

THE ANDAMAN AND NICOBAR ISLANDS
LAND REVENUE AND LAND REFORMS
RULES, 1968
(With up to date amendment)



Published By Authority

NOTIFICATION

3. In these rules unless the context otherwise requires-

- (i) "Form or schedule" means a form or schedule appended to these rules
- (ii) "Islands" means the Andaman and Nicobar Islands.
- (iii) "Regulation" means the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 (Regulation II of 1966)
- (iv) "Section" means a Section of the Regulation.
- (v) Expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.

CHAPTER II

Land and Land Revenue

A. DISPOSAL OF TREES

Sec. 38(2)

4. The Deputy Commissioner may permit the cutting of trees under the following circumstances :-

- (i) The Trees or parts thereof are likely to cause damage to life or property; or there is likelihood of pollution of drinking water;
- (ii) the trees are dead or dying;
- (iii) the removal of trees will facilitate cultivation of food or Agricultural crops;
- (iv) the cutting of trees by a tenant is necessary for his *bona fide* domestic purposes.

AA- DIVERSION OF LAND USE

- 4 A (1) Any tenant holding land for any purpose may apply to the Sub-Divisional Officer for permission to divert all or part of the land in his holding for any other purpose in Form A.
- (2) The Sub-Divisional Officer shall cause an enquiry to be made and shall, unless he rejects the application for reasons to be recorded in writing, forward the application along with the report of the enquiry and his own recommendation to the Chief Commissioner through the Deputy Commissioner for making grant under clause (i) of the section 146 as the case may be in the appropriate form.
- (3) The Sub-Divisional Officer shall not reject an application for permission to divert land held for one purpose for any other purpose except on the following grounds :-
- (a) the land held by the applicant for agricultural purpose being well-suited for such purposes, should not be diverted for any other purpose;
 - (b) the applicant, being a non-occupancy tenant, has not acquired the right of occupancy in the holding;

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Dated 8.5.87

- (c) the permission if given in respect of any part of the applicant's agricultural holding will render the remaining agricultural holding uneconomic :
 - (d) the permission if given will result in the use of the land in question not in conformity with the use to which land in the vicinity has been put or can be put according to directions issued by the Chief Commissioner on Town and Country Planning consideration;
 - (e) the applicant, being incapable of putting the land in question efficiently and immediately to the alternative use as intended by him, is likely to hold the land in question for the alternative use only for speculative purposes.
- Note: Norms for efficient and immediate use of land for various purposes shall be as specified by the Chief Commissioner from time to time, by notification in the Official Gazette.
- (f) the applicant being a tenant seeking diversion of use of land for construction of dwelling house, already possess a house site or a house in a village well connected to the land in respect of which permission is sought, or has been granted similar permission in respect of which permission has been sought.
 - (g) The authority competent to make a grant or grant a licence for the intended alternative use has not made such a grant or granted such licence.
- (4) Where an application of land use in any holding is not rejected by the SDO, he shall, on deposit by the applicant of the premium, if any, determinable under these Rules allow such diversion in accordance with the terms of the grant made or licence granted in pursuance of the recommendations made in sub rule (3).

B. VARIATION OF LAND REVENUE

- I. Diverting from a non-agricultural purpose to an agricultural purpose in non-urban areas. Sec. 40 (5)
- 5. When land already diverted to a non-agricultural purpose and re-assessed to land revenue on that basis is re-diverted to an agricultural purpose, it shall be assessed to land revenue on the basis of the last settlement.
- 6. In case falling under Rule 5, where no assessment had been made during the last settlement assessment shall be made on the basis of rate adopted for lands of similar soil in the same village or neighboring villages, at the last settlement.
- 7. The assessment made under Rules 5 and 6 shall remain in force till the next succeeding settlement of the village.
- II. Diverting from and agricultural purpose to a non- agricultural purpose
- (a) Non urban areas.

8. If any land assessed for agricultural purpose is diverted to a non-agricultural purpose, the assessment thereon shall be revised in accordance with any of the methods specified below according to the circumstances of the case :-

- (a) If the area in which the land is situated has an assessment rate approved by the Chief Commissioner under sub-section (4) of section 55 of the Regulation, then in accordance with the assessment rate so approved;
- (b) If there be no assessment rate in force as aforesaid, then the Sub-Divisional Officer will determine rate under Rules 56 and 57 of these rules.

9. In fixing the assessment the area of a survey number or sub division shall be reckoned in terms of multiples of 5 square meters rounded off to the nearest multiple. The assessment shall be correct to the nearest paisa.

10. The assessment fixed under Rule 9 shall remain in force till the next settlement of the village.

(b) Urban areas.

11. If any land in an urban area assessed for an agricultural purpose is diverted to a non-agricultural purpose, its assessment shall be altered by fixing the actual assessment on the basis of this standard rate prevailing for the block in which the land is situated.

12. If in such block no such standard rate is in force the rate shall be determined in the manner prescribed in Chapter IV of these rules.

13. In fixing the assessment, the area of the plot shall be reckoned in terms of multiples of five squares meters rounded off to the nearest multiple. The assessment shall be correct to the nearest paisa.

14. The assessment of fixed under Rule 13 shall remain in force till the next settlement of the village.

C. IMPOSITION OF PREMIUM

15. When the land assessed for non-agricultural purpose is diverted to any agricultural purpose no premium shall be imposed under section 40 (6).

16. For the purpose of imposition of premium on land diverted from agricultural purpose to non-agricultural purpose, the amount of premium shall be computed on the basis of such rates as may be determined by the Chief Commissioner under Rule 164 for the intended alternatives use reduced by such amount of premium if any which might have been paid by the applicant of any of his predecessor-in-interest at the time of creation of the tenancy for agricultural purposes.

17. Where agricultural land diverted to non-agricultural purposes is re diverted to agricultural purpose the holder of the land or his successor in interest shall not be entitled to get refund of the amount of premium already paid for diversion to a non-agricultural purpose.

18. All change in assessment on account of diversion shall be brought on the Record-of-Rights and other records prescribed under Section 88 and necessary corrections shall also be made in respect of the survey numbers or plot numbers as the case may be.

D. ASSESSMENT OF UN-ASSESSED LANDS.

19. Land which has not been assessed and which has been occupied or is proposed to be given out for agricultural purposes shall be assessed on the basis of rate adopted for lands of similar soil in the same or neighboring villages and the assessment so fixed shall be liable to revision at the next settlement of the Tehsil.

Sec. 41

20. The assessment of land situated in an urban area, which has not been assessed and which has been occupied, shall be made in the manner prescribed in Chapter IV of these Rules.

21. Government land when vested in a local body unless exempted from assessment by the Chief Commissioner by order shall be assessed to land revenue at the rate of 3 paise per rupee on half of its free-hold market value if the land is used or is to be used for building purposes and/or is a source of income to the local body. In other cases, the assessment shall be made at the rate of Rs. 25/- per hectare.

Explanation :- For the purpose of this rule, “free-hold market value” means the price the land would fetch if it were sold free of rent or revenue in perpetuity.

CHAPTER III

Revenue Survey and Settlement in Non-Urban Areas

A. ENQUIRY INTO THE PROFITS OF AGRICULTURE

22. In order to enquire into the profits of agriculture in every Revenue Inspector’s Circle, one or more holdings may be selected for continuous examination. The holdings may be so distributed as to give at least one holding in each settlement group.

Sec. 45

23. Selection of the holdings shall be made on the following considerations :-

- (a) **Accessibility:** Atleast one of the holdings shall as far as possible be near the Revenue Inspector’s headquarters. If such a holding cannot be found it shall as far as possible be situated at a Patwaris’s headquarters.
- (b) **Size:** Minimum size of the holding shall as far as possible be one hectare in case of paddy and one fourth crops. In case of coconut, betel nut and other garden crops, it shall be two hectare as far as possible.

Substituted vide Notification No. 127. F. No. 51-21/81-M & R Dated 8.5.87

- (c) **Soil:** The soil of the holding shall as far as possible be representative and of average character. It shall have no special advantages or defects and shall be homogeneous.
- (d) **Cultivation:** The holding shall be as fully cultivated as is usual in the tract by a cultivator of ordinary industry.
- (e) **Cropping:** The holding shall have the normal cropping typical of the tract.
- (f) **Calculation of profits:** The holding shall be free as far as possible from complicating factors which make the profits difficult to calculate.
- (g) **Stability of Cultivator:** The cultivator shall belong to the common cultivating classes of the tract.

24. The Land Record Officer shall direct Revenue Inspectors to prepare a list of holdings selected for purposes of inquiry and, thereafter, shall himself check the list by actual field inquiry. The list of holdings selected for purposes of inquiry. The list of holdings so selected by Land Records Officer shall be submitted to Deputy Commissioner for approval. After the list is so approved, it shall be submitted in Form 'A' for the final approved of the Chief Commissioner. A separate form shall be prepared for every Tehsil. In areas under settlement selection of holdings shall be made by Settlement Officer in consultation with Deputy Commissioner and Chief Commissioner's approval shall be obtained.

25. The Revenue Inspector shall collect information in respect of each holding for each agricultural year and record it in statement Nos. 1 to 6.

26. The Land Records Officer and his Assistants shall visit this selected holdings and check the information collected by Revenue Inspectors

27. The statement referred to in Rule 25 shall be prepared in duplicate. One set of the statements shall be retained by this Revenue Inspector and the other set shall be forwarded to the Land Records Officer on the commencement of the agricultural year.

B. CONTINUOUS ENQUIRY INTO VALUE OF LAND USED FOR AGRICULTURAL PURPOSES

28. Six villages shall be selected in each assessment group in the district. Two of these villages shall be superior type, two of average type and two of inferior type. Information shall be collected regarding the sale prices the principal moneys on mortgages and the consideration for leases in respect of occupancy holdings.

Provided that the Deputy Commissioner may reduce the number of villages selected from each assessment group for such enquiry having regard to the size of the group.

29. Information in respect of each village shall be collected by the Revenue Inspector from the mutation and kharsa registers of the village and entered in the two statements Nos. 7 and 8.

30. The statements referred to in Rule 29 shall be prepared annually for a revenue year.

31. The Land Records Officer and his Assistants shall visit the selected villages and check the information recorded by the Revenue Inspector.

32. The statement referred to in Rule 29 shall be prepared by the Revenue Inspector in duplicate. One set shall be retained by him and the other set shall be forwarded to the Land Records Officer by 1st May for record in his Office.

C. CONTINUOUS INQUIRY INTO VALUE OF LAND USED FOR NON-AGRICULTURAL PURPOSE

33. Six villages shall be selected in each assessment group in the district Two of them shall be superior type, two of average type and two of inferior type. The information shall be collected regarding the sale prices, the principal moneys on mortgages and the consideration for leases of occupancy holdings to be made-

Provided that the Deputy Commissioner may reduce the number of villages selected from each assessment group for such enquiry having regard to the size of the group.

34. Information in respect of each village shall be collected by the Revenue Inspector of the circle from the mutation registers and entered in two statement Nos. 9 & 10.

35. The statement referred to in Rule 34 shall be prepared annually for the revenue year.

36. The Land Records Officer and his Assistants shall visit the selected villages and check the information recorded by the Revenue Inspector. The statement referred to in Rule 34 shall be prepared by the Revenue Inspector in duplicate. One set shall be retained by him and the other set shall be forwarded by 1st May to the land Records Officer for record in his office.

D. FORMATION OF SURVEY NUMBERS AND VILLAGES

37. Except as provided in these rules, the existing Kharsa numbers and survey numbers shall be retained as they stand unless their renumbering is considered necessary in which case they shall be renumbered afresh. The numbers so retained or altered shall be called survey numbers. Sec 45

38. When the actual boundary of a survey number does not agree with that shown in the field map, the map shall be corrected in accordance with the boundary as agreed on by the parties concerned or as determined under Section 97 of the Regulation.

39. If renumbering is not considered necessary, no new survey numbers shall be formed except in the following cases :-

- (a) where land is taken up for special purposes, specified in Section 198;
- (b) where unoccupied lands are given out for cultivation;

- (c) where unoccupied lands are brought under survey for the first time; and
- (d) where survey numbers exceeding 10 hectares or such areas as may be notified for a particular tract are divided into two or more survey numbers to reduce their area

All other cases shall be dealt with by the formation of sub-divisions in or addition of sub-divisions to existing survey numbers and when any new survey numbers is formed, it shall be given the number next after that of the last survey number in the village.

40. No survey numbers, consisting of land to be used for agricultural purposes only, shall henceforth be formed with less than such areas as the Chief Commissioner may by notification specify for different tract in the territory.

Provided that in the case of land acquired for public purposes or set aside for special purposes the minimum area of a new survey number shall be 50 areas.

41. (1) Two or more occupied survey numbers may be amalgamated provided the following conditions are satisfied namely-

- (a) the total area does not exceed 10 hectares;
- (b) the tenant or tenants of each survey number, and type of tenure are the same, and they agree to amalgamation;
- (c) there are no sub-divisions; and
- (d) the common boundary is such that the amalgamation will materially facilitate cultivation provided that the limits imposed by or under condition (a) may be exceeded to such extent as the Settlement Commissioner may, by general or special order, sanction.

(2) The combined survey number shall be given the numbers of all the survey numbers which have been amalgamated to form, it the various numbers being connected by hyphens.

42. Survey numbers may be cancelled only when they cease to be part of the village area.

43. Two or more villages may be amalgamated provided the following conditions are satisfied, namely-

- (a) they are adjacent;
- (b) the village sites or abadis adjoin or there is only one village sited or abadi and other villages are uninhabited; and
- (c) communal rights over unoccupied lands are enjoyed in common by cultivators of all the villages;

Provided that the total area of the new village formed after amalgamation shall not ordinarily exceed 500 hectares.

44. On amalgamation of villages under Rule 43, the survey numbers of the largest inhabited village shall be retained and those of the other villages re-numbered starting from the numbers next to the last numbers of the largest inhabited village; the cancelled numbers being shown in brackets below the new numbers, unless the Settlement Officer considers re-numbering of the survey numbers necessary in which case he shall re-number them in one new series.

45. (1) A village may be divided into two or more villages provided one or more of the following conditions are satisfied, viz;-

- (a) the area of the existing village is unwedily as a single unit;
- (b) communal rights are enjoyed over unoccupied lands situated in distinct and separate units;
- (c) in the case of an existing village comprised partly or wholly of old uninhabited villages one or more such villages have since developed into stable inhabited areas;
- (d) there are other reasons of a similar nature.

(2) No division shall be allowed resulting in the formation of a village with an area of less than 100 hectares.

46. On the division of the village in two or more villages under Rule 45, the survey numbers of the newly formed villages shall be re-numbered, starting from No.1 each case the cancelled numbers being shown in brackets below the new numbers.

47. The amalgamation or division of villages or village shall be notified and shall take effect from the beginning of the revenue year next following.

E. FORMATION OF SUB-DIVISIONS

48. Every portion of a survey number, which is held under a separate title shall be formed into a sub-division; Sec 51

Provided that no sub-division shall be formed-

- (a) with an area of less than 10 acres, if the land is used for the purpose of agriculture
- (b) with an area of less than 10 square meters if the land is used for any other purpose, except where a portion of unoccupied land belonging to government is settled with the holder of the land adjoining it.

49. (1) Alluvial land lawfully occupied by a person other than the tenant of the adjoining land shall be formed into a sub-division.

(2) If the area of such land exceeds 25 area and is in the occupation of the tenant of the adjoining land, it shall be formed into a sub-division, and included in his survey number.

50. Two or more adjoining sub-divisions in a survey number may be amalgamated when they are held by the same holder under the same tenure.

51. Uncultivable land shall be distributed amongst the several sub-divisions as agreed on by the tenants if such land is held in joint possession, it shall, unless it is road or nallah, be formed into a separate unassessed sub-division.

52. The assessment of a survey number shall be distributed over its sub-division as agreed on by the tenants or where there any dispute, in accordance with the area and soil classification of the various sub-divisions. On revision, the new assessment shall be distributed over the sub-division in the same manner as the old assessment.

53. The area and the revised assessment of survey numbers and subdivisions shall be entered into field book (Kharsa) in Form 'B' and also in the Record-of-Rights. Where a portion of a survey number has been diverted to non-agricultural purposes, the area and assessment of such portion shall be shown separately in the field book in Form 'B'.

54. The Settlement Officer shall prepare the table of assessment rates for different classes of land in Form 'C' for all villages in each group. Sec 55

55. (a) The Settlement Officer shall publish all such lists formulated under Rule 54 for a period of one month by affixing copies thereof at conspicuous places in all the villages included in each group as also at his office and tehsil headquarters.

(b) Any person objecting to an entry in the table of assessment rates may present a petition to the Settlement Officer within a period of 15 days from the last date of publication.

F. ASSESSMET OF NON-AGRICULTURAL LANDS

56. The basis on which the assessment of non-agricultural lands shall be worked out will be the estimated rental values of non-agricultural lands in the village.

57. In order to estimate the figures of rental value correctly the Settlement Officer shall ascertain the free hold value of non-agricultural lands separately for :-

Sec 58(4)

- (i) sites for dwelling houses;
- (ii) sites for purposes other than agriculture, dwelling industry or commerce; and
- (iii) site for industrial and commercial purposes;

on the basis of the transaction that have taken place during the 20 years (or such shorter period as may be found suitable) preceding the year of enquiry on the following principles-

- (a) in case of sale an open survey number not assessed to lands revenue or rent, sale price shall be free-hold value;
- (b) in case of sale of an open survey number assessed to land revenue or rent, the sum of the sale price plus sixteen times the assessment shall be the free-hold value;
- (c) in cash of a lease or assignment of a lease of an open survey number for a premium with a reservation of ground rent, the sum of the premium plus sixteen times the ground rent reserved shall be the free-hold value;
- (d) in the case of a lease or assignment of a lease of an open survey number without payment of premium, sixteen times the rent reserved shall be the free-hold value;
- (e) in the case of lease or assignment of a lease, without payment of premium, of a survey number with superstructure, where rent is reserved, sixteen times the difference between the annual rent reserved, and the annual letting value of the super-structure on the date of the lease shall be the free-hold value;

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CHAPTER IV

Assessment and Re-assessment of Land in urban areas

A.AGRICULTURAL LANDS

59. The existing survey numbers used for agricultural purposes shall be recognized as plot numbers under Section 68(b) so long as they continue to retain their agricultural character.

60. Every portion of a plot number, which is held under a separate title, shall be formed into a sub-division subject to a minimum area of 10 acres of land.

61. The assessment of a plot number shall be distributed over its sub-divisions as agreed upon mutually by the sub-division holders or, where there is any dispute, in accordance with area and soil classification of the various sub-divisions. Fractions of a paisa shall be ignored and the total assessment of the sub-divisions made to agree with that of plot number by adding one paisa to the assessment of as many sub-divisions as necessary. Sec. 69(2)

62. The area and assessments of agricultural survey numbers recognized as plot numbers shall be entered in Field Book (Kharsa) and the Record-of-Rights in Forms "B" and "F" respectively. Sec 70

63. For the purpose of assessment, the area occupied by agricultural plot numbers shall be divided into blocks. The Chief Commissioner may, from time to time, specify the areas to be included in a block. Sec 71

64. For the fixation of the standard rates per hectare of agricultural land, the Deputy Commissioner shall proceed to determine the scale of soil factors (relative value of each class of land) to be applied to the block under consideration. Soil classification made at last settlement should normally be maintained and changed only in exception cases for valid reasons. Sec. 72 & Sec. 73

65. For the determination of a suitable scale of soil factors for each book, the Deputy Commissioner shall collect such information as he may deem necessary in order to arrive at (a) the gross value per acre of the produce of each class of soil; and (b) the net profits of cultivation of each class of soil. For this purpose, he shall ascertain and tabulate sale prices and letting values of land, profits of agriculture and the prices of various crops.

66. After the scale of factors suitable for a block is determined, the scale will be applied to the total occupied area of the block, and the present unit incidence (incidence per soil unit) if the existing total land revenue demand of the block shall be worked out.

67. The Deputy Commissioner shall then consider and decide upon the extent, if any, to which the assessment in the block, as a whole, could be enhanced having regard to the circumstances of the block adjudged by its past history trend of prices, selling and letting values of land, profits of agriculture, etc. The Deputy Commissioner shall then arrive at the standard unit rates of the crops by raising the present unit incidence worked out under Rule 66 by the percentage of enhancement decided upon as suitable for the block.

68. The Deputy Commissioner shall then see whether this standard unit rate of the block could be suitably applied to all the villages in the blocks or whether it needs some variation having regard to the special circumstances of a particular village.

69. The unit rate mentioned in the preceding rule multiplied by the factor for each class of soil shall be standard assessment rate for that soil to be applied to the villages and blocks.

70. (1) The standard rate so fixed by the Deputy Commissioner shall be published in the official gazette for inviting objections. Copies of the list shall also be affixed in all the villages at conspicuous places and at the tehsil headquarters. Any person objecting to any standard rate shall file his objection within 30 days from the date of publication in the official gazette. The Deputy Commissioner shall consider such objections after giving the objector an opportunity to represent.

(2) The standard rate so arrived at shall be reported by the Deputy Commissioner through the Settlement Commissioner, to the Chief Commissioner for approval. The Chief Commissioner may approve the standard rate with such modifications, if any as he may deem fit. The standard rate shall be finally published in the Gazette by the Deputy Commissioner.

71. The Chief Commissioner, or with his concurrence, the Settlement Commissioner may from time to time issue such separate instructions as may be necessary for the purposes of rules in Part A of this Chapter.

B. NON-AGRICULTURAL LANDS

Sec. 68

72. Non-agricultural lands in urban areas shall continue to be recorded in the existing records of the respective villages until a separate record-of-rights of such lands is prepared under, Section 83.

73. When such separate record-of-rights is prepared the existing survey numbers (including Kharsa numbers re-numbered as survey numbers) shall either be recognized as plot numbers or divided into plot numbers in such manner as may be specifically directed by the Settlement Commissioner for a particular area.

Sec. 69

74. Every portion of a plot number so formed, which is held under a separate title shall be treated and recorded as a sub-division of a plot number;

Provided that no such sub-division shall be formed, with an area of less than 10 square meters.

Sec. 70

75. The area and assessments of plot numbers and their sub-divisions shall continue to be recorded in the Kharsa ad Jamabandi or such other village record as is at present in use until a separate record-of-rights is prepared, these areas and assessments shall be entered in that record and in the field book (Kharsa).

Sec. 71

76. In forming the areas in a town into blocks and in forming such blocks regard shall also be had, in addition to the factors mentioned in Section 71 to use of land for places of public resort and recreational purposes.

77. The Deputy Commissioner shall ascertain the free-hold value of non-agricultural lands in each block, separately for lands used as sites for dwelling houses and purposes ancillary thereto, i.e., purposes mentioned in clauses (b) and (c) of sub-section (1) of Section 40 and for land used for industrial and commercial purposes on the basis of transactions that have taken place during the 20 years or such shorter period as may be found suitable preceding the year of enquiry in accordance with the principles laid down in Rule 57.

78. After the free-hold value of lands in the blocks ascertained as is specified in Rule 77, the Deputy Commissioner shall determine the average free-hold value of non-agricultural land in the blocks, by calculating the average value of such land per 10 square meters, as far as possible in the manner laid down in Rule 58.

79. If in any block the average free-hold value of non-agricultural land cannot be estimated in the manner specified in Rules 77 and 78 it shall be determined on the basis of transactions during the same period in respect of lands in the adjacent blocks.

80. After the average free-hold value of non-agriculture land in blocks is determined in the manner prescribed in Rules 78 and 79, the Deputy Commissioner shall work out the figure of average annual letting value per 10 square meter of land in each block by calculating it at 6 paise in the rupee on the average free-hold value of the land in the block. It shall be rounded off to the nearest excess of one rupee per 10 square meters, and to the nearest multiple of 25 paise where it works out to a sum in excess of one rupee per 10 square meters. Where the average letting value works out to a figure equidistant from the higher and lower multiple, the lower multiple should be deemed to be the nearest.

81. (1) Standard rates of assessment per 10 square meters of land shall be equal to-

One third of average annual letting value in the case of lands used for dwelling houses and for industrial or commercial purposes;

One half of the average annual letting value in the case of lands used for any other purpose.

(2) The procedure prescribed under Rule 70 shall apply mutatis mutandis for determination and publication of the standard rate.

82. While fixing assessments of individual plots the Deputy Commissioner shall also take into consideration the use, and situation of plots and other advantages of disadvantages attaching thereto. Sec. 75

83. The Chief Commissioner, or with his concurrence the Settlement Commissioner, may from time to time issue such separate instructions as may be necessary for the purpose of rules in Part B of this Chapter.

Land Records

A. PATWARIS

84. Every Patwari shall maintain a daily diary and such other office records as may be prescribed from time to time by the Deputy Commissioner. Sec. 79

85. The Patwari shall keep in safety and in good conditions all copies of settlement records entrusted to him and any papers which he may be required to keep under these rules or the explanatory instructions thereunder or which may be made over to his charge by the District Revenue Officers.

86. The Patwari shall allow any person to inspect his records and give extract or copies thereof on demand on payment of fees at the rates prescribed by the Chief Commissioner.

87. The Patwari on receipt of an order and paper from the Tehsildar shall prepare, attest and transit to him copies of land records with him.

88. The Patwari shall not, under any circumstances be called on to make any copies of his land records other than those prescribed by these rules.

89. The Patwari shall on demand assist officer or other departments in the discharge of their duties.

90. The Patwari shall work under the control of Revenue Inspector and overall control of the Tehsildar.

91. When the circle of a Patwari is visited by the Revenue Inspector, the Patwari shall report to him in writing-

- (1) The death if any, without heirs of any tenant, grantee or licensee;
- (2) the death if any, or changes in village Chaudharis or Chaukidars or their prolonged absence from village;
- (3) encroachment on Government land or any waste land forest or irrigation work belonging to Government or on any public way;
- (4) infringement of the conditions under which any grant or lease of land is held from Government;
- (5) destruction or decay of boundary or survey marks and alterations of village boundaries;
- (6) calamities, such as hail, locusts, fires, flood, frost, pest attacks, cattle disease or epidemics;
- (7) emigration or setting of cultivators;
- (8) the condition of crops;
- (9) the infraction by any person of tenant's right of Nistar or any obstruction to the legal exercise of any right recorded in the Nistar Patrak or village administrative paper;
- (10) ejectment of sub-tenants or enhancement of rents otherwise the as provided for under the law;
- (11) abandonment of land by tenants, grantees or licensees;
- (12) permanent deterioration of agricultural land by diluvium deposit of sand or water logging;

- (13) the permanent failure of water supply from which land is irrigated; and
- (14) the diverting of agricultural and abadi land to any purpose other than that to which it was allotted.

92. Immediately on occurrence of any natural calamity, Patwari shall report it in writing to the Revenue Inspector of his circle.

93. The Patwari shall immediately report in writing to the Revenue Inspector any infringement of the rules or orders made under Section 199.

94. The Patwari shall attend the Tehsil on such dates as may be fixed by the Deputy Commissioner every month. The work to be done by the Patwari on such visits shall be specified by the Deputy Commissioner.

95. Immediately on the occurrence of any calamity such as hail, locusts, frost, fire, flood, epidemic disease of man or animal, damage to crops or property due to any other cause, the Patwari shall report it in writing to Revenue Inspector of his circle.

96. The Patwari shall assist the Chaudhari of the village in collection of land revenue and any other Government dues and in other matters as may be necessary.

97. The Patwari shall communicate without delay to the nearest Magistrate or to the Officer-in-charge of the Police Station or Out-Post in the jurisdiction of which the village lies, any, information which he may obtain respecting-

- (a) the permanent or temporary residence of any notorious receive or vendor of stolen property;
- (b) the resort to any place within, or the passage, such village of any person whom he knows, or reasonably suspects, to be a robber, escape convict or proclaimed offender;
- (c) the commissioner of, or intention to commit any non-bailable offence or any offence punishable under Sections 143; 144; 145; 147 and 148 I.P.C;
- (d) the occurrence of any sudden or un-natural death or of death under suspicious circumstances;
- (e) any other matter likely to affect the maintenance of law and order, theft of Government property, etc.

98. The Patwari shall assist the Revenue Officers, in any survey, field inspection, record of crops, inspection and revision of maps, or reports relating to rent or revenue or circumstances of cultivation etc.

99. The Patwari shall prepare for the purpose of assessing grazing or other dues such statements, returns or lists as may be prescribed from time to time by the Deputy Commissioner.

100. The Patwari shall prepare such statements, returns or lists dealing with the assessment of water rates as may be prescribed by the Deputy Commissioner from time to time.

101. The Patwari shall prepare such statements, returns or lists dealing with the assessments of compensation payable under the land Acquisition

Act 1894 or for damage to crops caused by camps of exercise or other military manoeuvres.

102. The Patwari shall prepare such records, statements and returns for each village as may from time to time, be prescribed by the Deputy Commissioner.

103. The Patwari shall perform such duties and submit such returns and statements in connection with scarcity and famine operations as may, from time to time be prescribed by the Deputy Commissioner,

104. The Patwari shall verify application of all land improvement loans under the Land Improvement Loans Act, 1884 or Agriculturists Loans Act, 1884. He shall also verify whether the loan is duly utilized for the purpose for which it was granted.

105. (1) For the purpose of reporting encroachments referred to in clause (3) of Rule 91, the Patwari shall maintain a register of encroachments in the Form 'E'.

(2) He shall prepare a sketch of each encroachment detected by him in duplicate according to scale and after retaining a copy of it, shall handover the other with his report to the Revenue Inspector.

106. The Patwari shall report to the Deputy Commissioner the extract or removal of minerals from a quarry without lawful authority.

107. The Patwari shall perform such duties in connection with decennial census, Live-stock census and elections or any other matters that may from time to time, be prescribed by the Deputy Commissioner.

108. The Patwari shall reports, statements and returns relating to crop forecasts, crop estimation surveys, land utilization and any other statistical returns as may, from tie to time, be prescribed by the Deputy Commissioner.

B. REVENUE INSPECTORS

Sec. 81 109. The Revenue Inspector shall be responsible for the superintendence and inspection of the work of the Patwari of his circle.

110. The Revenue Inspector shall be responsible for the accurate preparation and maintenance by the Patwaris of the land records and subsidiary fields records of the villages in his circle. He shall ensure accuracy in the preparation of field records by regularity checking and testing the work of the Patwari.

111. The Revenue Inspector is responsible for the correct preparation, maintenance and check of receipt and receipt books issued under Section 117 of the Regulation.

112. The Revenue Inspector should see that all the travers stations, boundary marks of villages and of survey marks and tri-junction pillars in the villages of his circle are kept in proper repairs. He shall report to the Tehsildar all instances in which such repairs are neglected and also the names of persons responsible for the maintenance of the boundary marks.

113. The Revenue Inspector shall visit each Patwari circle in his charge once in fortnight.

114. The Revenue Inspector shall maintain a diary in such form as may be prescribed, from time to time, by the Deputy Commissioner.

115. (1) The Revenue Inspector shall submit a report to the Sub-Divisional Officer, through the Tehsildar in such form as may be prescribed by the Deputy Commissioner, on the condition of crops, rainfall, prices of food grains and fodder and conditions of the people in his circle.

(2) The occurrence of any calamity, out-break of cattle disease, or anything useful affecting the condition of the people, crop, or cattle shall be reported at once to the Sub-divisional Officer, through the Tehsildar.

116. The Revenue Inspector shall himself conduct survey or measurement or prepare any maps or superintend any survey operations whenever required to do so by any Revenue Officer. He shall also measure survey numbers or sub-divisions or plot numbers and demarcate them.

117. The Revenue Inspector shall conduct crop cutting experiments and crop estimation surveys as prescribed by the Deputy Commissioner.

118. The Revenue Inspector shall, if so required by any Revenue Officer, make such local enquiry as may be required of him.

119. The Revenue Inspector shall be responsible for making correct and up-to-date entries in the village note books.

120. The Revenue Inspector shall be responsible for the correct and punctual submission of crop forecasts and agricultural prices of his charge, for such crops, on such dates and in such forms as may be from time to time, prescribed by the Deputy Commissioner.

121. The Revenue Inspector shall attest all entries made by the Patwaris in the Kharsa register.

122. The Revenue Inspector shall perform such duties and prepare and submit such returns and statements in connection with scarcity and famine operation as required by the Deputy Commissioner.

123. The Revenue Inspector is responsible for watching that each loan granted under the Land Improvement Loans Act, 1883 is properly utilized and for bringing to the notice of the Tehsildars, Agriculturists Loans Act, 1884 while he is not expected to verify each loan he should keep generally in touch with the application of loans to the purpose for which they were granted and should investigate cases in which mis-application is brought to his notice and report the matter to the Tehsildar. If, however, the loans is granted for the purchase of cattle or implements he should verify whether the purchase is duly made.

124. The Revenue Inspector is responsible for reporting to the Tehsildar cases of un-authorized diversion of Agricultural and Non-agricultural land.

125. The Revenue inspector shall conduct enquiry into profit of agriculture and value of land collect information in Statements prescribed under Chapter III of these rules.

126. The Revenue Inspector shall be responsible for the preparation of record-of-rights and its accuracy.

127. The Revenue Inspector shall check the copies of the map of the Abadi whenever it is prepared by the Patwari and shall sign all copies. He

shall also check all the copies of the registers prepared by the Patwari of the lay-out of open size of plots available for building purpose and of reserve plots.

128. The Revenue Inspector shall inspect and report changes in areas due to alluvion or diluvion.

129. The Land Records Officer shall be in over all control of the work of Revenue Inspectors in respect of work relating to land records. The Statements of work done by every Revenue Inspector in each quarter shall be furnished to the Land Records Officer in such form as may be prescribed by the Deputy Commissioner.

130. The village field map shall be prepared by Settlement Officer during revenue survey operations.

C. RECORD-OF-RIGHTS

131. The expression "Patwari" shall be deemed to include the Town Surveyor, the Assistant Town Surveyor or any other official appointed to perform the duties of Patwari under Chapter VIII of the Regulation.

Sec. 83, 84. and 85

132. The Record-of-Rights shall be prepared in Form 'F' for each village both urban and non-urban areas.

133. (1) The Khatuni or holding register prepared during the course of survey and settlement operation and existing at the time of enforcement of these rules shall be deemed to be record-of-rights, till fresh record-of-rights is prepared under these rules.

(2) The existing entries in record-of-right shall be kept up-to-date in accordance with the procedure hereinafter laid down.

Procedure for Preparation of Fresh Record-of-Rights

134. (1) The Patwari shall prepare a rough note book in Form 'F' in which he shall note the particular required under the various headings. These particulars should be gathered from the record deemed to be record-of-right under Rule 133, and from such information as he can collect by local inquiry.

(2) If there is dispute about any entry proposed to be made in the rough note book, the Patwari shall leave such entry blank and shall record the particulars of the dispute in the register of disputed cases, which shall be maintained in Form "G".

(3) All persons known to be likely to have interest in the entries which are to be made in the record-of-rights shall be individually noticed to appear on a date to be specified therein to represent their interest.

(4) On the dates so specified, every entry in the rough note book shall be examined by a Revenue Inspector or such other officer as may be authorized in this behalf by the Deputy Commissioner and read out to all persons present. If any person interested admits the entries to be correct the admission shall be noted by that officer in the remarks column. If there is any dispute, an entry shall be made in the register of disputed cases.

(5) The dispute cases shall be decided by the Tehsildar or such other officer as may be authorized in this behalf by the Deputy Commissioner.

(6) Entries shall then be made in the relevant columns of the record-of-rights by the Patwari and checked by the Revenue Inspector, Naib Tehsildar, Tehsildar, Sub-Divisional Officer and Land Records Officer.

(7) When the record of any village is complete, the Sub-Divisional Officer or such other Officer, as may be authorized by the Deputy Commissioner, shall issue a proclamation calling upon all persons interested to appear on a specified date at a place in or near the village concerned and notifying that any such persons may inspect the completed record-or-right on application to the Patwari or any other official incharge and may prefer objection to any entry therein within a period of 15 days from the date of proclamation.

(8) On the date and at the place appointed, the Sub-Divisional Officer or such other officer as may be authorized in this behalf by the Deputy Commissioner, shall cause such portions of the record as the person in attendance may desire, to be read over in their presence and after such further correction as may then be necessary, shall sign the record and add at the end a certificate that it has been duly approved and promulgated.

**For maintaining record up-to-date following
procedure to be followed**

Section 85 (4)

135. (1) The Patwari shall maintain a mutation register and register of disputed cases in Form “H” and Form “G” respectively.

Sections 84 (1)
and 85 (1)

(2) On receipt of a report of acquisition or transfer of any right of interest in writing from any person or on receipt of verbal information Patwari shall make appropriate entries in the mutation register. He shall give a writer acknowledgement in Form “I” for all such reports made in writing.

(3) A copy of the entries made in the mutation register shall be published by the Patwari on the notice board in his office and in the office of the Gram Panchayats of the village concerned. The Patwari shall simultaneously issue notice in Form “J” to every individual affected by such entries requiring him to submit his objection, if any, within a period of 15 days from the date of notice,

(4) The Patwari shall issue a written acknowledgement in Form “I” in respect of every objection received by him in respect of a mutation entry. If there is any dispute about any entry, he shall immediately cause appropriate entry to be made in the register of disputed cases. The Revenue Inspector shall check the entries made in the mutation register and verify the corrections by recording his opinion in the appropriate column.

(5) A Naib Tehsildar or Tehsildar or any other Revenue Officer who may be authorized in this behalf by the Deputy Commissioner shall fix a date of hearing at a place in or near the concerned and decide and certify each entry. The notice of hearing shall be in Form ‘K’.

(6) No entry shall be certified unless the period mentioned in sub-rule 3 has expired.

(7) The enquiry to be made into mutation cases shall be summary.

(8) When the entries in the mutation register of the villages have been certified, they shall at once be transferred by the Patwari to the record-of-rights register, Kharsa and other village records by recording them below the old entry or where the changes are small by correcting the old entry. Such new entries or corrections shall be made in red ink and shall be initialed by the Certifying Officer.

136. The record-of-rights shall be re-written after every five years or such longer period as the Deputy Commissioner may direct.

137. When the record-of-rights is re-written a new series of holding number shall be arranged alphabetically.

138. (1) The following fees shall be charged for inspection of maps, record-of-rights and land records or for issue of certified extracts therefrom or certified copies thereof by the Patwari :-

Section 94 and 93

- (a) Inspection- 50 paise per half an hour or part thereof.
- (b) Copies of entries in land records and record-of-rights -50 paise per entry.
- (c) Copies of field map- 50 paise per survey number or part thereof.

(2) Patwari shall issue a receipt in Form AC for the amount of fees so realized by him and shall remit the amount so collected to the Tehsildar once in fortnight.

D. LAND RECORDS

139. The Patwari shall prepare the following land records for every village, in addition to village field map and record-of-right.

Section 88

- (i) Khasra in Form "B"
- (ii) NISTAR PATRAK or village Administration paper in Form "L"
- (iii) Register of boundary pillars in "Form "M"
- (iv) Register of mutations in Form "H"
- (v) Register of encroachment on Government land in Form "E"
- (vi) Register of Taccavi Loans and other Government dues in Form "N".
- (vii) Register of village house sites in Form "O"

140. (1) The Patwari shall also maintain the following subsidiary field records:

- (i) Return of abandonment or surrender in Form "P"
- (ii) Return of Live-stock in Form "Q"
- (iii) Chanda report in Form "R"
- (iv) Jamabandhi statement in Form "S"
- (v) Annual rent roll in Form "T"
- (vi) List of defaulter in Form "U"
- (vii) Report regarding crop cutting experiments in Form "V"
- (viii) Crop statement of JINSWAR in Form "W"
- (ix) Report regarding damage to crops by elephants and other animals in Form "X"

(x) Area statement of Chitha in Form "Y"

(2) Such other record as may be prescribed from time to time by the Deputy Commissioner.

Boundaries, Boundary Marks and Survey Marks

141. (1) The boundaries of all villages and boundaries of survey numbers and plot numbers in villages notified under sub-section (2) of Section 96 shall be demarcated as hereinafter provided.

(2) Village boundaries shall be demarcated by Class 1 boundary marks made of reinforced cement concrete, wood or other suitable materials approved by the Deputy Commissioner, of the following specifications: -

Top	9" square
Bottom	6" square
Length	3'

(3) Boundaries of survey numbers and plot numbers shall be demarcated by planting Class II Boundary Marks made of reinforced cement concrete, wood or some other suitable material approved by the Deputy Commissioner, at the junctions of two survey numbers of plot numbers. The specifications of such boundary marks shall be as follows:-

Top	6" square
Bottom	4" square
Length	2'-6"

142. (1) Boundary marks shall be erected on village boundaries at distances not less than 50 meters and not exceeding 300 meters from each other.

(2) Every bend of more than 5 meters on the village boundary and boundary of survey numbers or plot numbers shall be demarcated by erecting a Class II boundary pillar.

143. (1) The construction and maintenance of boundary marks in all villages shall be regulated as follows:-

- (a) Where Government forest adjoins or is included in such village, half the boundary marks shall be constructed and maintained by the Forest Department and the other half shall be constructed and maintained-
 - (i) if the forest adjoins occupied land, by holders of such land;
 - (ii) if the forest adjoins unoccupied land set apart for any of the purposes mentioned in Section 198 (1) of the Regulation by the Revenue Department:
- (b) the boundary marks between survey numbers and plot numbers of unoccupied land set apart for any of the purposes specified in sub-section (1) of Section 198 of the Regulation, shall be constructed and maintained by the Revenue Department.
- (c) a holder of land shall be responsible for the construction and maintenance of-
 - (i) half the boundary marks on the boundaries of his land and other occupied land;

- (ii) all the boundary marks between his land and unoccupied land of any of the categories specified in sub-section (1) of Section 198 of the Regulation and village roads and village waste land available for disposal.

(2) In allotting to each holder of land the share of boundary marks for the construction and maintenance of which he is responsible, the Deputy Commissioner shall ordinarily maintain the distribution, if any, recorded in the land records.

144. (1) The notice requiring holders of land to repair or replace boundary marks referred to in sub-section (2) of Section 99 and sub-section (i) of Section 10 shall be in Form AB.

(2) The Patwari shall prepare the statement of defective or missing boundary marks for purpose of sub-section (2) of Section 99 and sub-section (1) of Section 100 in Form "R".

CHAPTER VII

Revision of Maps and Records

145. All disputes regarding boundaries of survey numbers and plot numbers shall be decided by the Survey Officer after local inquiry at which all persons interested shall be given opportunity to appear and produce evidence. Section 105

CHAPTER VIII

Realization of Land Revenue

A. COLLECTIONS OF LAND REVENUE

146. Land Revenue shall be payable in one installment within 30 days of the commencement of the Revenue year unless the Chief Commissioner by notification appoints another date for payment thereof. Section 115 (2)

147. Land Revenue shall be paid to the Chowdhary of the village and where no Chowdhuries are appointed to the Patwari or such other person as may be authorized by the Deputy Commissioner.

148. The receipt for the amount of land revenue and arrears of land revenue receipt shall be issued in Form "Z". Section 117 (1)

B. SUSPENSION AND REMISSION OF LAND REVENUE

149. (i) Suspension or remission of land revenues may be granted in the event of failure of crops due to: Section 119

- (a) wide-spread calamities, such as, famine, draught, etc.,
- (b) local calamities, such as, hail, floods, cyclones and

- (ii) in cases in which crops could not be grown in any area in consequence of an order made under any law by a competent authority.

150. On hearing or getting an application that there has been such a general failure of crops in any part of the District as to make it probable that relief will be required, the Deputy Commissioner shall cause enquiries to be made into the conditions of the affected tract and the degree of crop failure in each village or group of villages. The enquires shall include a reference to the Gram Panchayats or Gram Sabhas and such leading agriculturists of the neighborhood as the Deputy Commissioner may think proper to consult. The degree of relief shall be the same in each village or homogeneous tract and no attempt shall be made to differentiate between the circumstances of individuals.

151. Relief shall be calculated according to the following scale based on the previous revenue history of the tract :-

State of crop (normal 75 paise)	Degree of relief
(1)	(2)
(i) 50 Paise and over	nil
(ii) Between 37 Paise and 50 Paise	50 %
(iii) Between 25 Paise and 37 Paise	75%
(iv) Below 25 Paise	Full

The manner and method of determining annawari or crop shall be prescribed by the Chief Commissioner

152. The Deputy Commissioner shall submit his proposals for suspension, remission or resuspension of suspended area to the Chief Commissioner. The Chief Commissioner may sanction suspension, remission or resuspension, as the case may be, of the demand to such extent as may be considered necessary. On receipt of sanction the Deputy Commissioner shall cause the nature of relief to be announced to all concerned before the installment or revenue to which it relates falls due

153. (a) No land revenue which has been suspended shall ordinarily be collected until the next harvest of crop, corresponding to the one which failed, has been reaped in the affected village of tract.

(b) The suspended land revenue in special circumstances may be remitted by the Chief Commissioner wholly or in part.

154. Rules 149 to 153 shall also govern the procedure in the case of local calamities subject to the following modifications namely-

- (i) relief shall be granted to individuals varying according to the damage done to the total holding of each;
- (ii) relief may be granted either by suspension or remission in the first instance.

C. REALISATION OF LAND REVENUE BY COERCIVE PROCESS

Section 121

155. The notice of demand under Section 121 shall be issued in Form, "AA" in duplicate and shall be signed and sealed by the officer issuing it.

156. Every warrant of attachment of moveable property shall be in Form “AB (2)” and if a sale is to be enforced, a proclamation in FORM “AC” shall be issued.

157. Every warrant of attachment of immoveable property shall be in Form “AB (1)” and if a sale is to be enforced, a proclamation for sale shall be issued in Form “AD (1)” or “AD (2)” as the case may be.

158. After the sale of the immoveable property sale certificate shall be issued in Form “AE (1)” or “AE (2)” as the case may be.

Section 126

159. The surplus proceeds of every sale in the case of immovable property shall not be paid to the defaulter until after the expiry of two months from the date of sale.

Section 128

160. (a) Every sale of immoveable property shall be, subject confirmation by Deputy Commissioner.

(b) Certificate of sale in respect in immoveable property shall be granted in the form prescribed in Rule 158.

CHAPTER IX

Village Officers

A. CHAUDHARY

Section 135

161. (1) The Deputy Commissioner may remove a Choudhary from his office on any of the following grounds after due inquiry :-

- (i) the he is of a bad character;
- (ii) that he is unfit by reason or infirmity of body or mind to perform duties of his post;
- (iii) that he has been adjudged insolvent by a competent court or has been convicted of an offence involving moral turpitude;
- (iv) that he is guilty of disobedience of orders r willful neglect of duty;
- (v) that he has been habitually absenting himself from duty; and
- (vi) that he has failed to render proper accounts of and deposit the money collected on account of Government dues.

(2) * Choudharies also may be removed by the Deputy Commissioner whenever such removal becomes necessary on account of the re-organization of the Deputy Commissioner’s revenue establishment.

B. CHAUKIDAR

162. The Chaukidar shall be appointed by the Deputy Commissioner from amongst inhabitants of the village. In case of suitable person is not available in the village a person from the neighboring village shall be appointed. He shall perform the following duties:-

Section 139

- (1) He will carry out order of Revenue and Police Officer

* As amended vide notification No. 180/74-F. 52-4 J.I. dt. 5.11.74

- (2) He shall report to Chaudhary or Patwari any misuse of Nistar rights or of Government property and encroachments on Government land and common lands of the village. He will assist the Chaudhary, Patwari and Gram Panchayat in protecting and proper use of the above.
- (3) He shall keep watch and ward in the village.
- (4) He shall report to the police commission of any cognizable offence in the village and shall arrest a proclaimed offender or a person accused of a cognizable offence. He shall watch all strangers in the village and convey to the Chaudhary and police immediate intelligence of any suspicious person, he shall report to police about any matter likely to affect maintenance of law and order.
- (5) He shall report to Chaudhary and Tehsildar outbreak of epidemic or occurrence of any natural calamity.
- (6) He shall maintain a register of births and deaths.
- (7) He shall also perform such other duties as may be entrusted to him by Deputy Commissioner from time to time.

163. The remuneration of Chaukidars shall be fixed by Deputy Commissioner at such rates as may be sanctioned by Chief Commissioner from time to time. Section 139

CHAPTER X

A. Tenure Holder

164. (i) A grant of land shall be made in Form "AF"
- (ii) A licence shall be grant in Form "AG-1". "AG-2", or "AG-3" as may be appropriate. Section 146
- (iii) A licence shall be granted for the following purposes to the extent of areas not more than those noted against each.
 - (1) Agricultural- one hectare, if usable for paddy crop; 105 hectares, if the land is hilly and not usable for paddy crop.
 - (2) House-200 square meters, if in urban sites areas; 350 square meters, if in non-urban areas.
- (iv) Notwithstanding the provisions aforesaid, the Chief Commissioner may, on such terms and subject to such conditions as he thinks fit, grant a licence for a larger area for any specific purpose.
- (v) + Making a grant under clause (i) of section 146 or the grant of a licence under clause (ii) of section 146 to any person for occupation of any land for agricultural, Commercial, industrial, residential, religious, charitable, and cultural or any other purpose shall be on payment of a premium at such rates as may from time to time be fixed by Chief Commissioner and specified in the deed of grant of the licence as the case may be and different areas or for a grant or licence to a local authority.

+ A amended and substituted vide notification No. 180/74-F. 52-4 J.I. dt. 5.11.74. Substituted vide notification No. 127. P-No. 51-21/81-M&R dated 8.5/.87

- (vi) ++ Notwithstanding anything contained in the clause (v) or any rate of premium fixed thereunder, the Chief Commissioner may, by order, direct that in any case or class of cases for grant of licence under section 146 the premium to be realized from a grantee or licence shall be determined by public auction to be held for the purpose by such Revenue Officer as may be specified in the order. Before, however, such auction is held such Revenue Officer shall give wide publicity to the auction and the particulars of the land proposed to be auctioned, the purpose for which the land to be auctioned shall be utilized by the highest bidder (licencee/grantee), the place, time and date of holding the auction terms and conditions of the auction and such other details concerning the auction as may be considered necessary by him for the information of the general public desirous of participating in the auction

165. (1) (a) No building shall be erected within 10 meters from the edge of the road or where a drain exists, 9 meters from the side of the drain. There shall be a minimum set back of 2 meters between two buildings on all sides.

(b) If the erection or re-erection of a building is begun, continued or completed in contravention of the provisions of sub-rule (a), the Deputy Commissioner may by a notice in writing require the building to be altered or demolished to the extent necessary for the compliance of sub-rule (a) above within a reasonable time not less than 15 days from the service of notice as may be specified by him in this behalf in the said notice.

Provided that the Deputy Commissioner may, subject to the approval of the Chief Commissioner, can done the contravention on such amount of compensation as he thinks reasonable.

(c) The amount of compensation to be levied under sub-rule (b) above should be within the maximum limits prescribed hereunder :-

- (i) for commercial industrial buildings ... An amount not exceeding Rs. 2,000/-
- (ii) for other classes of buildings ... An amount not exceeding Rs. 1,000/-

(d) If the contravention is not removed within the time fixed by the notice under Sub-rule (b) above, the Deputy Commissioner may, after the expiry of the period of notice carry out the alteration or demolition through his own agency, the cost of which shall be realized from the person concerned as arrears of land revenue.

(2) Notwithstanding anything contained in these rules, the +Deputy Commissioner, may, upon such terms as he thinks fit and in any of the following circumstances, exempt any building or structure from the requirements of minimum set-backs laid down under Rule 165 (1) (a).

++ Added vide Notification No. 180/74-F. 52-4 J.I dt. 5.11.1974

+ As substituted vide notification No. 100/75/F. No. 52-1/75 dt. 18.10.75

- (i) where such exemption is necessary in his opinion in the interest of proper utilization of the house site, regard being had to the situation, area nature of terrain, ground level or configuration of the land,
- or (ii) where such exemption is necessary in his opinion to meet the need of town planning or proper orientation of the building in relation to the particular building or group of buildings or the position and alignment of water mains or sewerage system,
- or (iii) where such exemption is necessary in his opinion to meet the special needs of any public, religious or charitable institution or any social or cultural organization or like bodies,
- or (iv) where such exemption is in his opinion conducive to bring about an increase in the amenities of the people in general or of any defined group of people or,
- (v) lastly where such exemption is otherwise necessary in his opinion for reasons of public policy.

166. (1) The tenant or sub-tenant shall apply to the Tehsildar for determination of reasonable rent under sub-section (6) of Section 149. Section 149

(2) The Tehsildar shall after hearing all the parties affected determine the reasonable rent having regard to the rent prevailing for similar type of soil and cultivation in the village in which the land is located, subject to the maximum rent prescribed under sub-section (5) of Section 149.

(3) For purposes of calculating value of products of any land under clause (a) of sub-section (5) of Section 149 the following factors shall be considered by the Tehsildar :-

- (a) The soil classification of the land as determined during revenue survey operations.
 - (b) The average yield of crops grown on the land, based on crop cutting experiments conducted in the village during the preceding agricultural year on lands having similar soil classification. In case no crop cutting experiments have been conducted on such lands in the village the Tehsildar shall determine the average yield of crops after making local enquiries in the village.
 - (c) The value of the produce shall be calculated on the basis of the prices prevailing for crops grown on the land at the time of harvest in the preceding agricultural year.
- (4) For purposes of sub-section (7) of Section 149-
- (a) Every sub-tenant shall pay the rent to his tenant on or before the date of dates prescribed for payment of land revenue.
 - (b) When the tenant refuses to accept the rent the sub-tenant may remit the amount of rent to the tenant by money order at the cost of the remitter on or before the date prescribed in clause (a).
- (5) The receipt for rent to be given by the tenant to his sub-tenant shall be in Form A.H.

167. In case the interest of one co-tenure holder is to be sold to another co-tenure holder willing to purchase it, the price of the interest to be sold shall be determined in accordance with the following rules :-

- (i) If price is agreed upon between the parties such price should be accepted;
- (ii) If no price is agreed upon and accepted, it shall be determined and fixed having regard to-
 - (a) the rates at which similar land in the village or in its neighborhood were sold during the last three years;
 - (b) results of inquiry into the value of land if maintained under Section 45 (1), in the village or its neighboring villages;
 - (c) If no sales have taken place in the villages or in its neighborhood, or if there is nor record of results of inquiries under clause (b), the price may be determined as far as possible in accordance with the provisions of Land Acquisition Act, 1894, ignoring the extra 15 % for compulsory acquisition.

168. (1) In determining the amount of reduction, the Deputy Commissioner shall- Section 158 (1)

- (i) in the case of reduction under clause (i) of sub section (1) of Section 158, work out after survey, if necessary the actual area of the survey numbers or plot numbers which has been wholly or partly rendered unfit for cultivation;

Note: - No reduction in revenue shall be allowed if the area which has become unfit for cultivation in holding is less than half a hectare.

- (ii) In case of reduction under clause (ii) of Sub-section (1) of Section 158, the Deputy Commissioner shall ascertain by inquiry on the spot and from entries in settlement and land records the area of numbers which has diminished for any reason below the area in relation to which the land revenue was assessed.

(2) Subject to sub-rule (1) the reduction in revenue to be granted by Deputy Commissioner shall be worked out in the following manner: -

- (i) under clause (i) of Sub-section (1) of Section 158-
 - (a) if the entire area has been rendered unfit, the amount equal to assessment entered under Section 52 in the records if any, of the affected survey numbers,
 - (b) if only part of survey numbers or plot numbers are rendered unfit for cultivation and their assessment is not separately recorded in any land records, reduction equal to the assessment of the affected area calculated and settlement rates applicable to the village.
- (ii) under clause (ii) of Sub-section (1) of section 158-

If the area of the holdings has decreased by acquisition of land under the Land Acquisition Act or for any other lawful reason, the reduction shall be calculated for the land going out of the holding on the basis of settlement soil classification and settlement rates.

(iii) while calculating the reduction in revenue a fraction of Paisa shall be ignored.

* 168 (A) Permission under sub-section (9) of section 159, to a licence to transfer his interest in any non-agricultural land being a house site shall not be granted, unless the following conditions are satisfied namely: -

- (a) the licensee concerned shall not be a defaulter in payment of any government dues;
- (b) in the case of a house site in the Port Blair Municipal area the licensee shall have constructed a dwelling house-building on such site in accordance with the building plan duly approved by the Port Blair Municipal Board as prescribed by the Town Planner;

Provided that this condition shall not be applicable to a house site in the Port Blair Municipal area, on which the licensee had constructed and/or had commenced the construction of a residential house/building prior to coming into being of the Port Blair Municipal Board or prior to the inclusion of the area within the limits of the Port Blair Municipal area as the case may be.

- (c) in the case of non urban areas the licensee should have constructed a roofed structure made of whatever material at a dominant place on such site and such structure should be of a permanent character capable of affording protection of shelter and used for human inhabitation;
- (d) the licensee should not have in his possession any area of land in excess of the area which was actually allotted to him i.e. he shall not be an encroacher. Permission to an encroacher shall be granted only after duly vacated; and
- (e) a period of not less than two years should have lapsed from the actual date of completion of the construction of the residential house/building on the site before permission is granted.

Provided that this condition may be relaxed for special reasons by the Chief Commissioner.

Section 160

169. (1) If on receipt of a report from Patwari or any other source it is found that any transfer of any right in a land is made in contravention of the provisions of Clause (ii) of sub-section (2) of Sec 159, the Sub-Divisional Officer shall after hearing the transferor and the transferee and make such other inquiries as he may deem fit and if he finds that the transfer of land was in contravention of the previous referred to above he shall pass an order forfeiting the interest in land to be specified therein to the Government. Such order shall come into force from the commencement of agricultural year next following the date of such order.

(2) The land revenue assessed on the transferred holding shall be apportioned on the basis of settlement soil classification and settlement rates.

* Inserted vide Notification No. 180/74-F 52. 4. J.I. dt 5.11.1974.

B. DISPOSAL OF INOCCUPIED LAND

170. The unoccupied land in a village may be allotted for agricultural purpose to landless persons in the following order of priority: -

(i) Old inhabitants or settler of such village;

Note: - “Old inhabitant” means a person who or whose ancestors had settled in the islands prior to 1942.

“Settler” means a person or his grown up dependent member who was settled in the islands under an approved scheme of the Government.

(ii) Permanent inhabitants of such village;

Note: - “Permanent inhabitants” means a person who has been living in a village for a period of more than 15 years.

(iii) old inhabitants or settlers of the neighboring villages.

Provided that no person who unauthorisedly takes or remains in possession of any unoccupied land or abadi shall be entitled to be considered for the allotment of land under this rule unless he had vacated such unauthorized possession of unoccupied land or abadi.

171. The unit of land for allotment to such individual person shall be such as would entail a total holding by him of not more than 10 hectares.

172. (1) Allotment of unoccupied land reserved for Abadi in a village shall not be made unless a layout showing the sites to be allotted within the abadi is made out duly supported by a resolution of the Gram Panchayat or Municipal Board and approved by the Chief Commissioner.

(2) The Chief Commissioner may cause such enquiries to be made in the locality as he may deem fit before according such approval.

(3) No land in the approved layout of the abadi shall be allotted to any person in the village unless all person who are poor in the village and are eligible have been provided land for construction of their dwelling units in the abadi.

Note: A person may be said to be poor if he is the head of a family whose annual money income does not exceed such limit as may be specified by the Chief Commissioner from time to time, by notification in the Official Gazette.

(4) Among the poor the same priority as is laid down under rule 170 may be followed in the allotment of house sites in the unoccupied land reserves for abadi. Provided that if the number of plots available in the layout referred to in sub-rule “(1) is insufficient to cover all the eligible poor applicants or any one of the categories referred to in Rule 170 but sufficient to cover all the prior categories allotments in respect of the category of persons for which plots are insufficient shall be based on the result of a draw of lots held in the presence of two revenue officers not below the rank of a Naib Tehsildar after prior publicity in the village regarding the date, time and revenue of the draw.

Provided further that allotment of house sites in any layout made after a draw of lots shall in the first instance be based on the result of another draw of lots to be held in similar manner from among those

eligible poor applicants who have not been able to secure allotment of land at any earlier draw of lots before any new applicants are included in the draw.

(5) The provisions of sub-rule (4), shall apply *mutatis mutandis* to allotment of house sites to the non-poor, after meeting the needs of the poor.

(6) Notwithstanding anything contained in this rule, persons who unauthorisedly take or remain in possession of any unoccupied land or abadi shall not be eligible to be considered for allotment of house sites in the unoccupied land reserved for abadi unless they vacate their unauthorized possession.

173. In colonisation areas the entire available land may, in the first instance, be utilized for allotting it to the settlers who have holdings of less than 10 hectares each:

Provided that additional area together with the land already held by a settler shall not ordinarily exceed 10 hectares.

Note :- "Settler" will have the same meaning as given in rule 170

174. If any land is not disposed of in accordance with the provision of Rule 170 and 173 above, the Deputy Commissioner may with the approval of the Chief Commissioner allot such land to such persons as he may deem fit

175. The following procedure shall be followed in respect of allotment of land under these rules :-

- (i) The Patwari shall prepare a statement of unoccupied land available in each village from the record prepared under Section 194 and submit the same to the Tehsildar by the 30th September each year. The Tehsildar shall inspect the lands and verify whether the lands are suitable for allotment.
- (ii) The Tehsildar shall then with the approval of the Sub-Divisional Officer issue a proclamation in Form "A I." inviting applications within 15 days from the date of issue of proclamation.
- (iii) Applications for allotment of land under Rule 170 in the areas other than colonization area and in the colonization areas under Rule 173 shall be made in Form "A.J." and "A.K." respectively.
- (iii) (a) Applications for allotment of land under Rule 172 shall be made in Form "AKK".

Provided that a person who has applied in response to an earlier proclamation issued after the commencement of the A & N Islands Land Revenue and Land Reforms (Amendment) Rules, 1986 and has been unsuccessful in a draw of lots held under rule 172, after being found eligible under the said rule shall be deemed to have applied in response to any proclamation issued later on.

- (iv) After the date fixed for the receipt of applications, the Tehsildar shall prepare a list of all applicants stating in brief the particulars of land applied for by each and forward it to the Gram Panchayat with a notice in Form "A.L." asking it to furnish within 15 days of the receipt of the list, its report on the suitability or otherwise of

the applicants for the allotment of land. The Gram Panchayat shall send its recommendations to the Tehsildar within such period.

- (v) The Tehsildar shall then forward his recommendations after such further enquiry as may be deemed necessary to the Sub-Divisional Officer for further action.
- (vi) The Sub-Divisional Officer shall place the recommendation of the Tehsildar before a Committee constituted by the Chief Commissioner under clause (vii) for further comments on the proposal for the disposal of government unoccupied land in each village.
- (vii) The Chief Commissioner may, for each group of village located in different areas, constitute a "Land Allotment Advisory Committee" Consisting of :-
 - (a) a Counsellor as Chairman;
 - (b) two prominent members of the Pradesh Council as members; and
 - (c) the Assistant Commissioner of the Sub-Divisions as Secretary.

Provided that if any Counsellor declines to act as a Chairman, the Deputy Commissioner of the District shall be the Chairman of the Land Allotment Adv. Committee.

Explanation :- In this rule "Counsellor" means a person appointed as Counsellor under section 18 of the Andaman and Nicobar Islands (Administration) Regulation 1979 and the "Pradesh Council" means the Pradesh Council constituted under section 3 of the said Regulation.

- (viii) The Sub-Divisional Officer, after obtaining the comments of the Land Allotment Advisory Committee on the recommendations of the Tehsildar shall then forward the cases villages to the Deputy Commissioner of the District along with his recommendations.
- (ix) The Deputy Commissioner shall record his recommendations on the cases received by him under clause (viii) and submit the same to the Administration for obtaining the orders of the Chief Commissioner.
- (x) Licences in the appropriate form shall be issued by the Deputy Commissioner in accordance with the order of the Chief Commissioner made under clause (ix).

CHAPTER XI

Rights in Abdai and unoccupied land and its produce

Section 194

176. (1) A record of unoccupied land in a village shall be prepared in three parts, namely-

Part 'A' – showing land set apart for exercise of Nistar rights in Form "AM"

Sub-clause (iii a) and (iv) of Rule 175 inserted vide Notification No. 127. F-No. 51-21/81-M & R. Dated 8.5.87.

Part 'B' – showing land available for disposal in Form "AN"

Part 'C' – showing all lands other than those set apart for Nistar or available for disposal in Form "AO".

(2) The unoccupied survey numbers/ plot numbers to be specified in Form "AM" shall be arranged serially under various head of Nistar rights in the same order in which they are mentioned in Sub-section (1) of Section 198. Total under each head and, if there are more numbers than one, them of all the heads shall be struck. All lands occupied by tree forests, scrub jungles and roads and lanes should appear in this form.

(3) Unoccupied survey numbers to be entered in Form "AN" shall be arranged serially. Survey numbers/plot numbers which have been relinquished or abandoned or which otherwise vest in the Government shall be shown in this form, The total of all numbers in column 2 and of area in column 3 shall be stuck at the end. Whenever any survey number is allotted, it shall be struck off from form and total corrected in red ink. Encroachments dated shall be recorded in the remarks column against the survey number/plot number.

(4) Unoccupied survey numbers to be entered in Form "AO" shall be arranged serially under the following heads :-

- (i) land occupied by hills and rocks.
- (ii) land under water.

Section 195

177. (1) (i) The Deputy Commissioner shall, subject to the provisions of Sections 195, 196 and 197 prepare a draft of the Nistar Patrak in Form "L"

- (ii) After the draft of Nistar Patrak is prepared it shall be published together with a notice in Form "AP" inviting objections and suggestions from the residents of the village and specifying the date (which shall not be less than 15 days after the date of publication) on which and the place at which the objections or suggestions shall be considered. Such publication shall be made not only in the village for which Nistar Patrak is prepared, but also in other villages affected by it. The publication shall be made by affixing a copy of the notice at a conspicuous place in the village and at the tehsil headquarters and by best of drum.
 - (iii) On the date and time and place specified in the notice, the Deputy Commissioner shall inquire into the objections or suggestions, if any, and pass orders thereon.
 - (iv) After the objections or suggestions, if any, are considered and disposed of, the Deputy Commissioner may make such modifications in the Nistar Patrak as he may deem necessary in the light of his decision on the objections and suggestions.
- (2) The final Nistar Patrak shall be read out in the village and at suitable centers and copies thereof shall kept with the Patwari and another with the Chaudhary or Gram Panchayat, who may be entrusted with the management of the matters mentioned in the Nistar Patrak.

Section 198(3)

178. (1) Where Deputy Commissioner is satisfied that a land set apart for specific purpose under Section 198 is not immediately required or is not suitable for such purpose he may, in consultation with Gram Panchayat, let out a part or whole thereof on lease for a specific purpose for a period not exceeding one year at a time by public auction.

(2) Notice of such auction shall be published in the village where the land is situated and in the neighboring villages by affixing copies thereof at conspicuous places in the villages, as also by beat of drums at least 15 days prior to the date of auction. The acceptance of bid at such auction shall be subject to confirmation by Deputy Commissioner.
