If the parent estate be temporarily settled the Diara Officers should with the consent of the proprietor and that of the Board of Revenue incorporate the assessment of the increment with that of the parent estate taking one revised engagement for the amalgamated revenue of the whole as an integral estate. | Assessment in respect of accretions with that of parent estate in the case of temporarily settled estates under certain conditions. |
|  | 660. Should the alluvion have accreted to a dependent tenure the dependent tenure holder is entitled on payment of a fair increase of rent to his superior landlord to hold the accretion for the term of his engagement. The Diara Officer is required to ascertain and record the fights of any under tenant in any alluvial land. He will ordinarily be working under Chapter X of the Bengal Tenancy Act and will prepare the record under that chapter. If there be no notification under Chapter X of the Bengal Tenancy Act, the Diara Officer will ascertain and record the rights of under tenants under Regulation VII of 1822 read with section 2 of Act XXXI of 1858. and settle rents under section 191. Bengal Tenancy Act. The Diara Officer should treat the superior landlord as the party responsible for the Government share of the rent. | Rights of under tenants in accretions. |
|  | 661. No proceedings for assessment need ordinarily be taken when the area which has been added to an estate does not exceed 10 acres unless such area be more than one twentieth of the area of the estate shown by the previous maps. Thus in an estate of which the area is 100 acres by the former survey an accretion of 6 acres would not be noticed. Whenever the Settlement Officer considers it advisable to disregard this rule his reasons shall be stated in the diara proceedings submitted for confirmation by the Board of Revenue. | Inconsiderable accretions need not be assessed. |
|  | 662. When the new map shows that any land has been washed away from of lost to any estate no reduction shall be made from the sadar jama of the estate affected unless the zamindar desires it but on receiving and application for reduction the Diara Officer will make the calculation as provided in section 5, Act IX of 1847. and report the case to the Collector or Land Revenue Settlement Officer who will submit the case through the Commissioner for the orders of the Board of Revenue. It must be borne in mind that no deductin for the sadar jama can be claimed under Act IX of 1847 on account of land which diluviated before the date of the first survey under that Act. | Abatement for diluvion |
| Estates permanently settled subsequent to the Permanent settlement of 1793. | 663. In estates which have been permanently settled subsequent to the Permanent Settlement of 1793, it will be necessary to compare not only the maps of the original Permanent Settlement with the present maps in order to determine the loss or gain of land to be dealt with by the Diara Officer. Accordingly the Diara Officer will ask the Collector to furnish him with a list of all estates settled permanently after the Permanent Settlement and will examine the estate bundles of all estates which are of alluvial origin and of such resumed lakhiraj estates or purchased estates as have land in mauzas bordering on the rivers he is dealing with. |  |
| List of estates known to have diluviated since the previous survey. | 664. The Diara Officer will also ask the Collector to furnish him with a list of all estates which are known to have entirely diluviated since the last survey. This list will contain the name tuzi number and revenue of each estate and the numbers of the thak and survey maps containing them. It will be forwarded to the Diara Officer who will examine his maps and see if any of the lands contained in those estates have reformed on their original sites as shown in the previous survey maps. On ascertaining any such case of reformation the Diara Officer will report the fact to the Collector or Settlement Officer who will take such steps as may be necessary. |  |
| Objections and confirmation or proceedings. | 665. All proceedings for the assessment of alluvial accretions should be reported for the confirmation of the Board of Revenue through the Director of Land Records and Surveys Objections against the Diara Officers proceedings can be filed within one month of his final order before the Collector or the Land Revenue Settlement Officer and objections against the Collectors or the Land Revenue Settlement Officers order as the case may be before the Board within one month of the date of the receipt by the party of a copy of the final proceedings. |  |
| Detailed rules. | 666. Detailed rules for the survey and assessment of rents and land revenue will be found in the Technical Rules and Instructions of the Settlement Department separately published. |  |
| Changes occurring between survey and settlement. | 667. It is most important that the survey and settlement work should go on simultaneously but in case the settlement cannot be completed in the same season as the survey any changes taking place between the survey and the settlement must be mapped and taken account of. |  |
| Results to be reported. | 668. The Diara Officer will submit full annual and final reports of his proceedings giving information as to the results ascertained as to arrears gained and lost the amount of additional assessment imposed and reductions of land revenue allowed and all other points of interest. The final report with its review by the Director of Land Records and Surveys will be submitted to the Board. |  |

**Chapter VIII- Resettlement of Government or Temporarily Settled Estates,**

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|  | 669. Rules 59 and 486 prescribe the steps to be taken to provide for resettlement. Where there have not been extensive changes and the previous map is accurate resettlement may be possible without a complete resurvey. In such cases it will merely be necessary to check and bring up to date by revision of the previous map. When however there has been considerable extension of cultivation or numerous changes or the estate is exposed to fluvial action or the previous map is inaccurate a complete resurvey may be necessary. | Resettlement |
|  | 670. If however enquiry shows that no change of rents is necessary and if the khas mahal copies of the map and settlement records have been corrected from time to time so as to represent the existing state of things accurately detailed settlement proceedings need not be gone through afresh but a report based on the last settlement should be submitted for orders unless the resettlement is one which the Collector himself is competent to sanction. | Procedure when no changes are necessary |
|  | 671. Arrangements are to be made for the completion of new settlements before the expiry of the term of the current settlement. Where however a settlement has fallen in or is likely to fall in before arrangements for fresh settlements are or can be completed the Collector should if the estate belongs to an individual ordinarily settle it summarily year by year securing in the arrangements any increase of revenue which the extension of cultivation or other enhancement of assets ascertained by summary enquiry may seem to justify. If the estate be the property of Government it should be taken under direct management if the Collector consider such a course preferable to making a farming settlement. | Summary resettlement pending regular resettlement. |
|  | 672. When a resettlement becomes necessary in consequence of the default or recusance of a lessee or on expiry of the lease the estate may when permissible be held under direct management or it may be farmed out to a new lessee but care should be taken that any resident cultivators who may have been located by the previous holder should before the lands are leased to another party be secured in their tenancies by tje preparation of a rent roll of their lands after the manner of the original settlement and the circumstances in which they were located by tje lessee should receive full consideration. But no lessee should receive full consideration. But no lessee has the right to create tenures extending beyond the term of his own engagement. | Rights of cultivators to be secured. |
|  | 673. The Collector is to report each year to the Commissioner whether summary settlements have been made in all cases when regular resettlement have been undertaken. | Reports. |
|  | 674. Under section 2, Regulation VII of 1822 zamindars farmers or any other malguzars hoding on after the expiration of the term of their engagements are responsible for the revenue at the rate assessed in the last settlements and cannot be made to pay a higher amount unless notice of the Collector's intention to revise the assessment has been given as provided in clause 6 of the section quoted, except where the lease specially provides otherwise.  It is therefore most important that this notice should be duly served before proceedings for resettlement are begun. | Notice of intention to resettle. |
| To be issued before the expiry of engagement | 675. As the Collector will know from the lists to be annually prepared under rule 59 what estates are soon to be resettled he should issue this notice to the malguzars before the expiration of their engagements. |  |
| Provisions in lease. | 676. In framing the new engagements with them it should be especially agreed with them (under the first paragraph of the sixth clause of section 2 quoted in Rule 674) that in the event of their holding on after the expiration of their leases they will he held responsible on account of any year subsequent to the term of their engagement for such enhanced revenue as may be then assessed upon the mahal. |  |
| Retrospective effect. | 677. When these measures have been taken. it will be legal to give retrospective effect to a resettlement at a higher amount than that assessed in the expired arrangement but if arrangements have been properly made as required by rules for the completion of a new settlement before the expiration of the old arrangement there should ordinarily be no occasion for giving retrospective effect to a settlement. |  |
| Issue of information slips after confirmation of settlement by Collector. | 678. As soon as the settlement of a temporarily settled estate or of a Government estate is confirmed the Collector's Munshi khana should prepare information slips showing the necessary details in quadruplicate and send one copy each to the Tauzi Record Rook and Khas Mahal Department. |  |

**Chapter IX- Cancellations of Leases and reduction of assessment.**

**I. Cancellation of Leases and Attachment of Farms**

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|  | 679. Farmers of estates which are the property of Government are tenure holders as the payment which they make is rent under section 3 (13) of the. Tenancy Act, and not revenue. Their leases cannot be cancelled for non-payment of rent but proceedings must be taken under section 66 of the Tenancy Act to determine their leases by ejectment decreed in a regular suit (section 89). A condition in the lease permitting ejectment could not be enforced section 178 (I) (c) of the Tenancy Act. Under section 89 of the Tenancy Act no tenant can be ejected except in execution of decrdd. Hence if a tenant who has rendered himself liable to ejectment refuses to relinquish possession a suit for his ejectment must be brought, But if the tenant peaceably relinquishes possession no suit need be brought. | Leases of Government estate cannot be cancelled during their term. |
|  | 680. In the case of estates belonging to recusant proprietors when let in farm the lessee takes the position of the proprietors and is not a tenure holder as in the case stated in rule 679 above. His lease is therefore subject to cancellation of default. There is however no law which sanctions the cancellation of a farm during the year. The practice however has long been to cancel a lease at once on the occurrence of a balance when this course is judged expedient instead of waiting till the end of the year. It is desirable that this practice should be continued. The difficulty presented by the law is mdt by a clause in the farmer's kabuliyat providing for the voidance of the lease on the occurrence of a default. | Lease of estates of recusant proprietors can be cancelled if provision be made in the lease. |
|  | 681. Much must be left to the discretion of the Collector in respect to the cancellation of lease. It may sometimes be expedient to exercise this power immediately on the occurrence of the arrear but on the other hand it may be desirable in the interests of all concerned to give the farmer an opportunity of retrieving his position by paying the balance and providing sufficient guarantees against future default. | Discretion of the Collector. |
|  | 682. In regard to cases under section 4. Regulation IX of 1825 the following rule should be adopted. If a notification threatening annulment of engagements has been issued and the lessee fails to make good the arrear within the term fixed then as soon as the month of grace allowed by the section cited has expired the Collector should declare by a formal proceeding that the settlement is annulled. Until this ius done he is not warranted in refusing to accept payment of the arrear by the defaulter. If the Collector should think proper to allow further time for payment he may suspend the order of annulment. | Order of annulment when to issue. |

II. Rules for the reductin of Assessment in Government and Temporarily settled Estates other than diaras settled for a period not exceeding five years on account of deterioration of soil or failure of improvements which were taken into account when the assessment was made.

**A -Temporarily settled Estates**

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| Grounds for reduction of assessment. | 683. The proprietor or settlement holder of a temporarily settled estate may apply to the Collector for a reduction of his assessment on the ground that the land of the estate has permanently deteriorated through causes beyond the control of the landlord or through the failure of an improvement effected at the cost of the landlord which was taken into account in fixing the assessment. |  |
| Procedure on receipt of application | 684. On receipt of such application the Collector will cause an enquiry to be made and may grant the Landlord a reduction of assessment on this account provided that the settlement holder and intermediate tenure holder (if any) agree to give a proportionate reduction of rent to the tenants of the land affected. |  |
| Method of calculating amount of reduction. | 685. In calculating the reduction of assessment to be given the Collector will first of all fix fair rents for the raiyats whose holdings have deteriorate and the settlement holders and intermediate tenure holders (if any) will be required to bind themselves not to collect higher rents than those thus fixed from the raiyats for the remainder of the period of settlement. The Collector will then estimate the loss sustained by the settlement holder and intermediate tenure holder (if any) on account of the deterioration of the land (if any) in their own cultivation or on account of the lands (if any) which have gone out of cultivation together. He will fix fair rents for the intermediate tenure holders (if any) and will then proceed to fix such reduced assessment as he may consider fair for the remaining period of the settlement. |  |
| Officer to be employed | 686. The fair rents fixed under the preceding rule will be published in the village by an officer not below the rank of Sub-deputy Collector. |  |
| Confirmation of proceedings | 687. All proceedings of the Collector under the foregoing rules shall be subject to the confirmation of the superior authority if any by whom the original settlement was confirmed. |  |

**B- Government Estates**

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| Reduction of rent when permissible. | 688. The Collector may of his own motion or on the application of the tenant concerned reduce the rent fixed for any tenant in a government estate on the ground that the soil or the holding has permanently deteriorated through causes beyond the tenant's control from the time when the rent of the holding was fixed or that an improvement has sailed which was taken into account when the rent of the holding was fixed under a reclamation lease provided that if the tenant is a tenure holder the Collector will not grant any reduction of rent unless the tenure holder agrees to give a corresponding reduction to his tenants and provided that the Collector shall fix fair rents for all such tenants provided also that no reduction of rent may be granted on account of the failure of an improvement which has been permanently exempted from assessment on the ground that it was effected by a raiyat holding at fixed rates of un occupancy raiyat. |  |

**Part IV- Miscellaneous**

**Chapter I. Correction of the Collector's Land Registration Registers.**

**[See Appendix Y]**

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|  | 689. Under rule 317 the Settlement Officer must prepare extracts from the Collector's Land Registration Registers. The entries the settlement record is however made according to the facts of possession as ascertained by local enquiry. If these facts do not agree with the Collector's register a statement must be prepared for each estate which the proprietors should be requested to sign explaining the discrepancies fully and showing how the persons now in possession derive their title from those recorded in the Collector's register. The dates of all transfers and changes so far as ascertainable should be recorded addresses and fathers or in the case of a woman husband's name should be carefully and fully entered. Notice should issue to all recorded proprietors or in holders of revenue free property to be present at the enquiry and if any proprietor is dead inquiry should be made from his heirs. The information should be given in the form used for the preparation of the extracts from the Collectors registers (Form 43)  Under the Land Registration Act. each estate is to bear a name If in the course of the settlement operations any estate is discovered without a name the fact should be brought to the immediate notice of the Collector who should be requested to allot a name to it. | Record of discrepancies between the Collector's Registers and existing facts. |
|  | 690. In minor settlement the settlement Officer or the Assistant Settlement Officer will at once report to the Collector all discrepancies discovered. Where a special Settlement Officer has been appointed the report will be submitted through him. In major settlements the Settlement Officer will report as soon as practicable. | Report to Collector. |
|  | 691. The Collector of the district will in consultation with the Settlement Officer and after reference to the Commissioner and the Board if necessary decide what steps are to be taken to correct his registers. As a general rule, the work of correcting the registers should be taken up by the Collector as early as possible and additional staff employed to get it through during the recess If any application for Land Registration is received by the Collector after the receipt of the settlement records the settlement record in the Collectors office should be examined to see whether the application agrees with it or not. If it does not agree the Settlement Officer should be informed and asked for a report. | Correction of Collectors Registers. |
|  | 692. The Collector will take action for the correction of his registers under section 28 of Act VII (B.C.) of 1876. If the entries which he proposes to make are in accordance with the entries in the record of rights this will be stated in the notices under that section. If they are different either the details in which they differ should be stated in the notice under section 28 or a copy of the entries which it is proposed to make should be sent with the notice as may be found convenient. The Collector may, when proceeding under section 28, simultaneously take action under section 65 of the Act against parties who are shown by the settlement record to have been in possession for more than six months without registering their interests. He may also take action under section 74A to close separate accounts. | Principle of Correction. |
|  | 693. (a) In the course of the comparison of the settlement records with the Land Registration registers the Collector should ascertain whether there are any revenue paying or Government estates included in the latter for which no areas have been recorded in the settlement records with the result of imperiling the security of Government revenue. The list of such estates will generally be found to include-  (i) estates transferred to other districts;  (ii) estates purely sair mahals (e.g. jalkar);  (iii) estates of which the revenue is paid in the district, but the lands are situated in other districts;  (iv) estates formed by partition subsequent to the preparation of the settlement record;  (v) estates falling within areas for which a record of rights has not been prepared; and  (vi) estates for which there is no separate revenue demand whether by reason of redemption or amalgamation or other cause. |  |
|  | Should there be any residuum of unidentified estates the Collector should start a case for each and should make specific enquiries both from the recorded proprietors and also locally with the aid of the entries in the old and new Register C, until they are traced out. The information needed to secure the land revenue and to correct the record of rights on revision will thus be preserved in an accessible form  (b) To enable the Collector to make the above inquiry the Settlement Officer will collect the necessary materials as far as possible. These will be made over to the Collector. |  |

**Chapter II- Thana (Jurisdiction) Maps and Lists.**

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|  | 694. Thana jurisdiction lists and maps have been prepared according to the revenue unit or thana in the districts of Bakarganj, Dhaka, Faridpur , Mymensingh, Jalpaiguri, Rajshahi, Noakhali and Tippera and according to the police unit or station in the districts of Bankura, Burdwan,Birbhum, Pabna, Bogura, Jessore, Khulna, Nadia, Murshidabad, 24 Parganas and Chittagong. | Thana jurisdiction maps and lists |
|  | 695. In district operations the above lists and maps are being revised and will in future be prepared according to the police unit that is to say according to the police stations in existence at the time. This unit will be adopted in the revision of the Collectors registers referred to in Chapter I of this part and will become the constant revenue unit or thana though the police station units may subsequently be changed. The maps and lists referred to in this and the previous rule are called general or thana jurisdiction maps and lists. Rules for the custody and supply of such maps as well as of village maps in Collect orates are given in Appendix O. | Thana jurisdiction maps and lists (prepared during settlement) |
|  | 696. In district operations the Settlement Officer will in accordance with instructions of the Director of Land Records and Surveys arrange for the preparations of 4"=1 mile maps by police stations according to the rules laid down by the Director of Land Records and Surveys from which the final 1" = 1 mile police station maps will be prepared in the Bengal Drawing Office. | Thana jurisdiction maps. |
|  | 697. The settlement Officer will also prepare in form 160 thana jurisdiction lists of villages as an index to the 1" = 1 mile map which will replace all previous lists. The name of the pargana may be omitted at the discretion of the Director of Land Records and Surveys in the case of those districts where a village contains numerous parganas and where its retention would be inconvenient. The lists will be printed at the Bengal Government Press and distributed in accordance with Government orders. | Thana jurisdiction maps. |
|  | 698. The following procedure is prescribed for making change of jurisdiction and amending maps and lists :-  (1) When any change of revenue jurisdiction is considered necessary the District Officer will submit his proposals through the Divisional Commissioner to Government in the Revenue Department. Such proposals must invariably be be accompanied by lists showing the names of villages to be transferred and their serial numbers in the jurisdiction lists and also by traces from the thana maps illustrating the changes proposed.  (2) Where it is intended only to alter the jurisdiction of a police station the proposal should be submitted to Government by the Inspector General of Police.  (3) If the proposed change is approved by Government the Director of Land Records and Surveys will be asked to examine the proposals from a technical and geographical point of view and to check the draft notification. | Changes of jurisdiction and amendment of maps and lists. |
| Maintenance of register showing notification | 699. The Director of Land Records and Surveys will maintain in his officer a register showing the notification issued from time to time for amending jurisdiction lists to be made over the Superintendent of Census Operations whenever one appointed. Similarly the District Officer will maintain in his own office two complete sets of maps and jurisdiction lists on set for ordinary use and the other for the use of the Census Department on the occasion of census. |  |
| Changes in thana jurisdiction | 700. Copies of notification of changes in jurisdiction police or revenue will be forwarded to the Director of Land Records and Surveys who will issue correction slips and traces for the jurisdiction lists and maps according to the distribution lists prescribed by Government. The Officers concerned will correct these lists and maps accordingly. The lists maintained in the office of the Director of Land Records and Surveys will also be corrected. In the Bengal Drawing Office of the Survey Department these changes will be noted and they will be incorporated in all future editions of the maps. |  |
| Changes in revenue jurisdiction | 701. No changes of revenue jurisdiction in the maps or lists will be made except under proper authority. If a village if transferred from one revenue thana to another-  (i) the village should be crossed out of the jurisdiction list of the thana from which it is transferred with a note in the "Remarks'' column showing the thana to which it is transferred and  (ii) the village should be entered in the jurisdiction list of the thana to which it is transferred with a note in the "remarks'' column mentioning the thana from which it is transferred and should be given a fractional number the numerator being the serial number in the list and the denominator being the serial number of the adjacent village. |  |
| Changes in police jurisdiction | 702. If a village is transferred from one police station to another no change will be made in the revenue thana but the appropriate column in the jurisdiction list will be corrected. The map will also be corrected to show the new area within the police station but the boundary of the revenue thana as shown on the map shall be preserved. |  |
| Skeleton thana maps | 703. The Settlement Officer will also prepare for departmental use 1" = 1 mile police station (not final) maps, showing main roads dak bungalows post offices, railways, rivers and village boundaries with their names and new jurisdiction numbers. Copies will be distributed in accordance with the distribution lists approved by Government and used pending the preparation of the 1" = 1 mile final maps referred to in rule 696. |  |

**Chapter III- Maintenance of Boundary or Special Marks.**

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|  | 704. (1) On receipt from the Settlement Officer or after preparation by the Collector of the 2" thana mark map of both boundary and special marks and the register mentioned in Rule 292, the Collector will send a kanungo or other responsible officer to each thana for the purpose of distributing with the help of the help take with him the vandyked copies of the 2" mark map of the thana the register of marks of that thana (in which columns 1, 4 and 6 have been filled up by the Settlement Officer) and a blank volume of the Dafadari Register of marks. The latter register which is the converse of the register received from the Settlement Officer is to be prepared in Form 58.  (2) Boundary and special marks in Municipalities will be placed in charge of the kanungo or a Sub Deputy Collector. A separate register in the same form as the Dafadars Register (Form No 58) and the mark map will be prepared for each Municipality. It will be the duty of the kanungo or Sub-Deputy Collector in whose charge these marks will be placed to inspect them once every six months and report the result to the Collector. | Boundary marks in Municipalities. |
|  | 705. The Collectorate officer and the officer in charge of the police station should fill up the Dafadari Register together after carefully comparing the mark map with the exiting thana map of dafadars unions. All the marks which appear in the Settlement Officers register against each of the mauzas which make up a dafadars union should be written up union by union, beginning with union No 1 and going on to the union with the highest number. No mark should be allotted to two unions or to two thanas but to the union on the north or west in preference to the union on the south or east. One dafadar should be made entirely responsible for each mark. Column 5 of the register received from the Settlement Officer or Collector should be filled up while the Dafadari Register is being written.  In areas where Union Boards have been established the Circle Officer will perform the duties of the officer in charge of the police station under this rule. | Preparation of Dafadari Registers of marks |
|  | 706. When the marks have been duly allotted and the Dafadari Register written up the Collectorate officer will visit each union and will make over on the spot to each dafadar the marks of his union. The chaukidars of the union should also be present at the time and should be instructed that it is their duty to report immediately all cases of disappearance of or damage to boundary marks in their beats. The Collectorate officer will take a written receipt for the marks signed by the President of the Union Board or the Panchayat and the dafadar and another receipt in the register. He will make over to each President or Panchayat and each dafadar a vandyked copy of the mark map of the union. | Inspection of Collectorate officer and taking of receipts from dafadar. |
| Report to Collector on removal of marks. | 707. If the Collectorate officer finds during his visit to the circle that any of the marks are missing or have been removed from their proper places he will submit a written report to the Collector who will deal with it under rule 712. |  |
|  | 708. In areas where the Bengal Village Self Government Act (V of 1919) is in force it will be the duty of the Union Boards to see that all marks in charge of their dafadars are maintained in their proper positions. Arrangements should be made for a personal visit to each mark once during the year the date of the visit being noted on the mark maps opposite the mark. The President of the Union Board will see that all the chaukidars give assistance to the dafadar in his duty and that the cultivators in whose fields the marks are situated do not injure or remove the mars. Whenever it comes to the notice of the President of the Union Board that a mark in missing or has been removed from its proper place or has been in any way inured or tampered with he will send a written report to the Circle Officer. The report should explain fully the fircumstances leading to damage or removal of the mark giving the serial number of the mark in question and should also mention whether there are reasons for thinking that the damage has been wilful.  Where there is no Union Board the duties imposed by this rule on the Union Board and its President will be performed by the Panchayat and its President (if there be any). Where there is no Circle Officer reports will be sent to the officer in charge of the police station. |  |
| Certificate by dafadar Procedure of circle and thana officer | 709. Where the Bengal Village Self Government Act., 1919 (V of 1919) is in force the dafadars will be required by the Union Board to certify that no marks in their charge are missing or that the missing or damaged marks have been duly reported before they receive their pay at the last pay parade in the year. The President of the Union Board will transmit the reports to the Circle Officer who will note in a register any information regarding the disappearance of or damage to the marks and will forward such reports to the Collector for disposal.  Where there is no Union Board or Circle Officer the duties imposed by this rule on the Union Board and Circle Officer will be performed by the officer in charge of the police station.  Section 434 of the Indian Penal Code is non cognizable and unless specially ordered by tje District Magistrate the police should not investigate charges of mischief in respect of boundary marks. Police officers should however while moving about villages see whether the marks are in their places and if not should submit a report to the Collector. |  |
| Custody of registers and preparation of extracts | 710. When the Registers of boundary or special marks and the Dafadari Registers are received back from the officers deputed under Rule 704, the Collector will bind them in as many volumes as may be convenient. Extracts from these two registers and a vandyked copy of the mark map should be sent to-  (1) each Sub-divisional Officer;  (2) each Circle Officer or where there is no Circle Officer each officer in charge of a police station ; and  (3) the Managers of Government and Wards Estates. |  |
|  | 711. Sub-divisional Officers Collectorate kanungos khas mahal circle and other touring officers of the district staff should be instructed to make enquires regarding boundary marks and to report to the Collector any instances of disappearance removal or damage. It shall also be the duty of gomasthas and tahsildars in Government mark shown on the map once a year and to repair them Officers in charge of Government Estates and Managers of Wards Estates must see that these inspections are carried out and note the result in their annual reports. Officers should be supplied with copies of the mark maps on which they will note the date of their inspection opposite the mark inspected. Collectors will arrange for the systematic distribution of such maps and for annual returns showing the result of inspections. | Inspections of Sub divisional Officers and others. |
|  | 712. The Collector should enter in his Register 8 (Miscellaneous cases) all reports which he receives regarding the disappearance damage or removal of marks. In column 3 of this register the name of the thana the serial number of the mark and a brief abstract of the report should be entered. In columns 5 and 6the Collector should enter separately each order which he passes, c.g. an order imposing a fine and an order regarding the repair of the mark. Any order of fine should also be entered in the Collectors Register of Revenue Fines. In the remark column of the Register of Boundary marks there should be a cross reference to each case in Register 8 which concerns this mark. If reports regarding marks are numerous in any district the Collector may open a separate volume of Register 8 for such cases. | Entry in register 8 (Collectorate) |
|  | 713. If the report shows that the land on which a mark stands has been diluviated it will ordinarily be sufficient to file a report and to note the fact in the Register of Boundary marks. Even in such cases there should be an entry in Register 8. When necessary the Collector may verify the fact of diluvion by deputing an officer to make a local enquiry. | Procedure on report of diluviation. |
|  | 714. If the report shows that any mark has been willfully erased removed or damaged the Collector will take action under sections 53-55 of the Bengal Survey Act, V of 1875 and will repair the damage out of the amount recovered from the person convicted if any. If the necessary amount cannot be so recovered the Collector may have the boundary mark restored or repaired and recover the expenses under section 56 of the above Act from the occupants of such of the conterminous lands and in such proportions as he thinks fit. | Procedure on report of willful damage, etc. |
|  | 715. If the boundary mark was originally erected in course of proceedings under Chapter X of the Bengal Tenancy Act and advance recovery has been made for its maintenance under section 114 of the Act, the Collectors shall if the damage be accidental or if willful and the cost of repairs or restoration cannot be recovered according to the foregoing rule meet the cost of repair or restoration from the budget provision which shall have been previously made under "Maintenance of Boundary marks- 22 General Administration- District Administration- General Establishment'' . In such cases in Government Estates to which section 114 of the Bengal Tenancy Act has no application the cost of repair or restoration of marks should be met from the budget provision for management of Government Estates. This also applies to temporarily settle private estates under the management of Government. In similar cases in Government Estate settled with farmers or temporarily settled private estates settled with farmers or proprietors to which estates section 114 (2), Bengal Tenancy Act has also no application a notice should be served on the lessee calling on him by virtue of his lease (vide Appendix N) to repair and restore such and such marks or to file such and such a sum in the Collectorate for the repairs or restoration wihtin a certain time in default of which the Collector will himself repair of restore the marks and take legal measures to recover the cost from the lessee.  If the costs are not paid for all practical purposes the application of section 50 of the Survey Act should be sufficient. | Procedure on report of accidental damage. |
|  | 716. If the mark has been erected in the course of a survey under the Bengal Survey Act V of 1875 which as not been accompanied by proceedings under Chapte X of the Bengal Tenancy Act the cost of repairs for accidental damage will be recovered under section 20 of the Survey Act from the person or persons to whom such boundary mark shall have been assigned under section 19.  The Collector will at the same time consider whether there are grounds for proceeding under section 52 against the person to whom the mark has been assigned for failing to report the change done. | Procedure for levy of cost of repairs where there has been a survey under the Bengal Survey Act. |
|  | 717. Ordinarily the Collectorate kanungos should bd able to make the necessary measurements for restoing missing marks. but the Collector may when required depute amins to restore marks that have been removed or damaged. The kanungo or amin must replace the mark with absolute accuracy from the vandyked verse tri junction may sometimes differ from the true village tri junction. Amins when employed can be paid up to a rate of Rs 2 per mark but their work should be checked by Collectorate kanungos or other officers. The officer replacing the mark will submit a final report stating the date on which each mark was restored or replaced and the fact of restoration will then be noted in the remark column of Register 8. | Duties of amins deputed to restore marks. |
|  | 718. It will usually be possible to locate the spot where the mark is to be placed by triangulation from the corners of neighboring fields. In diara areas where the exact position of field corners is doubtful it may be necessary to use the sight vane. The methods to be adopted for triangulation or for locating missing points are fully descrived in the Technical Rules in the chapter on cadastral survey. The atttendance of dafadars and chaukidars should be procured when embedding the mark. | Method of relaying |
| Report of damage by residence outside the jurisdiction of the Province. | 719. A special report will be submitted by the Collector to Government through the Commissioner should it appear that any mark being on the boundary of the Province has been removed or damaged by persons living beyond the jurisdiction of the Government of Bengal. |  |
|  | 720. The action taken during each financial year to carry out the above rules should be fully and methodical described by the District Officers in a separate report which should be forwarded by them to the Director or Land Records and Surveys on the 15th of October. The report should contain information arranged according to (a) Government estates and temporarily settled estates (b) Wards estates and (c) Zamindari estates in the form of Appendix X to the Annual Report (Form 21) of the Director.  The repprt and statement should deal only with permanent marks (of stone brick etc) and should not include temporary marks (like bamboo pegs or unburnt clay cylinders). As marks maps and registers have not yet been prepared for all the districts of this province these rules are fully applicable only to those areas for which such maps and registers exist. The district reports should wherever possible show figures separately of areas for which maps and lists exist and of areas for which they do not exist. In dealing with the results of inspection of boundary or special marks the reports should state how much of the inspection was done by subordinate agency e.t. managers of estates gazetted officers on tour etc and if separate notes of inspection by each class of agency have been kept columns 5 to 8 of the statement may be subdivided into sub columns (a) and (b) to show the amount and result of each class of inspections.  A full account should be gien of the steps taken to restore damaged or missing stones and if in any year any balance remains over to be restored an account of the action taken to complete the work should be given in the following years report. | Report on boundary or special marks to be annually made by District Officers. |
|  | 721. It will be the duty of the Director of Land Records and Survey s ot summarise the information received from the District Officers in accordance with the preceding rule in his Annual Report on Settlements and Land Records.  Note : The rules in this chapter should as fa as practiable be followed as regards the inspection of and repairs to the pillars on the boundary line along the district of Jalpiguri except where it coincides with the boundary of reserved forests. In the latter case the boundary pillars will be inspected annually by the subordinate in charge of a forest range or beat and his report chocked by a gazetted officer of the Forest Department by a personal inspection of a portion of the boundary. This officer will forward the report to the Deputy Commissioner who will incorporate it in his report to the Director of Land Records and Surveys Bengal under rule 720 above.  Pillars falling on the boundaries of tea grants should be dealt with by the officer whose duty it will be to inspect the other boundary marks in the ordinary course. | Director of Land Records and Surveys to summarise reports on boundary marks in his Annual Report. |

**Chapter IV- Uses of Settlement Records in Executive Matters**

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| Information contained in records. | 722. The general nature of the information, which is contained in the settlement record will appear from an examination of the settlement repots itself., The information is given in the abstracts compiled for the thana and the district as a whole but it will often be useful to collect similar information for smaller units of area for special purposes. |  |
|  | 723. The records and the statistical abstracts have been prepared mauza by mauza and are bound up in separate volumes for each mauza. So soon therefore as it is known which are the mauzas which cover the area for which the information is required it is easy to compile the information from the several volumes. The information directly obtainable from the settlement records is of much value for economic enquiries. The number pf estates the number of proprietors the extent of their holdings and their rents the crops grown in the year of the settlement and the extent of cultivation of each crop in that year the area estate or occupied by roads and rivers and so forth can all be ascertained. | Arrangement according to mauzas. |
|  | 724. The statistical information compiled by the Settlement Department may have great value for the purpose of the enquiries in anticipation of famine or scarcity or for the purpose of ascertaining and noting in definite selected areas the changes which have taken place since the date of the settlement. | Value of information in famine etc. |
| Basis of Registration | 725. By such enquiries made from time to time accurate facts may be secured upon which it may be possible to base sound conclusions and useful legislation |  |
| Thana maps | 726. Thana maps on the scale of one inch to the mile have been prepared or are under preparation for all districts. The maps of districts in which the record of rights has been completed are more up to date than those of other districts but all the maps contain details which make them invaluable for administrative purposes. They show the division of the area into mauzas which are numbered in a series running from north-west to south-east. Accompanying the maps are lists showing for each number the corresponding mauza name.  The maps show the more important features of the country such as rivers railways and the principle roads as well as the as names of the mauzas. |  |
| Difficulty of subdividing areas overcome by use of thana maps | 727. The thana map and teh jurisdiction list for the thana are of almost incalculable value to a District Officer in almost every department and every phase of his work. One great difficulty a District Officer has constantly to face in a large district is that of accurately subdividing the area with which he intends to deal. The thana is no doubt an accurately defined and definite area but it is only occasionally that this is the area with which a District Officer wishes to deal and even where as in taking a censes this is so he finds it necessary to take up and deal with this large area piece by piece in smaller block.  The thana maps enable him to do this with perfect precision and exactness. The mauzas are precisely defined areas their boundaries are will known in the locality every man who has land has a khatian which mentions the mauza name of his land and by the help of the thana map the District Officer can conveniently subdivide the area to be dealt with into separate mauzas or groups of mauzas. |  |
|  | 728. No doubt local knowledge is also required as two mauzas which are near together may be separated by an impassable jhil and two which are a comparatively long way apart may be connected by a good road or railway. But the important point is that with this map to assist him the District Officer can be absolutely certain that every piece of the area in question is accounted for and that nothing is taken up twice. Mere lists of names of villages are confusing of the same village name in different thanas is common. This confusion can be avoided by the use of the name and jurisdiction list number of the mauza combined with the thana map. | Area completely accounted for and no part touched more than once. |
|  | 729. In the Education Department the inspecting staff makes use of district maps and thana maps for marking the position of the various kinds of schools. These maps should also be hung up in all colleges and high schools. In cadastrally surveyed districts a printed copy of the 10" village map of the village in which any school (from a primary school upwards) is situated might with advantage be hung up in the school. | Education |
|  | 730. Rule 498 provides that District Boards should be supplied free of cost by the settlement Department with a complete set of maps of every village in the district and each Union Board with a copy of the maps of every village within its jurisdiction. These maps can be conveniently used for showing the position of-  (a) wells and tanks;  (b) pounds and ferries;  (c) District and Union Board roads;  (d) bridge and culverts; and  (e) Dak Bungalows.  With the aid of these maps the encroachments made on these public roads, tanks, etc. may be prevented. The maps will also be useful in determining the suitability of sites of proposed wells tanks or tube wells. | District and local board purpose. |
|  | 731. Four-inch jurisdiction maps which are supplied to the District Officer can be used for the following purpose  (a) to mark the lines of alllubion and diluvion  (b) for use byu Union and Local Boards  (c) For use by the Irrigation Department  (d) for preparation of comparative maps and for redlaying boundary connected to the Revenue Survey  (e) for connectint up any new traverse for scattered and  (f) for the purpose of calculating latitude and converges for the calculation of Azimuth. | The use of 4" maps. |
| Collectorate purpose. | 732. There are many departments of Collectorate work which the settlement maps and records give valuable help  (a) Partition- The maps and records will serve as the ----- of the partition local enquire will be necessary in order correct them and bring them up to date and in order to fix the field rent as distinguished from the rent of the holding.  (b) Land acquisition- In preparing land acquisition schema the officer entrusted with the preliminarily investigation should procure a cop of the settlement mauza map and mark on it the land to be acquired. He should also obtain information from the settlement records in order to ascertain the rates of rent classes of tenure and other details necessary to enable an estimate to be formed of the probable coast of acquiring the land. In the case of small plots the scale of settlement maps is ordinarily too small to admit of their use as land acquisition maps He can the settlement maps ordinarily be used as the final maps for acquisition of lands required for railways as the scales prescribed for railway land plans are different.  (c) Embankment cases- In cases in which it if necessary determine the area benefited by an embankment the area may e marked on the thana map. The settlement records will supply the information requisite for assessing the cost on estates and proprietors.  (d) Cess revaluation- The settlement record will be the basic of Cess Revaluation whenever Revaluation follows the District operations.  (e) Wards Estates- The thana maps are useful for showing the positions of the several properties and organizing the collecting establishments.  (f) Irrigation and drainage- The settlement record will area the value of the land, the crops grown and the names of proprietors in an area for which an irrigation or drainage scheme is proposed.  (g) Relaying boundaries- The cadastral maps prepared It connection with a record of rights will be useful in relaying boundaries under section 45 of the Bengal Survey Act. Under that section a Collector has the power to relay a boundary which has been determined in the course of a survey and record of rights (and of certain other proceedings discussed in I.L.R. VI, Cal 453)  Note- The Collectors powers under section 45 of the Bengal Survey Act are confined to relay and he is not empowered to decide a dispute or determine a boundary according to possession under this section.  The Collector may relay a boundary under this section if he considers it desirable but he should decline to help an individual to procure evidenu by this means for a civil dispute and should only assent to relay. if it is really in the public interest. Where all parties agree about a boundary but are in bona fide doubt about its position a relay may be made by the Collector and his reasons for doing so should appear on the record. |  |
|  | When an application for a relay under section 45 is made regarding a boundary in a area the Collector should be reluctant to under take the task unless stringent reason exist. Government order No 1049 L.R dated the 26th January 1932, and its enclosures should be referred to which forbids relay in diara areas except on the advice of the Director of Land Records and Survey s Bengal. As there are always several maps of various authorities in diara areas c.g. Thak Revenue Survey Diara Survey and District Survey in addition to maps made in connection with resettlement of revenue or civil cases proceedings under section 45 should not under any circumstances be made into boundary disputes where each party claims boundaries according to different maps most suitable to himself. |  |
|  | The Collector should not take up any proceeding which is likely to affect adversely the boundary of a Government estate. |  |
|  | Before proceeding to make a survey or relay a general notice under section 5 of the Act should be issued. The Collector has no judicial functions under section 45 but acts in purely executive capacity. |  |
|  | As a Collector cannot determine a boundary under section 45 section 46 does not apply to any lie re-laid under this section. If it is necessary to put boundary marks on the line re-laid this can be done under section 15 if applicable. |  |
|  | (h) Nazarat- A copy of the thana map and jurisdiction list should be used by the Nazir to assist him in distributing processes for service. The boundaries and numbers of Unions should be marked on this map.  (i) Famine- For defining famine circles and charges the thana maps are invaluable. They can also be used in conjunction with the several registers and the census tables for collecting statistical information in anticipation of famine.  (j) Excise- District or thana maps should be used for showing excise shops cases and tours as may be prescribed by the Commissioner of excise. |  |
|  | 733. On the Magistrates side of a District Officers work the thana maps and settlement records can be utilized as follows-  (a) Chaukidari- The boundaries and numbers of Unions should be marked on thana maps. These maps should be kept corrected up to date in the Magistrates office and copies should be supplied by the Magistrate to thanas.  (b) Census- In subdividing the district or thana for making a census the maps are invaluable for the census Mauza Register follows strictly the serial numbers of the mauzas as given in the jurisdiction lists prepared by the Settlement Department and as shown in the thana maps.  (c) Disputes as to possession- In disputes as to possession the settlement records are of great and special value. Not only do they show who was in possession at the time of the settlement. Which is a useful and definite fact, but they also enable it to be stated will accuracy and precision in the record of the case when the dispute comes into court. what is the precise area to be dealt with, Every plot of land in the district has been mapped and given a number in the mauza map. The plot or plots in dispute can therefore be marked in this map and if a printed copy of the mauza map is filed with the record there cannot be any doubts as to what precise area is in dispute. It may sometimes be necessary where the parties cannot speak of their plots or their numbers to ascertain them by local enquiry. But in any case it is easy to avoid the indefiniteness which is a fruitful source of these difficult and troublesome cases coming nothing. Decisions in such cases often prove to be or no value because it is impossible to point out precisely to what the related. |  |
|  | (d) Police- (i) Application for additional police to be quartered in disturbed areas at the cost of the inhabitants and required to be accompanied by lists of the names and number of the mauzas concerned the settlement record will show the names of the proprietors and the tenants of all grades as will as the rents paid by the tenants.  (ii) The use of vandyked copies of the thana maps has been prescribed for crime maps in all police stations other than town stations for which town or municipal maps are to be used.  (iii) For the preparation of plant of scenes of crimes which are required to accompany charge sheets in certain cases use maybe made of the 1"- 1 mile settlement map unless this scale in too small. |  |
| Uses in Registration Department | 734. It has been directed by Government Notification No 1126 Regn dated the 3rd February 1917 under section 22 clause 1 of the Indian Registration Act XVI of 1908 that in all areas in which a cadastral survey has been made and a record of rights prepared under the authority of Government houses and lands shall be described by reference to the detailed maps or records prepared in the course of these operation. The Notification is reproduced in extense in Appendix D. |  |
| Report on uses made of settlement records to be annually made by District Officers | 735. The uses made during the settlement year of the survey and settlement records should be fully and methodically described by the District Officers in a report which should reach the Director of Land Records and Surveys by the 15th October. The Director will incorporate a summary of the District Officers reports in his Annual Report. The information should include among others that may be considered worth notice the following points, viz- |  |
|  | (i) To what extent the records are used in criminal work whether officers receiving criminal petitions regarding any and dispute call upon the petitioner to prove that he or his predecessor in interest was recorded as in possession in the khatian whether the police are instructed to examine the khatians or parchas when they enquire into any case of dispute whether the presumption of correctness of entries in a record of rights (see section 103B Bengal Tenancy Act) is understood by Magistrates and the police whether the police use the survey maps as far as possible in preparing sketches of the scenes of crimes whether thana maps have been obtained and if so whether they are available at thanas.  (ii) To what extent survey and settlement records are used in the Collectorate work whether they are used in land acquisition cess revaluation the management of Government and Wards estates and generally whenever a map or a record of occupancy is required and  (iii) Whether the description of land by survey or settlement numbers is insisted on in sub registry officers. |  |

**Chapter V- General Suggestions as to the use to Magistrates of Settlement Records in the trial of criminal cases arising out of Land Disputes**

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|  | 736. When any complaint is made relating to land for which a survey and record of rights under the Bengal Tenancy Act has been made it will be found very useful to require the complainant to state the survey number of each plot of the land which is the subject matte of or the occasion of the complaint and should be claim it as his own to produce certified copies of the khatian or failing that the parcha granted at th time the record was under preparation. This will obviate any uncertainty about the identity to the subject matte in dispute | Idintification of the lands in dispute. |
|  | 737. It is to be remembered that the finally published record has been prepared after a most elaborate system of checks by specially selected officers and that under section 103B of the Bengal Tenancy Act every entry in the record is to be presumed to be correct until it is proved by evidence to be incorrect. Similarly under section 83 of the Evidence Act the maps are presumed to have been made under the authority of Government and to be correct. With regard to disputed entries decided under sections 105A and 106, Bengal Tenancy Act, the decision of the Revenue Officer has the force and effect of a decree of the Civil Court in a suit between the parties subject to the appeals provided by law. | Presumption of correctness attaching to the record. |
|  | 738. It is highly inexpedient to allow complainants to utilize the Criminal Courts merely for the purpose of contesting the validity of entries in the record of rights a practice very common during the progress of the settlement operations. | Criminal courts not to be used for the purpose of contesting the validity of the record. |
|  | 739. Another benefit to be derived from using the records is that the parties are at once bound down to one or more particular plots of land. Formerly it was a common practice to dispute every boundary and every detail connected with a field so that it was almost impossible to make out what were the facts in issue or what the parties were fighting about. Now in areas which have been surveyed the field is plot No X in mauza Y and the names of the landlord and the tenant in possession (until the contrary is proved) are on record as well as the names of the cultivators immediately adjoining on all four sides who are often the most competent witnesses in the case. | Boundary tenants useful witnesses. |
|  | 740. In riot cases which so frequently arise out of disputes regarding land it is common to set up the defense that the accused were in possession and acted in self defense reference to the settlement records and if necessary a local inspection with the aid of the records might settle this point at once or at least be of great help to the Court in determining the question of actual possession. | Use of records in riot cases. |
|  | 741. During the preparation of the record of rights (khanapuri and bujharat) all occupiers of lands receive copies of the entries in the khatians relative to their lands which are known as parchas. These parchas are ordinarily corrected up to date at The time of attestation but they are only of value to the holder of them up to the time of final publication. Once a record of rights has been finally published all offiers dealing with land matter must look to the entries made in that record which supersedes all entries in parches. | Copies of settlement papers distributed to the public. |
|  | The above remarks apply also to copies of khatians copies of decisions recorded at the time of khanapuri at the time of attestation and at the time of the disposal of objections under sections 103A. in fact to all copies issued before the stage of final publication. These like the parchas are of value only before the final publication of the record of rights. After the record of rights has been published copies of the entries in it relating to the lands held by each landlord and by each tenant are distributed to the landlords and tenants stamped with certificates that they are true copies of records finally published under section 103A These are the documents that should be invariably called for from disputants who claim possession of lands and in all cases in which the rights of parties to landed property are relevant. Their contents should be presumed to be correct until the contrary is proved by evidence except in the few cases in which another party 105A that the entries in the record of rights were legally modified or that a new rent has been settled for a holding under section 105, in the place of the rent recorded as the existing rent. |  |
| Action to be taken where settlement operations are still in progress. | 742. Where settlement operations are still in progress and an officer hat to deal with a land dispute or any other matter involving a reference to the settlement papers it is clearly of the first importance that he should understand the exact stage which has been reached and whether the record has been finally published or not. This be may be able to ascertain from the evidence immediately available but if there is any soubt of the subject he should apply to the Settlement Department for the requisite information. If the stage of khanapuri or bujharat only has been passed he will call for the parchas relating to the lands he is dealing with. If the records have been attested and published in draft he must receive any evidence that may be offered to show that the entries in the parcha were modified at that stage or may enquire from the Settlement Department as to the entries actually to be found in the draft records. Should the third stage have been decided under section 103A he will remember that the decision operates to modify the entries made in the parcha or in the draft record. |  |
|  | 743. Further information on settlement matter, including the preparation of the record the source of law which give it validity and the common vernacular terms employed in settlement work may be obtained in the independent publication entitled "Guide and Glossary to Survey and Settlement Records in Bengal''. | Further information on settlement matters. |

**Chapter VI - Colonisation**

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|  | 744. In order to avoid misapprehension, a few instruction are appended concerning colonisation (vide rule 580 (a) which defines it as a settlement operations proper. | Colonisation. |
|  | 745. The work of colonisation- that is the work of selection settlers for new land assigning allotments to those settlers and entering into initial contracts with them is one of the ordinary functions of the Collector. This work is of an executive nature and although the contracts with the settler must be consistent with the Bengal Tenancy Act the work itself is not carried out under Chapter X of that Act or under Regulation VII of 1822 or under any other law. The Collector is merely acting as a zamindar. | Colonisation by Collector as zamindar. |
|  | 746. At the end of the period of the initial contracts the estate comes for the first time under "settlement'' In fact as far as Government estates are concerned the operation is mauza correctly termed "resettlement '' If there is a Special Settlement Officer in the district he carries out the operation of resettlement otherwise it is carried out by the Collector as ex-officio Settlement Officer. | Resettlement after colonisation. |
|  | 747. While the respective functions of the Collector and the Settlement Officer are as explained in last paragraph they expected to give mutual assistance to one another. On the hand the Settlement Officer will not confine himself in the case of an unsettled Government estate which has just become fit for cultivation to making a topographical map of the lands. He will also in consultation with the Collector demarcate suitable holding both on the map and on the ground. Wherever circumstances suitable this will be done in the rectangular or "bargadagi'' method (vide Appendix Q). The selection of settlers for these holding and the determination of the rate of rent for the initial period of settlement will rest with the Collector but if the Settlement Officer is in a position ot assist the Collector in the selection of settlers the Collector should of course avail himself of that assistance and the Collector should make a point of consulting the Settlement Officer regarding the initaial rate of rent. | Settlement Officers duty during colonisation |
|  | 748. On the other hand the Collector and the Settlement Officer should work in close co operation when the Settlement Officer is carrying out the resettlement of a Government estate. In particular the Collector should place his maps jamabaund and Collection papers at the Settlement Officers disposal and should instruct the tahsil officers and the raiyats to point and boundraries and give all other necessary information. If the estate under resettlement contains a considerable area of unsettled land which is ripe for cultivation the Settlement Officer should also if so desired by the Collector demarcate holdings on that land is the manner explained in last paragraph. He should in any case determine having due regard to the fair rents which he is fixing for the cultivation portion of the estate at what rates the uncultivated portion of the estate will be leased out during the forthcoming period of settlement. These rates should be embodied in the confirmation report of the estate and should be made known to all the tenants. The Collector should see that the rates are carefully observed. | Collectors duty during resettlement |