

## **Relevant sections of Acts/Rules**

**Compiled from cadre wise presentations of land  
module: IAS professional course-phase-I**

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## **Chapter-I**

### **Land Acts in Eastern States of India**

#### **Relevant Acts as per the Power point presentations- Bihar Cadre**

##### **1. The Bihar Mutation Act 2011**

Prior to the enactment of this Act, mutation proceedings were initiated and resolved in accordance with the provisions of the earlier Mutation Act, known as the Bihar Tenants Holding (Maintenance of Records) Act, 1973. The Field Bujharat operation was launched in 1954, making it necessary for the government to vest the power to dispose of mutation cases with Circle Officers. This was essential for conducting defect-free Field Bujharat operations.

In 1958, Deputy Collectors (Land Reforms) and Additional Collectors were entrusted with the authority to hear and resolve mutation appeals and mutation revisions, respectively.

##### **Main Provisions**

Section-3 of the Mutation Act 2011 is related to the Filling of petition for mutation- file a petition in the prescribed form before the Circle Officer within 90 days.

The petition must be accompanied by enclosures such as a registered sale deed, registered exchange deed, registered gift deed or a registered will. For a will, it must be registered and probated by a civil court and mutation proceedings will only begin after the death of the executor of the will. In the case of succession mutation, a death certificate of the Jamabandi holder is required. For partition mutation, the consent of all co-sharers is necessary. Additional proof of documents, such as settlement records, homestead parcha or Bhoodan documents may also be required depending on the case.

Section 4: Authorities must inform Circle Officers about the acquisition of interest by a person in a holding or a part thereof.

Section 5: Enquiry and preparation of reports.

Section 6: Disposal of mutation cases:

- To be conducted in the regular and camp courts of the Circle Officer (C.O.).
- As registration offices are integrated with Anchal offices, the Anchal Adhikari shall initiate and dispose of mutation cases suo motu.
- In case of a will, mutation is not allowed unless the probate of the will has been duly decided by a competent court.
- In case of partition, mutation is not allowed unless there is consent for partition from all co-sharers.
- Mutation is not allowed in cases where a title suit is pending.
- Mutation is not allowed without proof of physical possession.
- In case of rejection, the decision will be communicated to the petitioner with reasons.

Section 7: Appeals can be filed in the court of the Land Reforms Deputy Collector against the order of the Anchal Adhikari within 30 days.

Section 8: Revision can be filed in the court of the Additional Collector within 30 days.

Section 9: Cancellation of Jamabandi can be done in the court of the Additional Collector.

##### **Other Issues Related to Mutation:**

- Mutation on the basis of perpetual lease or land acquisition.
- Power of Attorney-based mutations.

- Registration of deeds outside Bihar.
- Mutation based on Ladabhi and Wajidabha deeds.
- Mutation cases disallowed due to insufficient reasons.
- Provisions of the Hindu Succession (Amendment) Act, 2005.

## **2. Bihar Special Survey and Settlement Act, 2011 and Bihar Special Survey and Settlement Rules, 2012**

### **Main Provisions**

- Section 3: Notification of intention in the official gazette.

The Government may, by a notification in the official gazette, express its intention to carry out special survey and settlement in a part or the whole of the State, in accordance with the provisions of this Act.

- Section 4: Reorganizing on-going survey operations.
- Section 5: Self-declaration by landholders.

After notification under section-3 a land holder may submit in the concerned Anchal Office/Camp Office, a self-declaration of plots owned/held by him in the prescribed manner. The Anchal Office shall verify the self-declaration on the basis of the available records and issue verification certificate. Landholders may submit their information, including a genealogical table of their family, at the Camp Office.

- Section 6: Kistwar by modern technology.

Kistwar operations are carried out using modern technology, including base mapping, demarcation, and ground truthing, as per prescribed procedures.

- Section 7:
- Formation of Khanapuri parties in revenue villages to update and prepare basic records of rights in collaboration with the agency responsible for Kistwar operations.
- Khanapuri parties consist of an Assistant Settlement Officer, Kanoongo, and Amin, tasked with drafting records of rights.
- Section 20(5): Confirmation of settlement rent-roll and incorporation in the Record of Rights (RoRs).
- Section 21: The State is to be a necessary party in certain cases.
- Section 22: Summary disposal of proceedings.
- Section 23: Bar of jurisdiction until final publication of the records.
- Section 24: Power to issue directions.
- Section 25: Power to frame technical guidelines.
- Section 27: Power to remove difficulties during the process.

### **Operational Highlights**

- Various problems faced by field staff during the survey were compiled in a manual titled MARBLE (Map and Record-Based Entitlement) to resolve issues and provide solutions.
- Guidelines for ground truthing, aerial map validation, tri-junction points, Kistwar, and other survey activities were compiled in a manual called MAGIC (Map and Geographic Information Compilation).
- Objections against Khanapuri Parcha and distributed Land Possession Maps (LPM) are invited within 15 days of distribution using Form-8.

- S.S. Kanoongo and S.S.A.S.O. dispose of objections within 30 days, depending on the nature of the case.
- After resolving objections, corrections are made by the Amin in RoRs and maps.
- Corrected RoRs and maps are sent to the Recess Section for thorough verification.
- Draft RoRs in Form-12 and draft maps are published for 30 days, during which objections are invited in Form-14.
- After resolving objections within 60 days, final corrections are made by the Amin in RoRs and maps.
- Corrected maps and records are verified and finalized by the aerial agency before publication.
- Finalized RoRs and maps are sent to the Recess Section for final checking.
- Kistwar operations shall be duly publicised at the local level to ensure and facilitate active participation by the Panchayati Raj Institutions and people of the villages concerned.
- A khamapuri party shall comprise of: (i) An officer/revenue employee of the Anchal office concerned, (ii) Representative of the Director, Land Records & Survey. (iii) Any other designated officer or employee. (3) The Government may engage a private agency in the preparation of preliminary record of rights in whole or in part, including preparation of notices for the raiyats and their service to the raiyats concerned and inviting objections thereon. Objections to the notices shall be collected and compiled in the prescribed manner. (4) While preparing the basic record of rights, the khamapuri party shall take into account to-date ground realities, changes, transfers, sub-divisions, partitions, hereditary devolution, exchanges and the like in matters of determining right, title and ownership of the raiyati holdings. (5) The khamapuri party shall identify and demarcate public lands, Government lands, lands treated as common property resources and the like and record the same as such in the Record of Rights. (6) Claims and objections, if any, shall be disposed of in the prescribed manner by an employee/officer not below the rank
- Publication of the draft khamapuri record of rights. The draft record of rights, including maps, prepared during kistwar and khamapuri, shall be published in the concerning revenue village in accordance with the procedure laid down in this behalf.
- Inviting objections to the khamapuri record of rights.—Claims and objections shall be invited and compiled at the end of the khamapuri operations in the revenue village concerned and shall be heard and disposed of in the prescribed manner by an officer not below the rank of Assistant Settlement Officer/ Circle Officer/ Consolidation Officer. Provided cases in which claims and objections have been decided under section-7 of this Act by an officer of the rank of Assistant Settlement Officer/ Circle Officer/ Consolidation Officer, shall not be heard and disposed of by the same Officer.
- The procedure for survey and settlement as laid down in the Bihar Tenancy Act, 1885, The Bihar Survey and Settlement Manual, 1959 Technical Rules and The Bihar Tenants' Holdings (Maintenance of Records) Act, 1973 shall be deemed to be superseded, modified or supplemented, as the case may be, by the provisions of this Act, Rules and Manual made hereunder and guidelines issued from time to time to give effect to the provisions of this Act.
- Summary disposal of proceedings.—All proceedings under this Act shall be disposed off summarily in accordance with the provisions of the Act and Rules framed hereunder.
- Bar of Jurisdiction until final publication.—Save as otherwise expressly provided in this Act, no Court, except the Patna High Court and the Supreme Court of India, shall entertain any suit, or other proceeding to set aside, or modify or question the validity of an order or decision passed or taken by an authority under this Act or any rules made thereunder or in respect of any matter

falling within the scope of this Act, until and unless the record of rights is finally published under Section-12 of this Act.

### **3. Bihar special survey and settlement (Amendment) act, 2017**

- Substitution of section-5 of the Bihar Act 24, 2011.—Section-5 of the said Act, 2011 shall be substituted by the following:- Self-declaration by land holders.-(1) After notification under section-3, the amin and kanoongo shall prepare a genealogical table of the land holders and yaddast register in respect of the area under their jurisdiction. (2) After notification under section-3, a landholder may submit before the Assistant Settlement Officer in survey office or camp office, a self-declaration in respect of land held by him in the prescribed manner. The self-declaration shall be verified with the available records and genealogical table by the Settlement Office and a verification certificate shall be issued to him.”
- Amendment in section-7 of the Bihar Act 24, 2011.— (1) Sub-section-(2) of section-7 of the said Act, 2011 shall be substituted by the following:- “(2) A khanapuri party shall be constituted consisting of the following:- (i) Assistant Settlement Officer; (ii) (iii) Kanoongo; Amin”. (2) The following new sub-section (5A) shall be inserted after sub-section-(5) of section-7 of the said Act, 2011:-

### **4. The Bihar Land Disputes Resolution Act, 2009**

#### **Objectives of the Act**

To provide relief from harassment to bona fide owners of raiyati land.

To prevent dispossession from allotted and settled land.

To ensure the summary disposal of land-related disputes.

As revenue authorities are well-equipped and have continuous field presence, the Act facilitates fast dispute resolution.

#### **Main Provisions**

Section 4 (1): Filing of petition, jurisdiction, and authority to resolve disputes.

- a. Unauthorized and unlawful dispossession of any settlee or allottee.
- b. Restoration of possession of settled/allotted land.
- c. Threatened dispossession of a legally entitled settlee/allottee.
- d. Any of the matters enumerated in (a) and (c) above appertaining to raiyati land.
- e. Partition of land holding.
- f. Correction of entry made in the Record of Rights including map/survey map.
- g. Declaration of the right of a person.
- h. Boundary disputes.
- i. Construction of unauthorized structure

Section-4- (2) The competent Authority shall not have jurisdiction to review or reopen any finally concluded and adjudicated proceeding.

Section-4- (3) The competent Authority shall not have jurisdiction to adjudicate any fresh right of allottee/settlee or a raiyat.

Section-4- (4) If no provision is made in any of the Acts contained in Schedule-1 for determination of rights of allottee/ settlee or raiyat and claimed right is yet to be determined it shall be open to the Competent Authority to finally determine such right.

Section-4- (5) The Competent Authority wherever it appears to him that the case instituted before him involves complex question of adjudication of title, he shall close the proceeding and leave it open to parties to seek remedies before the competent Civil Court.

Section-5- Competent Authority to have powers of Civil Court.

Section-6- State to be a necessary party in certain cases.

Section-7- Summary Disposal of proceeding.

Section-8- Protection of Action taken under the Act.

Section-9- Expeditious resolution of disputes.

Section-10- Cognizance of cases filed under this Act.

Section-11- Reference to Magistrate.

Section-12- Power of Collector to exercise superintendence, supervision and control over the Competent Authority.

Section-13- Procedure for Resolution of Disputes.

Section-14- Appeal before the Commissioner.

Section-15- Execution of the Order Passed by the competent authority.-

Amendment in 2015- Addition of Section 15A in the Bihar Act 4,2010.- The following new section 15a shall be added after section 15 of the said Act, 2009:-

15A (1). Punishment for obstruction in execution or willful disobedience or noncompliance of the final order- Whoever obstructs/disobeys or fails to comply with the directions and findings contained in the final order passed under the Act shall be punishable with imprisonment for a term which may extend up to three years, and shall also be liable to fine up to five thousand rupees.

(2) In case of such person having been previously convicted of an offence under this section, shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

Section-16- Attachment of standing crop over the disputed land.

Section-17- Power of the Govt. to make Rules.

### **High Court and Supreme Court Orders**

CWJC No. 1091/2013: Declared Sections 4 (4) and 4 (5) of the Act as illegal, unconstitutional, and ultra vires. Civil Appeal No. 4726/2017: Remanded the above issues with a direction to rehear and pass orders.

2018: The Hon'ble High Court again disposed of the case, declaring additional provisions of the Act unconstitutional, apart from its earlier order.

## **5. The Bihar Land Tribunal Act, 2010**

### **Main Provisions**

Section 9: Powers of the Tribunal to entertain applications against final orders passed by Appropriate Authorities under various Acts, including the B.T. Act, BLR Act, Chakbandi & Bhoodan Act, BPPHT Act, Khas Mahal Manual, Settlement Manual, BLDR Act and the Special Survey and Mutation Act.

Section 10: Procedure of the Tribunal.

Section 11: Power to review Tribunal orders.

Section 12: Penalty for contravening Tribunal orders.

Section 13: Cognizance and trial of offences.

Section 14: Power of the Tribunal to call for records.

Section 15: Transfer of pending proceedings in Patna High Court or State Government to the Tribunal.

## **Bihar Land Dispute Resolution Act, 2009 (Rules, 2010)**

### **Responsibility of Collector**

- To exercise superintendence, supervision, and control over the **Competent Authority** as per the provisions of **Section 12** of the **Bihar Land Disputes Resolution Act, 2009**.
- To exercise the powers conferred under the **Bengal Tenancy Act, 1885** for effective implementation and dispute resolution.

### **Responsibility of the Sub-Divisional Officer (S.D.O.)**

- Under the **Bihar Agriculture Land (Conversion for Non-Agricultural Purpose) Act, 2010**, the **S.D.O.** is empowered to order the conversion of land use from agricultural to non-agricultural purposes for lands situated within their territorial jurisdiction.

### **Responsibility of the Deputy Collector Land Reforms (D.C.L.R.)**

- Acts as the Competent Authority under the Bihar Land Disputes Resolution Act, 2009.
- The Appellate Authority for decisions made under this Act is the Divisional Commissioner.
- Handles appeals against the orders of the Circle Officer under the Bihar Mutation Act, 2011.

## **6. The Bengal Tenancy Act, 1885 (Bihar Amendment Act, 1934)**

### **Main Provisions**

Section 4: Classification of tenants: tenure-holders, raiyats, under-raiyats, occupancy raiyats, and non-occupancy raiyats.

Section 10: Permanent tenure-holders are not liable to ejectment.

Section 20: Definition of "settled raiyats."

Section 21: Settled raiyats have occupancy rights.

Section 23: Rights of raiyats regarding the use of land.

Section 48: Limit on rent recoverable from under-raiyats.

Section 48C: Under-raiyats can acquire occupancy rights.

Section 48D: Occupancy under-raiyats can acquire raiyati rights.

Section 48E: Provisions to prevent threatened ejectment of under-raiyats and restore possession to under-raiyats unlawfully ejected. (Powers under Section 48E were vested in ADM/SDM and DCLR in 1970).

Section 49-R: Settlement of wastelands is to be made through Patta.

Section 49-S: Settlements can be set aside.

Section 52: Abatement of rent due to diluvion and reentry into lands that reform on the old site.

Section 87: Provisions related to abandonment of land.

Sections 101–114: Preparation of records of rights and settlement of rents. Cadastral Survey Khatian and Revisional Survey Khatian were prepared as per these provisions.

Section 118: Amended in 2017 to add Subsections 2 and 3, empowering Circle Officers to order the measurement of raiyati land.

Section 158: New Sections 158C and 158D have been added, granting the power to fix rents for Belagan/Kabil Lagan land, where rent was not fixed during survey operations.



## **7. The Bihar Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2010**

### **Main Provisions**

#### **Section 2: Definitions**

Section 2(1): Market Value means the value of agricultural land as determined by the Collector under the provisions of the Indian Stamp Act, 1899.

#### **Section 4: Power to Levy and Collect Conversion Fee**

Every occupier or owner of agricultural land must pay a conversion fee for non-agricultural purposes, calculated at 10% of the market value of the land in areas notified by the Government from time to time.

#### **Section 5: Authority**

The Sub-Divisional Officer is the designated authority for matters related to this Act.

#### **Section 6: Penalty for Unauthorized Conversion**

Penalties are prescribed for unauthorized conversion of agricultural land to non-agricultural use.

#### **Section 7: Exemption from Conversion Fees**

Certain categories of land and land use may be exempted from the payment of conversion fees.

#### **Section 8: Conversion Permission Not Required**

In some cases, permission for conversion is not required for specific types of land and land use.

#### **Section 9: Appeals and Revisions**

Any person aggrieved by an order under this Act may file an appeal before the Collector within 60 days of the order.

## **Relevant Acts as per the Power point presentations- Odisha cadre**

### **Role of Tahasildar in Odisha Survey & Settlement Act/Rules/Mutation Manual**

- As mutation officer, effectuates the changes in land record arising out of any cause of action
- On receipt of sale transaction report from Registration Offices
- Alienation of land in favour of other Government Departments
- Recording the settlement of Government land in favour of Homestead-less and landless families
- Lease of land to private bodies such as Industries, Charitable Institutions etc
- Any decree of Civil or Higher Revenue Courts
- Any entry in RoR has no relationship with the existing facts

### **Role of Amin/ARI/RI**

- Survey & demarcation of Land
- Collection of Land Revenue
- Maintenance & updation of Record of Rights
- Identification of encroachment of Government Land
- Identification of homestead-less and landless families
- Emergency services such as Reporting extent of damage in Natural Calamities
- Enquiry Report in Miscellaneous and Caste Certificates
- Enquiry Report in all Revenue Cases

### **Reforms--LRMS**

- All type of uncontested mutation cases are completed within a week.
- Contested Mutation cases are completed within a month.
- Hearing can be done through virtual mode according to suitability of parties.
- Simultaneous updation of Textual and Spatial Data of Land Records.
- Sub-Collector, Collector and Principal Secretary to review status of Mutation Cases
- Below revenue field functionaries have been provided VPN connectivity.
- Tahasildars/Addl. Tahasildars of all Tahasils.
- Revenue Inspector of all 2279 RI Circles.
- Record Keeper of all Tehsils.
- Online application of all types of Mutation Cases apart from sale/purchase.
- Fees, Application Procedure & Status in the same page.
- Physical interface completely waived off.
- Online application for conversion of land use & partition cases.
- Online notice generation and online payment of fees.
- RoR through Rajaswa Rath/Speed Post.
- Process re-engineering, mutation timeline changed from 90 days to 7 days.
- Online delivery of all the services except in cases of statutory requirement.
- Postal delivery of registered document.
- Single point payment of all kind of fees in cashless mode.

### **Web based application for registration of deeds**

- All deeds since 1995 have been digitized & 1985-94 is in progress.
- Online Grievance Redressal system.
- Integration with Digi-Locker.
- Online slot booking system.
- Smart Surveillance System.

### **Odisha Prevention of Land Encroachment Act 1972- Important Sections**

Section 4: Levy of assessment of land unauthorized occupied: (i)-If the land had been assessed to rent at any time, the full assessment for the whole period of assessment or part thereof proportionate to the area occupied, provided that for special reasons Tahasildar may impose full assessment of rent or lesser sum irrespective of the area occupied. (ii)- if the land had not been assessed to rent, assessment to be calculated on the area occupied at the rate imposed on lands of similar description and with similar advantage in the vicinity.

Section -5: Amount of rent assessed U/S 4 shall not be called in question in any Civil Court.

Section 6: Liability of Person unauthorised occupying the land to Penalty: Subject to provisions of Section 9, any person liable to pay assessment U/S 4 shall be liable to pay (at the discretion of the Tahasildar) penalty calculated at the rate of one hundred rupees per Acre of land for each year of unauthorised occupation. If the unauthorised occupant is a landless person, he shall not be liable to pay the penalty U/S 6.

Section 7: Summary eviction, forfeiture and fine: (1)- unauthorised occupant who is liable to pay assessment U/S 4 shall be summarily evicted by the Tahasildar and Any crop or other product raised on the land, any encroachments such as building, other construction or anything deposited thereon shall be liable to forfeiture. Tahasildar has to give reasonable notice to remove the same. 2)- Notwithstanding anything contained in Subsection 1(a)- If the land is in occupation of a Landless Person, it has to be settled with him. However, the land so settled with him together with the land excluding homestead, if any owned by him and by all the members of his family shall not exceed one Standard Acre and shall not be more than one-tenth of an acre of land which is being utilised or can be utilised for Homestead purpose, (b)- If the land is in occupation of Homestead-less person and the land is utilised for homestead purpose, Land up-to an extent of one-tenth of an Acre shall be settled with him.

Proviso to Section 7 (2) (b) – The following Categories of land shall not be settled: (a)- Gochar, Rakhita, Sarbasadharana (b)- Lands - (i)- set apart for common use of village, (ii)- used as housesite, backyard of temple-site, (iii)- likely to be required for any development scheme as notified by Government, (c)- Land belonging to an establishment/ Undertaking owned, controlled and managed by : (i)- Any state Government or their Department. (ii)- Company where not less than fifty one percent of the share capital is held by one or more State Government. (iii)- A Corporation owned, controlled, managed by Government as per law.

**Section-7(2)(b) Settlement of land in Urban area: Proviso to Section 7 (2) (b) –** If the land is situated in a municipality or NAC : (a)- Settlement of land to be made by the Sub- Divisional Officer on a reference made by the Tahasildar (b)- Upto one-tenth of an Acre shall be settled if: (i)- the person or his family does own a house or house site anywhere in the state. (ii)- Land is adjacent to the holding of the person and is necessary for beneficial enjoyment of holding or for residential purpose and it is not reserved for any government or development purpose. (c)- Settlement shall not take effect until: (i)- order of SDO is confirmed by Collector of the District (ii)- the person pays the Market Value as assessed by the SDO, the person shall be summarily evicted if he fails to pay the Market Value.

Section - 7 (2-a) Extent of land to be settled for Homestead Purpose: If the land is in unauthorised occupation of homesteadless person and who is using it as homestead and residing in it by constructing a house and if it is not classified as Gochar, Rakhita or Sarbasadharan and is not used as Burial Ground, Government Premises, Tanks Roads, Public Places of Worship, the same shall be settled with him, however the land so settled shall not exceed one-twenty fifth of an Acre.

Section 7 (3) Imposition of Fine by Tahasildar- If encroachment is not removed within the time specified in the notice, Tahasildar may impose a fine up-to rupees fifty and a daily fine of rupees ten in addition to forfeiture. Proviso: Fine not to exceed twice the Market Value of the land and Proviso: Collector may reduce or remit the amount of fine.

### **Odisha land rights to slum dwellers Act 2017**

An act to provide for assigning land rights to identified slum dwellers, for redevelopment, rehabilitation and upgradation of slums, and for matters connected therewith or incidental thereto.

#### **Establishment of Co-ordinate based Ground Control Points**

- Primary Control Points (16 KM \* 16 KM)
- Secondary Control Points (4 KM \* 4 KM)
- Tertiary Control Points (1 KM \* 1 KM)
- Digitization of cadastral maps and mosaicking.
- Super-imposition of cadastral maps on ortho-image to delineate village boundary
- Transfer of village boundary to ortho image
- Plot level vectorisation and Map generation from ortho image
- An orthoimage is an aerial photograph or satellite imagery geometrically corrected ("orthorectified") such that the scale is uniform: the photo or image follows a given map projection. Ortho image can be used to measure true distances, because it is an accurate representation of the Earth's surface, having been adjusted for topographic relief, lens distortion, and camera tilt

### **Odisha Government Land Settlement Act 1962 and Rules 1983**

While the Odisha Survey & Settlement Act 1958 and the Odisha Land Reforms Act 1960 took care of the issues relating to use of private lands and ownership thereof; regulating the use and ownership of government land was a major issue during the beginning of 1960s in the state. The Odisha Prevention of Land Encroachment Act 1954 was found to be inadequate to deal with these issues.

A set of uniform principles regarding lease of Government waste lands overriding the provisions of different Acts, Rules, Orders as well as traditional and customary practices were enforced with the introduction of the Odisha Government Land Settlement Act 1962. In subsequent years there has been some amendments to the Act; notably in 2009 and 2013 and the Rules made under the Act has also been amended in 2010 and 2014.

U/S 2 (b) of the Act, Government land means any waste land belonging to Government whether cultivable or not, recorded as House site, Anabadi, chot jungle, puratan patita, nutan patita, parityakta bedakhali, Gochar or by any other description whatsoever;

‘any other description whatsoever’ includes

- Khasmahal land- Government estates and the rent of which are payable under Bengal land Revenue Settlement Regulation 1822 or 1825
- Nazul lands

- Gramkantha Paramboke lands of ex-madras areas
- Abadi land
- As defined u/s 2(29) of the OLR Act, 1960

One standard acre means: One acre of Class-I land, One and one half (1.5) acre of Class-II land, 3 acres of Class-III land and 4 and half (4.5) acres of Class-IV land.

As defined u/s 2(5-a) of OLR Act, 1960

Class I- Irrigated land –where 2 or more crops in any one year within a period of last 3 years have grown, or can be grown, Class-II- Irrigated land not more than one crop has grown or can be grown, Class-III – Other than irrigated land in which paddy has grown or can be grown during last 3 years. Tanks, coconut gardens and orchards (except banana orchards ) will be Class-III land and Class-IV- Any other land.

Section -3- Reservation and settlement of Government land: Government shall not be deemed to be debarred from exercising all or any of the following powers in respect of Govt Land, to reserve such portion for the purpose of house sites or for any communal or industrial purpose or for any other purposes whatsoever; to charge premium for settlement of any such land, to charge rent for the lands so settled, to charge fees for application for settlement and to authorise any officer of Govt to dispose of applications.

Sec- 3B Resumption of land: Can be resumed, if there is reason to believe that the person has used it for any purpose other than it was settled, the person, other than homesteadless person or landless agril labourer has not used it for more than 3 years from the date of settlement, and may impose a penalty not exceeding 1000/- rupees on such person not without opportunity of being heard.

How such Lands are recorded in RoRs: Where separate paramboke khata done for individuals- Record in the same khata with remark note” it was paramboke in sabik, hence not assessed to rent”, where land recorded in Sarbasadharan khata with individual possession note as Gharabari, record the same with remarks that it was previously paramboke lands”, in certain cases, lands have been recorded as Gharabari with remarks “ not assessed to rent” or even rent assssd- record the same with remark’ previously it was paramboke.

Section 3(4) of the Act provides that, any land of the category of Khasmahal, Nazul , Gramkantha Parambok or Abadi, wherever situated and used for any purpose, may, on application, be permanently settled with heritable asnd transferable right with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least three years prior to the appointed date, in such manner and subject to payment of such amount to the Govt as may be prescribed; If any person in occupation of the land fails to apply under the provisions of the above clause within a period as may be prescribed, he shall be summarily evicted in the manner prescribed and such land shall be resumed by the government and the amount of rent payable to Government for such settlement through the Tahasildar concerned shall be recovered as arrear of land revenue, if the occupant fails to pay the same at the time of settlement. The Government shall from time to time shall determine the maximum extent of land to be settled with any person under the provisions of this Act, for different purposes.

Khasmahal lands meaning estates under self(Govt Possession): Controlled under Bengal Land Revenue Settlement Regulation, 1922 & 1928: Lease basis, no transferrable rights without prior permission of landlord, no timber rights whether self-grown or planted.

Abadi lands meaning habitation: Defined in section 71 of the Central Provinces Land Revenue Act,1917- for residential purposes Abadi belonged to Malguzars and the person occupying the land is a licensee- Rent free, even communal lands included.

- Settlement of land for purposes other than homestead and agriculture (Schedule- V A (Rule 5 BB): Eligibility: Same with exception that the land has been used for the purpose other than homestead and agriculture.
- Application in Form-II along with documents.
- Procedure: same. Only tahasildar shall submit the Case record to Sub collector with his recommendation.
- Tahasildar has to give a certificate that he has verified the hal and sabik records and the subject land qualifies for action under the Act & rules.
- All proposals of the village in one go.

Power to settle to what extent:

- Up to 10 decimal in rural area and up to 4 decimal in urban area- Sub collector.
- If more than 4 decimal in urban area and more than 10 decimal in Rural area- Prior approval of Collector shall be obtained.
- Lands used or essentially required for Community purposes such as, but not limited to roads, playgrounds, public places of worship, Govt. institutional buildings, shall not be settled and shall be recorded in Rakhita khata.

Section (5)-A of the Act bestows government with the responsibility of preparing effective plan for management of Gochar land. Usually the Gram Sasan will control and manage the Gochar land where such land is vested with it but Government has the right to take over any such land if necessity arises.

Section (7) deals with the provisions relating to appeals. For orders passed by subordinate officers the appeal will lie to the superior authority. The order is Tehsildar, Sub-Collector, Collector, and Revenue Divisional Commissioner.

Section 7-A that was inserted by later amendment gives the Collector the power of revision in case of orders passed by Sub-Collector and to RDC in case of orders passed by the Collector. All such revisions shall be taken up on application to be filed within 90 days from the date of order but the revision court has the power to condone delay and admit revision cases even after expiry of 90 days. Applications for revision shall be dealt according to prescribed procedure. The Collector and RDC will also have the power to revise orders suo motu if there is reason for mistaken of facts, Supression / Omission of facts and fraud. But where the case has been initiated on application or suo motu; the affected parties have to be given reasonable opportunity of being heard.

It was provided that no proceeding under the above section shall be initiated after the expiry of 30 years from the date of coming into force of the OGLS(Amendment) Act.

#### **Settlement of Lands in urban areas**

- Land in urban areas shall be settled on lease basis.
- By Public Auction.
- In favour of Development Authorities/ OSHB, any corporation/ company owned by Govt
- In favour of Govt. Departments

**Rule-9-** Where a plot is reserved under section 3 but no immediate settlement for that purpose contemplated, the Collector with prior approval of RDC may give temporary lease of the whole or any portion of the plot for any specific purpose, within the terms and conditions as may be prescribed by the Government from time to time.

**Rule 9-A- Permissive possession**

- Permissive possession may be granted for the purpose of plantation subject to such terms and conditions and on payment of ground rent and cess and such amount of fee as may be decided by Govt.
- Collector shall have power to terminate.
- Recently permissive possession allowed in favour of Railway Authorities for construction of railway over bridges over rivers, nalas etc.

## Relevant Acts as per the Power point presentations- West Bengal

### Major Land acts in West Bengal

- Permanent Settlement Regulation, 1793
- Bengal Rent Act, 1859
- Bengal Tenancy Act, 1885
- WB Estate Acquisition Act, 1953
- WB Land Reforms Act, 1955
- RoR produced by WBEA Act, 1955 is popularly known as RS khatian

### Different Chapters of WBLR Act-1955

Chapter-I: Preliminary & definition (Sec 1 to 3A)

Chapter-II: Rights & Obligation of Raiyats (Sec 4 – 12)

Chapter IIA: Restriction on alienation of land by ST (Sec 14A-14I)

Chapter-IIB: Ceiling on Land held by raiyat (Sec 14J-14Z)

Chapter-III: Bargadar (Sec 15 - 21E)

Chapter IV: Revenues (Sec 22 – 30)

Chapter-V: Consolidation of land (Sec 39 – 48A)

Chapter VI: Distribution & Settlement of non-agricultural land (Sec 49)

Chapter VII: Maintenance of RoR (Sec 50)

Chapter VIIA: Preparation/Revision of RoR (Sec 50A – 51C)

Chapter VIII: Management of land (Sec 52B )

Chapter IX: Miscellaneous (Sec 53 – 63)

**Chapter-II deals with the rights & obligations of the raiyat** and chapter-IIA puts restrictions on the model of the BT Act on alienation of land by a Scheduled Tribe who can transfer his land in the manner laid down section 14C. Sale of land to a non-tribal can only be made with the prior permission in writing from the appropriate authority. Penalties have been laid down for violation of these prohibitory provisions.

Chapter-IIB imposes ceiling on land held by a raiyat. Originally WBLR Act dealing with only agricultural land did not impose any new ceiling. The ceiling prescribed under WBEA Act continued. Ceiling under WBEA Act was imposed on the land held by an individual raiyat. A family consisting of many raiyats was thus entitled to lawfully retain considerable amount of land in aggregate. Again there was no ceiling on land comprised in tank fisheries, orchards and land held for religious and charitable institutions. Thus there was scope for making more lands available for distribution among landless people. On the basis of the results of examination of ceiling laws of different States made by the Planning Commission, it was decided in a Chief Minister's conference at the beginning of seventies that a new ceiling taking a "family" as a unit as against "an individual" should be imposed. Accordingly, the definition of "land" underwent a sea change. Previously land under WBLR Act meant only agricultural land including homestead. Under the amended definition "land" means land of every description. Land held by the non-agricultural tenants & under tenants under the WBNAT Act, 1949 remained unaffected by the ceiling provisions under the WBEA Act & WBLR Act. Under the amended WBLR Act all lands held by such tenants and under tenants and all their rights therein vested in the State w.e.f. 09.09.1980.



Such tenants and under tenants are now to be deemed as raiyats under the WBLR Act and ceiling provisions of the Act will apply on the land held by them.

Ceiling provisions have been extended to all kind of land irrespective of their use and status, nature and character of the *raiya*s who hold such lands. No land, therefore, has been kept beyond the ceiling provisions, viz., tank fisheries, orchards, land held by religious & charitable institutions - all have come within the fold of the ceiling provisions.

Chapter-III deals with the rights & obligations of the bargadar. A bargadar is a person who cultivates the land of another person on condition of delivering a share of produce from such land. Bargadar's right of cultivating the land is heritable but not transferrable. The share of the produce and the manner in which such share shall be tendered have been laid down in details in the WBLR Act.

Chapter-IV contains provisions for determining and payment of revenue to the Government by the raiyats.

Chapter-V provides for consolidation of plots of land and forming of co-operative farming societies.

These are post reforms measurements for improvement of agriculture. But unfortunately, the peasants wings of different political parties of the State who were out in their slogans to lay down their lives for the good of the peasants and in spite of the State having been ruled for more than 30 years by a left leaning government, has shown scant interest in getting the post reforms measures contained in this chapter implemented.

Chapter-VI deals with the principles of distribution of lands at the disposal of the Government. For settlement of lands by the Government, detailed provisions have been made in Rule 20A of the WBLR Rules, 1965 and well as WBLR Manual, 1991.

Chapter-VII deals with the maintenance of record of rights. Land records should be kept updated by incorporating the changes taking place as a result of transfer or inheritance, partition, exchange, settlement of land by the Government, determination of revenue etc.

Chapter-VIIA provides for preparation or revision of record of rights. Preparation of RoR in WBLR Act, 1955 starts under Chapter VIIA on the RoR (*Modified khatian*) prepared u/s 47 of WBEA Act Any correction / Mutation u/s 50 of WBLR Act before starting of preparation / revision under Chapter VIIA. Sec 50 under Chapter VII is applicable to make revision/modification in between Final publication of RS RoR and initiation of Chapter VIIA. After completion of Chapter VIIA, Operation under Chapter VIIA-

Rule 22 of WBLR Rules, 1965 – Schedule 'A'

- Traverse Survey
- Cadastral Survey
- Preliminary record writing (or *Khanapuri*)
- Local explanation (or *Bujharat*)
- Attestation
- Publication of draft record-of-rights
- Disposal of objections
- Preparation and publication of final record-of-rights
- Sec 51- KB (*Khanapuri Bujharat Green Colour*), Attestation ( *Red Colour*)
- Sec 51A(1) – Draft Publication (DP ) & Objection hearing (*Violet Colour*)

- Sec 51A(2) – Final Publication
- 51A(4) - Application for revision against FP record within one year from the date of FP and on own motion within 35 years (Black Colour)
- Sec 51A(5) – Appeal against 51A(4)
- Sec 51A(6) – Certificate of Final Publication of the RoR as per Sec 51A(2)
- Sec 51B covers Revision / correction of RoR by specially empowered Revenue Officer at any stage before Final Publication of the RoR
- Sec 51BB covers Revision / correction of RoR by specially empowered Revenue Officer at any stage before or after Final Publication of the RoR in pursuant of any order under Chapter IIB of WBLR Act
- Sec 51C covers Bar to Jurisdiction of Civil Court in receiving / entertaining application for revision / correction of RoR when Chapter-VIIA is in operation

Sec 50 (Chpter VII) covers:

- Maintenance of RoR
- Mutation after transfer or inheritance [Sec 50(1)(a)]
- Partition, exchange, consolidation of land
- New Settlement of plot of and
- Variation of Revenues
- Barga recording
- Other necessity to change RoR

Sec 50A covers: Sec 50 is not applicable in a mouza where work of Chapter VIIA is in operation but can be applied only to mitigate the hardship of a raiyat. Sec 50B covers- If State Government so thinks, FP records maintained u/s 50 be modified and Publish Draft of the record so modified and receive and consider objection to any entry u/s 50B(3). Final Publication of the modified record is considered under section 50B(4) and revise record in the prescribed manner of the FP Record u/s 50B(5). Mutation u/s 50 of WBLR Act-Online Mutation

- Record verification directly from database
- Record correction directly in database
- RoR is framed/ Modified automatically

Section 5A(7)(iii) Land Mutation takes place when land transfer by means of sale, mortgage, lease, exchange or gift.

Record-of-rights prepared under WBEA Act is RS khatian and Record-of-rights prepared under WBLR Act : LR khatian. Both the above two types of khatians were hand written. Through the process of mutation under WBLR Act land records are being updated in all 346 BL&LRO offices of WB. Presently data of land records is stored at the State Data Center and maintenance of records are being done online through e-Bhuchitra.

Chapter-VIII deals with management of land.

Land should be managed in the manner as prescribed under the rules made under WBLR Act and as per the provisions contained in the WBLR Manual, 1991, by the Collector of the district under whose jurisdiction the land is situated.

W.B.L.R Act from 30.03.1956- All types of non-agricultural land,tea garden,tank fishery etc were not under the purview of Act. Under West Bengal land reforms (Amendment) act 1971 a new chapter IIB was inserted in the act. With retrospective effect from 07.08.1969- incorporation of family ceiling was

done. The composition of Family to be determined with effect from 15.02.1971 as contained section 14J to 14Y.

14J: . The Provisions of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this act or in any other law or in any agreement , decree , order , decision of court, provided that nothing in this chapter shall apply to any vacant land in ULC area .

14K – Definition – “family”, in relation to a raiyat shall be deemed to consist of

- (i) Himself and his wife, minor sons, unmarried daughters, if any,
- (ii) His unmarried adult son, if any , who does not hold any land as a raiyat,
- (iii) His married adult son nor the wife nor any minor son or unmarried daughter of such adult son holds any land as a raiyat,
- (iv) Widow of his predeceased son, if any, where neither such widow nor any minor son or unmarried daughter of such predeceased son holds any land as a raiyat.
- (v) Minor son or unmarried daughter , if any of his predeceased son where the widow of such is dead and any minor son or unmarried daughters of such predeceased son does not hold any land as raiyat but shall not include any other person.

“planning area” shall have the same meaning as in the West Bengal Town and Country (planning and Development) Act,1979(West Bengal Act XIII of 19

14LNo Raiyat to hold land in excess of the ceiling area:-Subject to provisions of section 14Q (3) & section 14Y & sub section 2 of section 14Z,on & from the commencement of the provisions of the chapter IIB , no raiyat shall be entitled to own in the aggregate any land in excess of the ceiling area applicable to him under section 14M.

14M -ceiling area.(1) The ceiling area shall be

- (a) In the case of a raiyat, who is the adult unmarried person 2.50 standard hectares;
- (b) In the case of a raiyat, who is the sole surviving member of a family,2.50 standard hectares;
- (c) In the case of a raiyat having a family consisting of two or more , but not more than five members5.00 standard hectares;
- (d) In the case of a raiyat having a family consisting of more than five members, 5.00 standard hectares, plus 0.50 standard hectare for each member in excess of five, so, however, that the aggregate of the ceiling area for such raiyat shall not, in any case, exceed 7.00 standard hectares;
- (e) In the case of any other raiyat ,7.00 standard hectares.

(2) Notwithstanding anything contained in sub section

(1) where in the family of a raiyat, there are more raiyat, together with the ceiling area of all other raiyats in the family shall not, in any case, exceed :- where the number of members of such family does not exceed 5.00 standard hectares; where such number exceeds five 5.00 standard hectares plus 0.50 standard hectare for each member in excess of five, so however,that the aggregate of the ceiling area shall not,in any case,exceed 7.00 standard hectares.

(3) For the purposes of sub-section (2),all the lands owned individually by the members of a family or jointly by some or all the members of such family shall be deemed to be owned by the raiyats in the family.

(4) In determining the extent of land owned by the raiyats in a family or the sole surviving member of a family or an adult unmarried person , the share of such raiyats or raiyats,or such sole surviving member , or such adult unmarried person , as the case may be , in the lands owned by a co-operative society, company, co-operative farming society , Hindu undivided family or a firm shall be taken into account

- 14M(5) The lands owned by a trust or endowment other than that of a public nature , shall be deemed to be lands owned by the author of the trust or endowment & such author shall be deem

to be a raiyot under this Act to the extent of his share in the said lands & the share of such author in the said lands shall be taken into account for calculating the area of lands owned & retainable by such author of the trust or endowment & for determine his ceiling area for the purpose of this chapter.

- (6) Notwithstanding anything contained in Sub-Section (1) , a trust or an institution of public nature exclusively for a charitable or religious purpose or both shall be deemed to be a raiyot under this Act & shall be entitled to retain lands not exceeding 7 std. hect. Notwithstanding the no. of its centers or branches in the state.

	<b>Irrigated Area</b>	<b>Non Irrigated</b>
1. One member	6.18 acre	8.65 acre
2. 2 to 5 members	12.36 acre	17.30 acre
3. 6 members	13.59 acre	19.03 acre
4. 7 members	14.83 acre	20.76 acre
5. 8 members	16.06 acre	22.49 acre

**14-N-Determination of Irrigated Area:** Prescribed authority will determine in prescribed manner where any land is or not within the irrigated area.

#### **14-O:Appeal**

Land transferred by sale, gift or other wise or partitioned, by a raiyat after the 7<sup>th</sup> day of august,1969 but before the date of publication of the W. B. L. R. (Amendment ) Act , 1971 in the official gazette shall be taken in determining the ceiling area as if such land had not been transferred or partitioned.

- Any Land to Which provisions of section 3A apply and which was transferred after 07.08.1969 but before 09.09.1980 shall be taken into account as if such land had not been transferred
- The above provisions shall not apply to a bonafide transfer or partitioned of any land as aforesaid.
- The transfer in favour of any one of the following relatives of transferer shall be presumed to be not bonafide :- Wife , Husband , Child , Grand Chield, Parent, Grand Parent, Brother , Sister, Brothers Son , Sisters Son, Sons wife, Wifes brother & brothers wife.

14-Q: If the state Government after having regard to all the circumstances of the case is satisfied that a corporation or institution established exclusively for a charitable or religious purpose. or both, or a person holding any land in trust, or in pursuance of any other endowment, creating a legal obligation exclusively for a purpose which is charitable or religious , or both , requires land , as distinct from the income or usufructs derived from such land , for the due performance of its obligation , it may , by notification in the official Gazette , Increase the ceiling area for such corporation or institution or person to such extent as it may think fit, provided that the state Government may , at any time on its own motion or on an application , revise an order under this sub-section and may resume the whole or any part of the land in excess of the ceiling and take possession of such resumed land after giving the parties concerned an opportunity of being heard.

14R: Exemption : - Provisions of section 14M shall not apply

1. To any land owned by local authority or any authority established by any law
2. For such period as may be specified by state Government

### 3. Government owned company ( recent amendment )

14S: Vesting of land in excess of ceiling area:-

(1) On the commencement of the provisions of this chapter or on any subsequent date, any land owned by a raiyat in excess of the ceiling area applicable to him shall vest in the state free from all encumbrances.

(2) Where any land vested in the state under sub-section(1) is being cultivated by a bargadar , the right of cultivation of such bargadar in relation to any such vested land which, including any other land owned or cultivated by him is excess of 0.4047 hectare of land used for agriculture , shall, on the commencement of the provisions of this chapter (or any subsequent date), stand terminated.

(3) Every bargadar shall , in relation to the land which he is authorised by sub-section (2) to retain under his cultivation , become , on and from the date of commencement of the provisions of this chapter (or on any subsequent date), a raiyat.

14T: Duty of the raiyat to furnish return.

(1) Every raiyat owning land in excess of the ceiling area shall furnish to the revenue officer . in such form and within such time as may be prescribed , a return containing the full description of the land which he proposes to retain within the ceiling area applicable to him under section 14M and a full description of the land which is in excess of the ceiling area and such other particulars as may be prescribed.

(2) Where there are more raiyats than one in a family, the return referred to in sub section (1) shall be furnished by the head of the family or any other raiyat in accordance with the provisions of that sub-section.

(3) The revenue officer may , in receipt of a return submitted under sub-section (1) or sub-section(2), or on his own motion , determine the extent of land which is to vest in the state under section 14S and take possession of such lands.

(3a) The Revenue Officer can revise an order made under sub -section(3) and determine afresh the extent of land which is to vest in the state.

(4) If a raiyat falls to furnish, without any reasonable excuse, the return referred to in sub section(I), or sub-section(2), within the prescribed time or willfully makes any omission or incorrect statement in such return , he shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both).

(5) The revenue officer , on his own motion or upon any information , may , after giving the person interested an opportunity of being heard , enquire and decide any question of benami in relation to any land or any question title incidental thereto or any interest there in or any matter or transaction made , on being satisfied that such enquiry and decision are necessary for the purpose of preparation , correction or revision of record-of-rights and all matters incidental or consequential thereto or detection and vesting of surplus land over the ceiling area.

(6) The revenue officer, on his own motion or upon any in-formation , may after giving the persons interested an opportunity of being heard , enquire and decide any question as to whether any trust , endowment or institution is of public or private nature or of exclusively religious or charitable in character , or both and any question of title incidental thereto as maybe necessary to determine the extent of land which is the vest in the state under section 14S, by examining the documents if any . or by taking into account the following among others :-

- (i) Actual user of income or usufructs of the and
- (ii) Mode of cultivation,
- (iii) Pattern of utilisation of the land and

(iv) Share of income or usufructs of the land appropriated or enjoyed , or the area of such land occupied or enjoyed ,by or on behalf of the manager , sebit , mutwalli , or any other person managing the trust , endowment or institution.

(7) Any person aggrieved by any order made under sub-section(3) , (3A) , (5) or (6) may prefer an appeal under section 54.

(8) Notwithstanding anything contained in this act or in the West Bengal Estates Acquisition Act,1953 or in any other law for the time being in force or in any agreement , custom or usage or in any decree , judgement , decision or award of any court , tribunal or authority , the provisions of sub-sections(5)(6) and (7) shall operate with retrospective effect from the 5<sup>th</sup> day of May1953.

(9) Sub-section(5),(6),(7) and (8) of this section shall be deemed to have always been inserted in the West Bengal Estates Acquisition Act,1953.any officer in specially empowered in this behalf under the provision of the West Bengal Estates Acquisition act 1953 or under the provisions of this act may , in exercise in the powers conferred by sub-sections(5)to(8),re-open and decide afresh any proceeding , case or dispute in relation to determination of total land held by an intermediary or a raiyat or an under raiyat at any point of time or may determine the quantum of land such intermediary, raiyat and under raiyat was or is entitled to retain and also may determine the extent of land which is to vest in the state or which shall remain vested in the state and shall take possession of such land in accordance with the provisions of section 14SS.notwithstanding any judgment decision or award of any court, tribunal or authority to the contrary, the rule shall not apply to such cases or reopening and fresh determination.

(10) notwithstanding any return submitted by a raiyat sub-section (1) or sub section(2)and notwithstanding any order passed by the revenue officer under sub-section(3) or sub section(3A) in respect of the land owned by him, the State government may ,at any time by notification the official Gazzete , ask every raiyat owning land in excess of the ceiling area under section 14M to furnish to the Revenue officer , in such form as may be prescribed and within the ceiling area applicable to him under section 14M and a full description of the land which is in excess of the ceiling area and such other particulars as may be prescribed.

14U Restriction on transfer of land by a raiyot :-

- Except permitted by Revenue Officer a raiyot owning land in excess of ceiling area shall not transfer any land until the excess land has been determined and vested to the state.
- Same as for the land where provisions of sections 3A apply.
- If above provisions are violated by any raiyot the Government may take possession of land equal to the land which is to vest from out of available of the raiyot and if not possible , from the transferee. If that is also not possible the amount shall be recovered from the transferer.
- 14U(3) If a raiyot makes any transfer of any land in contravention of the provisions of Sub sec (1) or (2) the state Govt , may , in the first instances , take possession of land , equal in area to the land which is to vest in the state, from out of the land owned by such raiyot & where such recovery from the raiyot is not possible , from the transferee.
- Provided that where the transferee is a person eligible for allotment of surplus land , the Govt. may instead of enforcing its right to recover the land or equal amount of land, recover from the transferor the amount which he had received as consideration for the transfer of such land .
- 14X Bar of Jurisdiction of Civil Court
- 14 Y ( Limitation on future acquisition of land by a raiyot.
- This section puts an embargo on subsequent acquisition of land by the raiyot whether by inheritance , transfer or others in excess of ceiling area. However first proviso w.e.f. 27.08.96

empower the state Government to allow a person to acquire land in excess of ceiling area if he intends to establish mill, factory, tea garden, poultry farming..

- Provided if such land is not utilized within three years from the date of such permission , Govt. can review.

14Z: This Section was inserted for removal of doubts as to whether land of every description as per section 2(7) applies to chapter IIB or not.

- Land which has been allowed to an intermediary under clause (g) of section 6(3) of WB act would not come under the purview of Chapter IIB of the act.
- 14Z(2) empower the state Government to allow the owner of the land comprised in mill, factory, tea garden to retain so much of ceiling surplus land as in the opinion of the Govt. is required for the purpose.
- It is also to help sick mills for its revival by sale of surplus land.
- So, ceiling area of a raiyat's family under the West Bengal land reforms act Should be determined with reference to at least two dates on and from 15.02.1971 and on and from 09.09.1980 unless the ceiling area with reference to 15.02.1971 has been determined earlier.

For the purpose of determining the ceiling area, the following actions may be taken. Return in form 7A/7AA should be verified. Total quantum of land vis-à-vis total no. of members on 15.02.1971 and 09.09.1980 should be ascertained.

- A schedule of land of all types of classifications owned by raiyat's family excluding the non-agricultural land falling within purview under section 3A of WBLR Act may be prepared.
- A schedule of lands if any which had been transferred by the raiyat family on and from 08.08.1969 to 8/2/71 and for 3A land upto 8/9/80 shall be prepared and added to the land schedule
- A proceeding under sec 14T(5) read with sec 14T(9) where necessary may be drawn if there is a prima facie reason to believe that raiyots hold land in the name of benamdar.
- If the raiyat is a religious or charitable trust. a proceeding under sec 14T(6) read ,where necessary may be initiated if it is a public trust or private trust.
- Ceiling area in relation to raiyots family shall be again determined with reference to 09.09.80 taking into considerations of all type and classification held by the said family on that date.

## **Urban Area**

( Municipal Corporation or Municipality )

Municipalities are categorised as per population as:

- Category A : more than 2,15,000
- Category B : 1,70,000 – 2,15,000
- Category C : 85,000 – 1,70,000
- Category D : 35,000 – 85,000
- Category E : less than 35,000

## **Land Revenue**

- Land used for Agricultural purpose: Rs. 20/ acre
- Land used for allied agricultural activities : Rs. 20/ acre
- Land used for Non-agricultural purpose Rs. 50/ acre
- Land used for Homesteads
- Municipal Corporation: Rs. 35/ decimal
- Category A : Rs. 25/ decimal

- Category B : Rs. 20/ decimal
- Category C : Rs. 15/ decimal
- Category D : Rs. 10/ decimal
- Category E : Rs. 5/ decimal

Land used for Mills, Factories & Workshop or any other commercial & Industrial activities

- Municipal Corporation: Rs. 175/ decimal
- Category A : Rs. 150/ decimal
- Category B : Rs. 100/ decimal
- Category C : Rs. 75/ decimal
- Category D : Rs. 50/ decimal
- Category E : Rs. 25/ decimal
- Revenue for the portion of the plot of land which is not directly used for commercial activities in pucca structure Rs. 50/ acre

Sec. 23A: Exemption Central Govt., State Govt. & Local Body

- Public Roads
- Burial Grounds
- Place of worship
- Burning Ghat
- Other public purpose
- Govt. Sponsored Educational Institution
- Sec. 24 Exempted from paying revenue from 1385 BS if total area of land held by Raiyat & his family does not exceed 4 acres (Irrigated area) or 6 acres (Non-Irrigated area)
- Family : Raiyat + Wife + minor Sons + minor Daughters
- No exemption for the raiyat of Municipality
- No exemption for Mill, Factory, Workshop or other commercial purpose.



**Land Acts in Assam**

- Assam Land and Revenue Regulation, 1886.
- Assam Land (Requisition and Acquisition) Act, 1964.
- Assam Land Revenue Re-assessment Act, 1936
- Assam Gramdan Act, 1961
- Assam Bhoodan Act, 1965
- Assam (Temporarily Settled Area) Tenancy Act, 1971.
- Assam Fixation of Ceiling on Land Holdings Act, 1956.
- Assam State Acquisition of Land belonging to Religious or Charitable Institution of Public Nature Act, 1959
- Registration Act, 1908
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- Assam Land Records Manual.
- The Disaster Management Act, 2005
- Land Grabbing (Prohibition) Act, 2010.
- Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015.

**1. Land policy, 2019**

- Allotment & Settlement of land for ordinary cultivation in rural area
- Disposal of land acquired under Land Ceiling Act etc.
- Allotment & Settlement of land for homestead purpose in rural area
- Allotment of land for allied agricultural purposes in rural area
- Allotment & Settlement of land for special cultivation.
- VGR, PGR and other reserved land.
- Allotment & Settlement of land for other non-agricultural purposes like Industries, Public instructions etc.
- Restriction on transfer of agricultural land.
- Preservation of places and ancient monument, Tanks etc.
- Conversion of Annual Lease into periodic.
- Cadastral Survey & Non-cadastral areas.
- Settlement & reservation of land in Towns.
- Encroachment and eviction
- Special provisions for Scheduled Castes & Schedule tribes families.
- Joint patta in the name of spouse.
- Land Advisory Committee.

## **Chapter-II**

### **Land Acts in Northern States of India**

#### **Relevant Acts as per the Power point presentations- Punjab cadre**

#### **Important Revenue Laws of Punjab**

- Punjab Land Revenue Act 1887 (As Amended)
- Punjab Religious Premises Act
- Punjab Restitution of Mortgages Act
- Public Premises Act

#### **1. Main provisions of Punjab Land Revenue Act 1887 (As Amended)**

**Section 13 - Appeal shall lie from an original or appellate order of a Revenue Officer as follows, namely:-**

- (a) to the Collector when the order is made by an Assistant Collector of either grade;
- (b) to the Commissioner when the order is made by a Collector;
- (c) to the Financial Commissioner when the original order made by a Collector is reversed by the Commissioner in appeal:

Provided that –

- (i) when an original order is confirmed on appeal, a further appeal shall not lie;
  - (ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final;
  - (iii) no order of remand shall be passed by the appellate authority except where it is established from the record that a necessary party was not duly served;
  - (iv) no appeal shall lie against any interim order passed by a Revenue Officer under this Act;
- Explanation.-An order passed under sub-section (1) of section 116 and section 117 shall not be an interim order;
- (v) in partition proceedings, the Revenue Officer shall not proceed further in case an appeal has been filed against an order passed under sub-section (1) of section 116 or section 117 or section 118.

#### **Section 15 : Review by Revenue-officers:**

(1) A Revenue-officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order passed by himself or by any of his predecessors in office : Provided as follows: -

- (a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, and when a Revenue-officer of a class below that of Collector proposes to review any order whither passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the Revenue-officer to whose control he is immediately subject ;
- (b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within that period ;
- (c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order ;
- (d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section, the Collector shall be deemed to be the successor in office of any Revenue-officer of a lower class who has left the district or has ceased to exercise powers as Revenue-officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

### **Section 15-A – Correction of Order**

Clerical or arithmetical error in an order may, at any time be corrected by the Revenue Officer who passed the order or by this successor either of his own motion or on the application of any party, and an intimation of such correction shall be made to the parties free of any charges and also to the concerned Revenue Officer for its implementation."

### **Section 20. Mode of service of summons: -**

(1) A summons issued by a Revenue-officer shall, if practicable, be served (a) personally on the person to whom it is addressed or failing him (b) his recognized agent or (c) an adult male member of his family usually residing with him,

(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by affixing a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that person does not reside in the district in which the Revenue Officer exercises his jurisdiction and the case to which the summons relates has reference to land in that district, then by affixing a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue Officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue Officer nominates in this behalf and by publication of the contents thereof in a daily Punjabi newspaper having wide circulation for the information of the other persons interested.

(4) The summons may also be served through Short Message Service (SMS) or Whatsapp, email, or through other electronic mode at the phone number or email id, as may be approved by the State Government which shall be available or otherwise known, or made known, to the Revenue Officer: Provided that if service is effected through any of the above modes, a printout of the communication shall be placed on the record and the applicant or the appellant, as the case may be, shall provide proof to the satisfaction of the Revenue Officer of the genuineness of the phone number or email id being that of the recipient.

Explanation. - An affidavit filed by the applicant shall be sufficient proof regarding the genuineness of the phone number or email id to which the communication is sent as being that of the recipient.

(5) A summons may, if the Revenue Officer so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Chapter VI of the Indian Post Office Act, 1898 (Central Act VI of 1898), or sent through a reputed courier agency notified by the Government in this regard.

(6) When a summons is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Revenue Officer may presume that the summons was served at the time when receipt of its delivery is furnished: Provided that in case of a letter sent through registered post, its delivery may be presumed after thirty days if it is not received back undelivered within this period.

- (7) A summons may also be served on the person named therein by publication of the contents thereof in a daily Punjabi newspaper having wide circulation, as may be approved by the State Government.
- (8) A summons may also be served by uploading it on such website as may be notified.
- (9) Any of the modes of service provided in sub-sections (2), (3), (4), (5), (7) or (8) may be adopted simultaneously in addition to the mode provided in sub-section (1).
- (10) Munadi/Proclamation No More Allowed.

### **Mutations -**

Section 33 : Annual record – Jamabandi (Record of Rights), Register of Mutations, Girdawari

Section 34 - Making of that part of the annual record which relates to land-owners, assignee of revenue and occupancy tenants

Acquisition of right reported to Patwari:

The patwari shall enter in his register of mutations every report made to him.

Revenue-officer shall from time to time inquire into the correctness of all entries in the register of mutations and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired.

Section 36 - Determination of disputes: (Contested Mutation)

(1) If during the making, revision or preparation of any record or in the course of any inquiry under this Chapter a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a Revenue-officer may, of his own motion, or on the application of any party interested but subject to the provisions of the next following section, and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If any such dispute the Revenue-officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order direct that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register.

(3) A direction of a Revenue-officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

Section 37 - Restrictions on variations of entries in records: (Uncontested Mutation)

Entries in record-of-rights or in annual records, except entries made in annual records by Patwaris under clause (a) of section 35 with respect to undisputed acquisitions of interest referred to in that section, shall not be varied in subsequent records otherwise than by—

- (a) making entries in accordance with facts proved or admitted to have occurred;
- (b) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties;
- (c) making new maps where it is necessary to make them.

### **Presumption of Truth -**

Section 44 : Presumption in favour of entries in Records-of-rights and annual records: An entry made in a record-of-rights in accordance with the law for the time being in force, or in an annual record in accordance with the provisions of this Chapter and the rules there under, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

### **Arrears of Land Revenue -**

Defaults are declared as Arrears of Land Revenue by Collector (DC in the case) as stipulated in various acts

Section 67: Processes for recovery of arrears : An arrear of land-revenue may be recovered by any one or more of the following processes, namely:

- (a) by service of writ of demand on the defaulter;
- (b) by arrest and detention of his person;
- (c) by distress and sale of his movable property and uncut or ungathered crops;
- (d) by transfer of the holding in respect of which the arrear is due;
- (e) by attachment of the estate or holding in respect of which the arrear is due;
- (f) by annulment of the assessment of that estate or holding;
- (g) by sale of that estate or holding;
- (h) by proceeding against other immovable property of the defaulter;

### **Partition**

Section 111 (1): Application for Partition

Any joint owner of land, may apply to a Revenue Officer for partition of his share in the land, if,-

- (a) on the date of application, the share as owner is recorded under Chapter IV as belonging to him; or
- (b) his right to share as owner has been established by a decree which is still subsisting at that date.

Section 112 - Certain Restriction and limitations on partition

Section 114 - Absolute disallowance of partition

Section 115 - Partition through conciliation and mediation

Section 118 - Land to be allotted

(1) The Revenue Officer shall allot specific portions of the land to the applicant in accordance with the mode of partition.

(2) After an order has been passed under sub section (1), the Revenue Officer shall proceed to prepare the instrument of partition under section 121 irrespective of any party withdrawing from the proceedings.

Section 121 : Instrument of partition

(1) When a partition is completed, the Revenue Officer shall cause an instrument of partition to be prepared at the expiry of sixty days from the order passed under section 118 and it shall take effect after thirty days of its first copy being issued. Explanation.- A partition shall be taken to be complete on an order passed under section 118.

(2) An instrument of partition shall be amended or modified in the event of an order passed under section 118 is set aside, modified or reversed in appeal, review or revision.

### **2. Public premises and land (eviction & rent recovery) act, 1973**

This is the Act to provide for the eviction of unauthorized occupants from public premises and for certain incidental matters. Under this Act, Deputy Commissioner enjoys the powers of Commissioner and SDM enjoys the powers of Collector. Collector includes many other officers like DDPO, AETC, ARs etc.

Section: 3 describes the unauthorised occupation

A person shall be deemed to be in unauthorized occupation of any public premises-where he has, whether before or after the commencement of this Act entered into possession thereof otherwise than under and in pursuance of any allotment lease or grant; or ,

where he, being an allottee, lessee or grantee, has, by reason of the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such public premises; or where any person authorized to occupy any public premises has, whether before or after the commencement of this Act,- .

(i) sub-let, in contravention of the terms of allotment, lease or grant, without the permission of the State Government or of any other authority' competent to permit such sub-letting, the whole or any part of such public premises; or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorized to occupy such public premises.

**Explanation.**-For the purpose of clause (a), a person shall not merely by reason of the fact that he has paid any, rent be deemed to have entered into possession as allottee, lessee or grantee.

#### Section 4: Issuance of Notice

(1) If the Collector is of opinion that any persons are in unauthorized occupation of any public premises situate, within his jurisdiction and they should be evicted, the collector shall issue a notice in writing calling upon all persons concerned, to show cause why an order of eviction should not be made.

(2) The notice shall specify the grounds on which the order of eviction is proposed to be made and require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than ten days from the date of issue thereof.

(3) The Collector shall cause the notice to be affixed on the outer door or some other conspicuous part of the public premises or the estate. in which the public premises are situate, and in such other manner as may be prescribed whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Collector knows or has reasons to believe that any persons are in occupation of the public premises, then without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

#### Section 5: Eviction of unauthorized persons

(1) If, after considering the cause if any, Show by any person in pursuance of a notice under Section 4 and *any* :evidence he *may* produce In support of the same and after giving him a reasonable opportunity of being heard, the Collector Is Satisfied that the public premises are its unauthorized occupation, the Collector may make an order of eviction for person to recorded therein, directing that the public premises are in unauthorized Occupation, the Collector may make an order of eviction for person to recorded therein, directing that the public premises shall be vacated on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof and cause a copy of the order to be affirmed on the outer door or some other conspicuous part of the public premises or of the estate in which the public premises are situate.

(2) If any person refuse or fails to comply with the order of eviction within thirty days of its publication under sub-section (1), the collector or any other officer duly authorized by him in this behalf may evict that person form and take possession of the public and may, for that purpose, use such force as may be necessary.

#### Section 6: Disposal of property left on public premises by unauthorized occupants

(1) Where any persons have been evicted from any public premise under Section 5. the Collector may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or sell by public auction any property remaining on such premises.

(2) Where any property is Sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, If any due to the State Government or the corporate authority on account of arrears of. rent or damages or costs be paid to such person or persons as may appear to the Collector to be entitled to the same :

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, the may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be limit.

**Section 8: power of collector:-** The collector shall, for the purpose of holding an enquiry under this Act, have the same power as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of summoning and enforcing the attend of any person and examining him on oath, requiring the discovery and production of document or any other matter which may be prescribed.

Section 10 envisage that every order made by the Collector or Commissioner under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken In pursuance of any power conferred by or under this Act. However, orders of Collector made under section 5 & 7 are appealable to the Commissioner.

Section 15 provides that No court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person.

Section 16 provides protection that No suit, prosecution or other legal proceeding shall lie against the State Government or the corporate authority or the Commissioner or the Collector in respect of anything which is in good faith done.

### **3. The Punjab, religious premises and land (eviction and rent recovery) act, 1997**

This Act is at par with Public Premises Act however it deals with only properties belonging to religious institutions. Under this Act the powers of Collector lies with Collector of the District and appeal against the orders made by Collector goes to Commissioner.

"Religious Institution" means any gurdwara, temple, church, mosque, temple of Jains or Budhas-which is registered under the provisions of the. Societies Registration Act, 1860 (Central Act No. XXI of 1860) or is established under any statute and includes any other place of worship by whatever name, it may be called, which is registered as aforesaid or is established under any statute;

"religious premises" means any land whether used for agricultural or non agricultural purposes or any building or part of a building belonging to a Religious Institution and includes the garden, grounds and out-houses, if any, appertaining to such building or part of a building and any fittings affixed to such building or part of a building .

Section 4: Issue of notice to show cause against order of eviction-

On an application made by a Religious Institution, if the Collector is of opinion that any persons are in unauthorized occupation of any religious premises situate within his jurisdiction and that they should be evicted, the Collector shall issue in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall -specify the grounds on which the order of eviction is proposed to be made, and require all persons concerned to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than ten days from the date of issue thereof.

The Collector shall cause the notice to be sent through a registered post and also affixed on the outer door or some other' conspicuous part of the religious premises, or of the estate in which the religious premises are situated whereupon the notice shall be deemed to have been duly given. to all person concerned.

#### Section 5: Eviction of unauthorized persons:-

(1) If, after considering the cause, if any, shown any person in pursuance of a notice under Section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the religious premises are in unauthorized occupation the Collector make an order of eviction for reasons to be recorded therein, directing that religious premises shall be vacated, on such date not being the date beyond the period of forty five days from the date of receipt of application by him under Section 4 and as may be specified in the order by all persons who may be in occupation thereof any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the religious premises or of the estate in which the religious premises are situated.

(2) If any persons refuses or fails to comply with the order of eviction within thirty days of the date of order made under sub-section (1 ),the Collector or any other officer duly authorized by him in this behalf may evict that person from, and deliver the possession of the religious premises to the concerned Religious Institution and, may for that purpose use such force as may be necessary.

#### 4. Punjab Restitution of Mortgaged Lands Act, 1938

This is an Act to provide for the restitution of lands on which a mortgage subsists, which was effected prior to 8th June, 1901.

**Petition for restitution-** Under section 4 a mortgagor to whose land the provisions of this Act apply, may at any time present a petition to the Collector praying for restitution of possession of the land mortgaged. The petition shall be duly verified in the manner prescribed for such petitions.

**Procedure for dealing with Petition for restitution-** Section 5 provides that on receipt of such petition the Collector, after such enquiries as may be prescribed, shall record an order in writing with reasons stating whether the mortgage in question is one to which this Act applies.

**Petition when to be dismissed-** Under Section 6 if the Collector finds that the mortgage is one to which this Act does not apply, he shall dismiss the petition.

**Power of Collector to declare and enforce orders in favour of mortgagor and to grant compensation to mortgagee in certain cases-** Under section 7 if the Collector finds that the mortgage is one to which this Act applies he shall, notwithstanding anything contained in any other enactment for the time being in force in cases where he finds that the value of the benefits enjoyed by the mortgagee, while in possession, equal or exceed twice the amount of the principal sum originally advanced under the mortgage, order in writing.



Provisions under section 10-11 regarding Appeal, revision and limitation of appeal are at par with the Land Revenue Act. Jurisdiction of Civil Courts is barred Section 12.

## **5. The Punjab Tenancy Act, 1887**

This act deals with the tenancy, relationship of tenant and landlord and dispute between them.

Following are major types of tenants:-

Section 5: Tenants having right of occupancy

Section 6: Right of Occupancy of other tenants recorded as having the right before passing of Punjab Tenancy Act, 1868

Section 7: Right of occupancy in land taken in exchange

Section 8: Establishment of right of occupancy on grounds other than those expressly stated in Act.

Section 11: Continuance of existing. occupancy rights.

Section 12: Rights of landlord and tenant to produce

The rent for the time being payable in respect of a tenancy shall be the first charge on the produce thereof.

A tenant shall be entitled to tend, cut and harvest the produce of his tenancy in due course of husbandry without any interference on the part of his landlord.

Except where rent is taken by division of the produce the tenant shall be entitled to the exclusive possession of the produce.

Where rent is taken by division of the produce- the tenant shall be entitled to -the exclusive possession of the whole produce until it is divided, the landlord shall be, entitled to be present at, and take part in the division of the produce and when the produce has been divided, the landlord shall be entitled to the possession of his share thereof.

Section 14: Payments for land occupied without consent of landlord. Any person in possession of land occupied without the consent of the landlord shall be liable to pay for the use of occupation of that land at the rate of rent payable in the preceding' agricultural year or if rent was not payable in that year, at such rate as the court may determine to be fair and equitable.

**Section 31:** Power to deposit rent in certain cases with Revenue officer. In either of the following cases, namely: - when a landlord refuses to receive or grant a receipt for any rent payable in money when tendered to him by a tenant. When a tenant is in doubt as to the person entitled to receive rent payable in money, the tenant may apply to a Revenue-officer for leave to deposit the rent in his office and the Revenue-officer shall receive the deposit if after examining the applicant, he is satisfied that there is sufficient ground for the application and if the applicant pays the fee, if any, chargeable for the issue of the notice next hereinafter referred to.

**Section 32:** Effect of depositing rent:

When a deposit has been so received it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due.

The Revenue-officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to be live claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled thereto or may, if he thinks fit, retain the deposit pending the decision of a competent Court as to the person so entitled.

No suit or other proceeding shall be instituted against the [Government] or against any officer of the [Government] in respect of anything done by a Revenue-officer under this section, but nothing in this

sub-section shall prevent any person entitled to receive the amount of any, such deposit from recovering it from a person to whom it has been paid by a Revenue- officer

**Section 39-** Grounds of ejectment of occupancy tenant:

A tenant having a right of occupancy shall be liable to be ejected from his tenancy on any of the following grounds, namely : that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it ;where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner or to the extent customary in the locality in which the land is situate; when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains unsatisfied

**Section 40-** Grounds of ejectment of tenant for a fixed term:

A tenant not having a right of occupancy but holding for a fixed term under a contract or a decree or order of competent authority, shall be liable to be ejected from his tenancy at the expiration of that term, and, on any of the following grounds, before the expiration thereof namely : that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which, he held it ; where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner, or to the extent customary in the locality in which the land is situate ; on any ground which would justify Ejectment under the contract decree or order.

**Section 41-** Ejectment of tenant from year to year:

A tenant who has not a right of occupancy and does not hold for a fixed term under a contract or decree or order of competent authority, may be ejected at the end of any agricultural year.

**Section 42-** Restriction of Ejectment

A tenant shall not be ejected otherwise than in execution of a decree for ejectment, except in the following cases, namely, when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains unsatisfied; when the tenant has not a right of occupancy and does not hold for a fixed term under a contract or a decree or order of competent authority.

**Section 43-** Application to Revenue-officer for ejectment.

In any such case as is mentioned in clause (a) or clause (b) of the last foregoing section the land-lord may apply to a Revenue- officer for the ejectment of the tenant in the case mentioned in the former clause or for the service on the tenant of a notice of ejectment in the case mentioned in the latter clause.

**Section 44-** Ejectment for failure to satisfy decree for arrear of rent.

(1) On receiving the application in any such case as is mentioned in clause(a) of section 42, the Revenue-officer shall after such inquiry, with respect to the existence of the arrear as he deems necessary, cause a notice to be served on the tenant stating the date of the decree and the amount due there under, and informing him that if he does not pay that amount to the Revenue-officer within, fifteen days from receipt of the notice he will be ejected from the land. If the amount is not so paid the Revenue-officer shall, subject to the provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant unless good cause is shown to the contrary.

**Section 49-** Rights of ejected tenants in respect of crops and land prepared for sowing.

Where at the time of the proposed ejectment of a tenant from any land his uncut or ungathered crops are standing on any part thereof, he shall not be ejected from that part until the crops have ripened and he has been allowed a reasonable time to harvest them. The court or Revenue-officer decreeing or ordering the ejectment of the tenant may, or the application of the landlord, determine any dispute arising in consequence of the provisions of sub-section. (1) between the landlord and tenant or between the landlord and any person entitled to harvest the crops of the tenant, and may in its or his discretion. Direct that the tenant pay for the longer occupation of the land secured to him under sub-section (1) such rent may be fair and equitable or determine the value of the tenant's uncut and ungathered crops, and, on payment thereof by the landlord to the Court or Revenue-officer, forthwith eject the tenant. When a tenant for whose ejectment proceedings have been taken has conformably with local usage prepared for sowing any land comprised in his tenancy but has not sown or planted crops on that land, he shall be entitled to receive from the landlord before ejectment a fair equivalent in money for the labour and capital expended by him in so preparing the land, and the Court or Revenue-officer before which or whom the proceedings are pending shall, on the application of the tenant, determine the sum payable to the tenant under this sub-section and stay his ejectment until that sum has been paid to him.

#### **6. The registration act, 1908**

DLR- Inspector-General of Registration, 2. Deputy Commissioners- Registrars, 3. Tehsildar- Sub-Registrar and 4. Naib-Tehsildar- Joint Sub-Registrar

#### **Section 18-Documents of which registration is optional:**

Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property; Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; leases of immovable property for any term not exceeding one year and leases exempted under section 17; instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property; instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property; wills and all other documents not required by section 17 to be registered.

**Section 23- Time for presenting documents.**—Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made or where it is appealable, within four months from the day on which it becomes final. Wills may be presented or deposited at any time.

#### **Section 28- Place for registering documents relating to land-**

Save as in this Part otherwise provided, every document mentioned in section 17, insofar as such document affects immovable property, and section 18 shall be presented for registration in the office of

a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

### **Section 32- Persons to present documents for registration-**

Except in the cases mentioned in sections 31, 88 and 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office, by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order or by the representative or assign of such a person or by the agent of such a person, representative or assign, duly authorised by power-of- attorney executed and authenticated in manner hereinafter mentioned.

### **Section 34- Enquiry before registration by registering officer-**

Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26: provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered. Appearances under sub-section (1) may be simultaneous or at different times. The registering officer shall thereupon enquire whether or not such document was executed by the persons by whom it purports to have been executed; satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document and in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub- Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate. Nothing in this section applies to copies of decrees or orders.

### **Section 35- Procedure on admission and denial of execution respectively-**

(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document or if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution or if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61 inclusive. The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office. (a) If any person by whom the document purports to be executed denies its execution or if any such person appears to the registering officer to be a minor, an idiot or a lunatic or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

### **Section 55- Indexes to be made by registering officers, and their contents-**

(1) Four such indexes shall be made in all registration offices and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV. Index No. I shall contain the names and additions of

all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1. Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf. Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same. Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4. Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs.

## **Relevant Acts as per the Power point presentations- Haryana cadre**

### **Land Revenue and Land Reforms Acts**

- The Haryana Land Revenue Act, 1887 (Punjab Act No.XVII of 1887) and Punjab Land Revenue Rules 1909.
- The Haryana Tenancy Act, 1887 (Act No. 16 of 1887).
- Haryana Consolidation of Project Land (Special Provisions) Act, 2017 (Haryana Act No.28 of 2017).
- The Redemption of Mortgages (Haryana) Act, 1913 (Punjab Act 2 of 1913).
- The Haryana Village Common Lands (Regulations) Act, 1961 (Punjab Act No.18 of 1961) and Rules of 1964.
- The Haryana Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act No.50 of 1948).
- The Haryana and UP (Alteration of Boundaries) Act, 1979 (Central Act no.31 of 1979)
- The Haryana Public Premises and Land (Eviction & Rent Recovery) Act, 1972
- The Haryana Security of Land Tenures Act, 1953 (Punjab Act NO.X of 1953) and Rules of 1953 & 1956.
- The Haryana Ceiling on Land Holdings Act 1972 (Haryana Act No.26 of 1972) and Rules of 1973.
- The PEPSU Tenancy and Agricultural Land Act, 1955 (PEPSU) Act No.13 of 1955).

### **Basic terms used in Land Administration**

- Khewat, khatauni, khasra number, min khasra number, murabba number, kila number, tatima, massavi (shajra Kishtwar), field book, tatima field book, genealogical tree (Shajra Nasab).
- Various kinds of land i.e. nahri, chahi, barani, sailab, abi, banjar jadid, banjar kadim and gair mumkin etc.
- Revenue settlement, hadbast number, misl-haquiati, shariat-wazib-ul-arz, consolidation of holdings, mustarka malkan or jumla malkan.
- Abadi deh (Lal Dora); Gora Deh; Shamilat Deh, 'shamilat deh hasab rasad zare khewat' or 'shamilat deh hasab rasad paimana malkiyat; Shamilat Tikkas, Patti, Pannas, Thola lands .
- Various types of mutations i.e. sale, mortgage, gift, exchange, partition, redemption, lease, inheritance, escheat, istrak and re-partition.
- fard badar, Mutation of correction (Sehat intkal/indraj), mussana (duplicate) mutation, implementation of appellate orders in revenue records.

### **Best practices of Land Administration**

- Making partition of joint landholdings compulsory by the Punjab Land Revenue (Haryana Amendment) Act, 2020 between land owners not related by blood by mutual consent by inserting section 111A.
- Time bound decision of partition cases covered under section 118-A i.e. related by blood relations, if applied for.
- E-girdawari i.e. 'meri fasal mera byora'.
- SWAMITVA project in Abadi deh (Lal Dora).
- Haryana Large Scale Mapping Project (HaLSMP).

- Policy for Purchase of Land Offered to Government for Development Purposes – E-bhoomi.
- Policy for transfer of Government, Municipal Bodies & Gram Panchayat lands for public purpose.
- Policy for Allotment of Government/ Land for Social/Religious / Charitable/ Community Purposes to the Trusts/Private Institute.

## Relevant Acts as per the Power point presentations- Uttar Pradesh

### Important Acts/Rules/Manuals of Uttar Pradesh

- **U.P. Revenue Code 2006 and Rules 2016**
- U.P. Revenue Court Manual
- U.P. Land Records manual
- U.P. Collection Manual
- Indian Stamp Act
- U.P. Chakbandi Act, 1953 and Rules, 1954
- RFCTLARR Act, 2013
- PP Act, 1971
- Waqf Act, 1995
- U.P. Imposition of Ceiling on Land Holdings Act, 1960
- Nazul Manual

**Khasra**- field book, **Khatauni**- record of rights (updated once in 6 years), **Shajra**- map, **Zinsvaar**- compilation of field statistics, **Khevat**- record of possession in Non-ZALR areas- **Mahals** and **Patti** (updated once in 4 years), **Abadi** in rural areas-**gharauni**, **Aadhar varsh khatauni**, **CH-41(tulnatmak khasra)**; **CH-45 (tulnatmak khatauni)****Zild Bandobast** (after chakbandi), **1332 Fasli-Bandobast** (before zamindari abolition), **1359 Fasli** (after zamindari abolition)- Right of Record

### Government Land

(1) Lands belonging to the State Government at the time of independence of the country. This may include Government estate Lands in rural areas under the management of Land Reforms Commissioner. Rural nazul lands, intra-municipal nazul under the management of Collector or Local Bodies Lands managed by Forest and other Departments, Civil and soyam lands in hill areas. (2) Lands vested in the State Government as a result of extension of Zamindari Abolition laws. In most cases such lands have been vested in Gaon Sabhas and Local Authorities for purposes of management. (3) Lands vested in the State Government under the U.P. Imposition of Ceiling on Land Holdings Act, 1960. (4) Lands vested in the State in the event of its owner dying heirless escheat lands. (5) Lands acquired by the Government under any law relating to acquisition of land. (6) Lands coming in the ownership or under the management of Government under any Special law.

### Nazul land

**Nazul land** is a **Land** held by Government in public trust, in perpetuity , the possession of which can be transferred by way of lease or sale . It is the **land** which is confiscated from Zamindars, Rajas and Nawab etc. There is a Uttar Pradesh **Nazul Manual** , 1949 which governs the **Nazul lands** in U.P. Under the **Nazul Manual**, the **Nazul land** can be leased out. Under the provisions of Rule 22 of **Nazul Manual** , lease for **Nazul land** shall not ordinarily be for a period shorter than 30 years in the first instance and shall , in all cases , provide for renewal after expiry of first and subsequent terms upto a maximum period of 90 years. The granting of lease in perpetuity in respect of any **Nazul land** on any term is prohibited. Rule 67 of **Nazul Manual** read with Rule 22 , prohibits granting of lease in perpetuity of **Nazul land**. Under the provisions , the **nazul land** led out on lease for stipulated period is required to be evacuated as and when the concerned lease terminates. Under the new **Nazul Policy 1998** , **Nazul land** can be disposed off by way of sale. If the sale deed is executed, then cost of **land** is to be recovered on the basis of market rate and stamp duty is to be paid on conveyance.



- By purchase (sale deed registry mutation)
- Inheritance (on death of landholder, as per provisions of Revenue Code)
- By registered will
- Pattas: Krishi- sankramaniya (1Ka), asankramaniya khatauni and Avasiya-shreni 6(2)-gharauni
- Lease of ZA/Nazul/Ceiling/Non-ZA land. In certain cases it can become freehold land as per rules

### **Gaon sabha land**

Shreni 5 - Land which is transferable, Shreni 6 - Reserved land, abadi

### **Wakf land**

A Wakf is an unconditional and permanent dedication of property with implied detention in the ownership of God in such a manner, that the property rights of the owner may be extinguished and its profits may revert to or be applied for the benefit of mankind except for purposes prohibited by Islam.

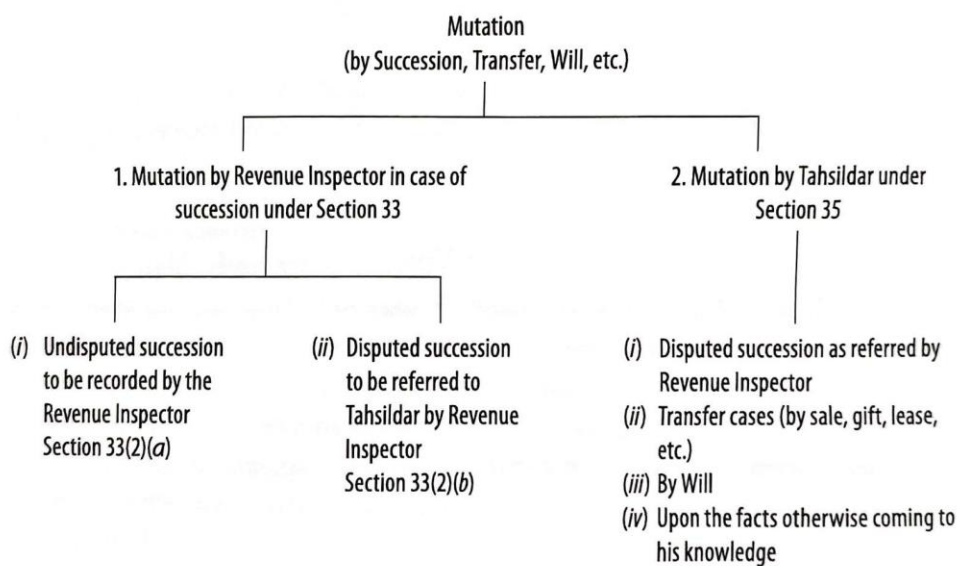
### **Important Sections of the Revenue Code, 2006**

Revenue Record	Section under Revenue Code	Concerned Official
Pakki Paimaish (Demarcation)	Section 24	(Sub-Divisional Magistrate)
Naksha Durusti (Correction of Map)	Section 30	District Magistrate
Daakhil-Kharij (Mutation)	Section 33/35	Tahsildaar
Correction of khatauni/khasra	Section 38	RI/ Sub-Divisional Magistrate
Avasiya patta avantan (allotment of abadi sites)	Section 63/64	Sub-Divisional Magistrate
Bedakhli (eviction)	Section 67	Tahsildaar
Becoming a Bhumidhar with transferable rights (sankramaniya)	Section 76(2)	NA
Bhumidhari Rights not accrue in certain classes of lands	Section 77	NA
Gair krishi prayog ki ghoshna (Non-agricultural use)	Section 80	Sub-Divisional Magistrate
Permission for transfer of land belonging to SCs	Section 98	District Magistrate
Vinimay (exchange)	Section 101	Sub-Divisional Magistrate
Batwaara (Vidhik and Vahmi) Partition	Section 116	Sub-Divisional Magistrate
Krishi patta avantan (allotment of abadi sites)	Section 125/126	Sub-Divisional Magistrate
Vasooli ka bakaaya (Recovery of arrears) (RC)	Section 170	District Magistrate, Sub-Divisional Magistrate, Amins
Power to call for records	Section 210	Board of Revenue
Power to transfer cases	Section 212	NA

### **Consolidation (Chakbandi)**

- Notification is issued under Section 4 and subsequently, all land records are transferred to chakbandi officers.

- All entries in the ***aadhar varsh khatauni*** are verified on the ground. The best parcel of land is allotted a value of 100 paisa per hectare. Remaining parcels are allotted values in comparison to the above parcel.
- Those lands which are being used for non-agricultural purposes and Gaon Sabha lands are kept outside chakbandi (***Chak-out***).
- Land for public use is earmarked and deductions from lands of landholders for this purpose determined. Objections are invited from people.
- Objections are decided as per mutual consent by ACOs or if disputed by COs under Section 9(ka)(1).
- These decisions are incorporated in the ***Aadhar varsh Khatauni*** and ***Aakar Patra 11*** prepared.
- For each landholder, a khata is prepared under ***Aakar Patra 23*** which contains details of lands and calculated value of pre chakbandi parcels and new parcels carved out during chakbandi. Objections are then invited to this.
- After disposing of objections received, landholders are provided physical possession of the new parcels (if any) allotted to them (***kabja parivartan***).
- Under Section 27, ***Aakar Patra 41(tulnatamak khasra) (CH-41)*** is prepared which includes details of old and new gata numbers.
- ***Aakar Patra 45 (tulnatmak khatauni) (CH-45)*** is prepared.
- Both the above documents are subsequently transferred to revenue authorities.
- Notification under Section 52 is issued and the village is officially out of chakbandi.
- The next ***shatvarshik khatauni*** is prepared on the basis of ***Aakar Patra 41*** and ***45***



## **Chapter -III**

### **Land Acts in Southern States**

#### **Relevant Acts as per the Power point presentations- Andhra Pradesh cadre**

#### **Land Revenue Acts**

- The Andhra Pradesh Rights in Land and Pattadar Passbook Act
- The Andhra Pradesh Agricultural Land(Conversion for Non-Agricultural Purposes)Act
- AP. Conversion into Non Agricultural Lands Act.
- AP Revenue Recovery Act
- AP Revenue Summons Act
- AP Survey& Boundaries Act
- The AP Land Encroachment Act

#### **1. Land Records Management – Relevant Acts/Rules in Andhra Pradesh**

##### **The Andhra Pradesh rights in land and pattadar passbooks act, 1971 (act no. 26 of 1971)**

(1-g) “Certificate of ownership” means Certificate of ownership issued under section 6-A for (1) the lands located in the Gramakantam and Non-Agricultural lands in the village and /or (2) Lands located in urban Local Bodies”]

(4-a)- Land in Urban Local Body means land, including building thereon, agricultural and non-agricultural lands located within the limits of the urban local body.

Explanation: - The term Building shall be assigned the same meaning as contained under respective enactments under which Urban Local Bodies are constituted.

(11-a)- Urban Local Body means the areas comprising of “Municipality” “Nagar Panchayat” “Local Area” “Transitional Area” as defined in Andhra Pradesh Municipalities Act, 1965 and the area comprising of “Larger Urban Area” “Corporation” as defined in Andhra Pradesh Municipal Corporations Act, 1994, Vijayawada Municipal Corporation Act, 1981 and Visakhapatnam Municipal Corporation Act, 1979.

3-B- The procedure prescribed under sub-section (1) and (2) of section 3 Mutatis Mutandis shall be followed for preparation and updating of Record of Rights in all lands in Urban Local bodies and as further prescribed.

(4)- Acquisition of rights in land in urban local body to be intimated: The acquisition of rights in respect of ownership of land in Urban Local Body shall be intimated to the Tahsildar within Sixty (60) days from the date of such acquisition and the said Tahsildar shall give or send a written acknowledgement of the receipt of such intimation to the person making it. Provided also that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Tahsildar.

(6-a) "Owner" means a person who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a pattas issued to him as a landless poor person.

(9) 'Record of Rights' means records prepared and maintained under the provisions, or for the purpose of this Act manually or electronically maintained. (10)- 'Recording authority' means such officer of the Revenue Department as may be notified by the Collector to be the recording authority for the purposes of this Act or such officer of the Registration Department as may be specified for the purpose of causing provisional mutation in Revenue records electronically or any officer of the Government, for a specified purpose, as prescribed by Government.

Preparation and maintenance of record of rights in all lands - (1) As soon as may be after the commencement of this Act in any area, there shall be 42[prepared and brought up-to-date, from time to time, by the Recording Authority] in such manner, and thereafter maintained in such form, as may be prescribed, a record of rights in all lands in every village in that area and such record of rights shall contain the following particulars, namely: - (a) the names of all persons who are owners, pattadars, mortgagees, occupants or tenants of the lands; (b) the nature and extent of the respective rights or interests of such persons and the conditions or liabilities, if any, attaching thereto; (c) the rent, revenue or other amount, if any payable by, or to any of such persons; (d) such other particulars as may be prescribed.

5- Amendment and up-dating of record of rights: - (1) On receipt of intimation of the fact of acquisition of any right referred to in section 4, otherwise than by a registered document, the Tahsildar shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence thereof and shall carry out the amendment in the record of rights in accordance with such determination. (2) In the event of the Tahsildar determining that the amendment in consequence of the acquisition of right referred to in sub-section (1) above, is liable to be refused, then the Tahsildar shall transmit all the documents to the Revenue Divisional Officer with the recommendations. (2a) The Revenue Divisional Officer, on receipt of such recommendations, shall pass an order as under, after affording an opportunity of hearing to the interested persons, (i) Confirming the recommendations of the Tahsildar. (ii) Disagreeing with the recommendations of the Tahsildar. (iii) On the receipt of communication of disagreement under 5(2a)(ii), the Tahsildar shall carry out the amendment of R.O.R, as provided for under section 5(1).

Provided that whenever a resurvey/ survey is conducted in a village under the Andhra Pradesh Survey and Boundaries Act, 1923 (Act No. VIII of 1923), the Record of Rights in all lands in that Village shall be updated as per the resurvey/survey records prepared under the Andhra Pradesh Survey and Boundaries Act, 1923.

Any person affected by an entry in such record of rights may, within a period of one year from the date of the notification referred to in sub-section (2) apply for rectification of the entry to such officer as may be prescribed. The said officer may, after such inquiry as may be prescribed, give his decision on such application and direct the rectification of the record of rights in accordance with such decision which shall, subject to the provisions of section 9, be final.

In cases of acquisition of right under section 4(1) by a registered document in accordance with the provisions under the Registration Act, 1908, the R.O.R shall stand amended to reflect the said transaction. (4) Any person aggrieved by any order passed under sub-sections (1), 2(a) and the amendment of R.O.R under sub-section (3), above may prefer an appeal before the District Revenue Officer within a period of thirty (30) days from the date of receipt of such order or amendment of R.O.R. the Appellate Authority shall dispose the appeal preferably not later than 6 months from the date of filing of such appeal. (5) In all cases of amendment of Record of Rights in resurveyed villages, unless the acquisition of right is for the entire extent of the land parcel, it shall be mandatory to carry out sub-division of the Land parcel in the manner prescribed.

(10-c) 'Resurvey Land Register' means the field Register prepared and published after resurvey is completed in a village as per the provisions of AP Survey and Boundaries Act, 1923.

6-C- Recording of grant of loans and encumbrances, etc., in electronically maintained record of rights :- (1) Every loan granted by any credit agency on the security of the land, or crop] every encumbrance of land for the grant of a loan and every repayment of such loan shall be recorded in the electronically maintained record of rights by the concerned officer or authority under attestation by a competent officer of the credit agency, and also made an entry of the discharge after the repayment of the loan.

6-D. Registering authority to effect registration based on electronically maintained Record of Rights: - (1) The Registering authority appointed under the Registration Act, 1908, shall effect the registrations on the basis of entries made in the Record of Rights maintained electronically and shall not insist on production of title deed cum pass book.

8. Bar of suits: - (1) No suit shall lie against the Government or any officer of Government in respect of a claim to have an entry made or in relation to an entry made in any record of rights or to have any such entry omitted or amended. (2) If any person is aggrieved as to any right of which he is in possession by an entry made in any record of rights he may institute a suit against any person denying or interested to deny his title to such right for declaration of his right under Chapter-VI of the Specific Relief Act, 1963 (Central Act 43 of 1963), and the entry in the record of rights shall be amended in accordance with any such declaration.

11. Power to make rules: - (1) The Government may, by notification and after previous publication, make rules for carrying out all or any of the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for, - (a) regulating the manner of preparation, compilation, maintenance and amendment of the record of rights and prescribing the forms in which they are to be compiled or maintained, the places at which and the officer by whom such record of rights have to be maintained and the officer by whom the said records are to be verified and amended; (b) the maintenance of other records, registers, accounts, map and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained; (bb) regulating the manner of preparation, issue, maintenance and renewal of title deed and pass book and certificate of ownership. (c) the inspection of the records, registers and documents maintained under this Act and the fees for the grant of copies thereof or extracts therefrom; (d) the procedure to be followed in making enquiries and hearing appeals under this Act; (e) the manner in which appeals shall be filed and the fees therefor; (f) the manner of service of any notice, intimation or other communication to be issued under this Act; (g) any other matter that is to be or may be prescribed under this Act.

12. Act not to apply to Government lands: - Nothing in this Act shall apply to the lands belonging to the State Government or Central Government.

### **1.1 Commissioners Act 1977**

The Board of Revenue was abolished by the “AP Board of Revenue replacement by Commissioners Act 1977” and commissioners- the commissioner of land revenue, commissioner of survey & settlement, commissioner of excise, commissioner of commercial taxes and commissioner of land reforms & urban land ceiling were appointed in place of Board Members. In 1999, the post of Commissioner Land revenue was re-designated as Chief Commissioner of Land Administration (CCLA). The Commissioner of Appeals in a Cadre post of IAS and Commissioner of Legal Affairs in the cadre of District & Sessions Judge was created to assist the CCLA.

### **1.2 Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977**

Section 2(1) of the Act defines that “Assigned land” means land assigned by the Government to landless poor persons subject to the condition of non-alienation.

Section 3 of the Act defines that any transfer or acquisition made by purchase, gift, lease, mortgage, exchange or otherwise in respect of lands assigned to landless poor persons for purpose of cultivation or house sites subject to condition of non-alienation shall be deemed to be null and void.

Amendment - In the Principal Act, in Section 3, for sub-section (2), the following sub-section shall be substituted as follows:

2) (i) No landless poor person or his/her legal-heir, shall transfer any land assigned for agriculture purpose and no person shall acquire any such assigned land, either by purchase, gift, lease (except in the case of lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose), mortgage, exchange or otherwise, within a period of 20 years from the date of assignment.

2) (ii) After expiry of the above period of 20 years such assigned may be alienated by the assignee or his/her legal-heir as per the procedure prescribed, without further reference to the Government.

2) (iii) Where any land adjoining such assigned is earmarked for any use other than agriculture use in the master plan of the area, the assignee his/her legal-heir shall be paid current basic value of said adjoining non-agriculture land by the purchaser of the such assigned land.

### **The AP Land Titling Act (Act 27 of 2023)**

The act seeks to provide Conclusive Title over Land Holdings to Owners of Lands as against Presumptive Title that is currently in force

- Notification of Villages/ULBs under the Land Titling Act (Only Resurveyed Villages)
- Prepare Draft Title Register – Base Document: The Resurvey Land Register (S-6)
- Publish the Draft Title Register and invite claims and objections within three months. (S-7)
- The Title Registration Officer shall finalize Title cases with no dispute (S-9).
- Refer Disputed cases to the Land Titling Appellate Authority (S-10).
- When Register of Title is completed, the same shall be published. (S-12)
- Two years after the publication u/s 12, the title shall become absolute. In case of pending dispute, the title will become absolute after final resolution of dispute.
- During the 2 years, aggrieved parties may appeal before the Title Appellate Authority (S-14)

Important acts

Andhra Pradesh Rights in Land and Pattadar Passbook Act, Andhra Pradesh Agricultural Land(Conversion for Non-Agricultural Purposes)Act, AP. Conversion into Non Agricultural Lands Act, AP Survey& Boundaries Act, AP Land Encroachment Act

recommended mutation time is 45 days (SLA- 45 days). The sub-registrar offices and the Mandal revenue offices have been integrated, it means that whenever someone registers any documents of land, the required change in RoR (Ownership) details, change request comes directly to Tahlsdar office for Mutation. This has halted multiple registrations/requests and also the 22A list (List of all the govt land in the Mandal) has been integrated with Sub-Registrar Office), therefore the registration of government lands is stopped.

## Relevant Acts as per the Power point presentations- Karnataka cadre

**Record of Rights-RTC:** it is the main ownership document. It has Kharab details, owner details, crop details, irrigation and soil type, Mutation data, rights & liabilities, etc.

**Mutation Records:** captures transfer of rights.

**Village map:** it is drawn to scale. It shows boundaries of village survey number. Also settlement area, roads, tanks, temples and other landmarks are shown.

**Akaraband:** It is a register showing the details of assessment fixed for each survey number / Sub-division, Kharab details, cultivable area, type of land i.e. dry, wet, garden and Plantation in the village along with the total extent of each village and total assessment.

**Tippan:** It is a hand drawn rough sketch not to scale. It contains the measurement details of a survey number essential for calculating the area and re-fixation of the boundar.

**Pakka:** A *Pakka book* contain scale drawn sketch, survey number, owner's name and area calculation details along with its Kharab information.

### Revenue Courts

Sec-24: A revenue officer not below the rank of Tahsildar to hold Revenue Court, Sec-26(Place of hearing) - any where within local limits of his Jurisdictions, Sec-28- Tahsildar and above can call for evidence and summon a person in during enquiry. If the person fails to appear, bailable arrest warrant, security or fine can be imposed as per Sec 32. Sec-29 & 30 mention that each summon shall be in writing, in duplicate and specific. Summon can be through registered post or to some adult male member of his family or affixed on the house if personnel serving is not possible, Sec-33&34- formal and summary enquiry, Sec-36- every Hearing and decision made should be in open court and also notice to the parties is compulsory, Sec-49 (First appeal)- Appeals from original orders Tahsildar > AC > DC, Sec-50 (Second appeal) Appeal on orders under sec 49, Sec-51- First appeal within 60 days of order. Second appeal within 90 days of order, Sec-58 -Amendment of orders : clerical or arithmetical mistakes can be corrected, provided that concerned parties are informed and Sec 136 deals with revision and Appeal.

Sec-67 -Public roads, etc., and all lands which are not the property of others belong to the Government. Sec-71- Lands may be assigned for special purposes and when assigned, shall not be otherwise used without sanction of the Deputy Commissioner. Under this section government lands can be reserved for a specific public purpose. Under sec 94 A - unauthorized occupation can be regularised by committee of 5 members: MLA(Chairman), Tahsildar(Member secretary), 1 women, 1 SC/ST, 1 Others. Additional committee can be formed.

**94 CC** – Land grant for dwelling houses in urban areas- Proof of dwelling Jan 1<sup>st</sup> 2015, no grant for vacant land and distance- 3 kms – TP, 5 kms- CMC, 10 kms -Municipality, 18 kms-BBMP, sketch mahazer & report, 30\*40 sqft max and only one dwelling house can be granted for a family. If already owns a building or site, grant cannot be made.

Section 95- Agriculture to Non agriculture: DC permission is must. DC must decide within 30 days. Additional conditions may be imposed by DC. Recently amendment made to this section which states that within master plan area by payment of conversion fee land is deemed to be converted. Reasons for rejection- govt. land, PTCL land, Kharab land, HT line, CRZ regulations, forest land etc. Poultry, Fish ponds, dairy do not require conversion. For solar power plants and Stone quarries, if licence / permission is there, then it is deemed to be converted.

Section 96- Penalty - summary eviction or forfeiture, conversion fee under rule 107, 107A – Illegal Construction penalty, 107AA – A Kharab Conversion  
108 – exemption.

**RoR and Mutations- Records of Rights (RoR)-**

Section 127 mentions that RoR shall be prepared in prescribed manners and rule 62 states RoR shall be in form 16, Form 16 A also will be introduced after Resurvey. Acquisition of Rights to be reported under section 128 - Succession, Survivorship, Inheritance, Partition, Mortgage, Gift, Lease or otherwise to be reported and If registered no need to report. Sub registrar under rule 63 has to report. Will- Proof of will is to be made in court of law and for part land Sketch is compulsory ( 11 e).

**Mutation register and Dispute register –Section 129-** Prescribed officer shall enter in register of mutations of every report made

- Under 64 & 65 form 12 ( in chavadi ) and form 21 (written intimation) shall be published.
- Objection either oral or written. Enquiry is formal or summary.
- Rule 66- Checking of Mutation. Recently amended to bring automation of without notice mutations.

**Important survey sections**

- Sec 106 & 148 allow for Survey and Settlement of lands.
- Sec 108 allows for fixing of minimum extent of survey number, which is 5 guntas as on today.
- Sec 109 allows for subdivision ( phodi) survey numbers.
- Sec 140 empowers Tahasildar to resolve a boundary dispute.
- Sec 145 requires land owners to maintain and repair boundary marks. If violated tahasildar can impose penalty under sec 147.



## Relevant Acts as per the Power point presentations- Kerala cadre

- Kerala Land Reforms ActThe Kerala Land Reforms Act, enacted in 1963, aimed to bring about a comprehensive reform in the agrarian structure of the state. The Act imposed limits on the extent of land an individual or family could hold, thereby preventing concentration of land in the hands of a few.Surplus land was identified and redistributed among landless or marginalized farmers, promoting social justice and economic equality. Ceiling is fixed for area of land that can be held by a family (S.82)
- Tenants, Kudikidappukaran and Cultivating Tenant are defined. Rights of each of these classes are provided for.
- Tenant has right of Fixity of Tenure for the land in respect of his holding. No such land shall be resumed, except as provided for under the act (S. 13)
- From 1.1.1970, all right, title and interest of the landowners and intermediaries in respect of holdings held by cultivating tenants entitled to fixity of tenure shall vest in the government free from all encumbrances (S.72)
- Landlords are entitled to compensation for vesting of their rights in Government (S.72A)
- Cultivating tenant has the right to get on assignment, the land vested in government (72B)
- Even if the cultivating tenant does not file any application for such assignment of land, the Land Tribunal can assign land suo-motu (S.72C)
- No person shall hold land in excess of ceiling area (S.83)
- Some voluntary transfers, made with an aim to defeat the purpose of this act, are null and void (S.84)
- Land held in excess of ceiling area shall be surrendered to government (S.85)
- Excess land shall vest in Government, free from all encumbrances (S.86)
- A person who is landless or who holds only less than one acre land, can apply to the Land Board for assignment of land (S.95)
- Land Board can assign land (S.96)
- Land Tribunal is the authority competent to determine purchase price. Tenant has an option to pay the price in lump sum or in instalments.
- Once the purchase price is deposited, a certificate of purchase is issued in favour of the tenant by the Land Tribunal. (S.59)
- Payment of purchase price to the landowner to be full discharge (S.64)
- TLB is the authority competent to assess the extent of excess land held by any individual or family;
- A person holding excess land shall file a statement for surrendering the excess land before the Land Board (S.85)
- TLB is empowered to accept the surrender with or without modifications S. 85 (4)

- If a person fails to file the statement as aforesaid, then the TLB can determine (after enquiry), the extent and other particulars of land to be surrendered (S.85 (7))
- TLB can review its decision, if it finds that the decision was made due to the failure to produce relevant data or other particulars relating to ownership or possession (S. 85 (9A))
- Any person who is entitled for restoration of land may within sixty days from the commencement of KLR (Amendment) Act, 1979 apply to the TLB for such restoration (S. 85 (10))
- On receipt of such an application the TLB shall give an opportunity for hearing, conduct such inquiry and by order, restore ownership or possession or both (S. 85 (12))
- Where a person fails to make the surrender demanded, the TLB may authorise any officer to take possession or assume ownership of the land (S. 86 (3))
- If any land is indicated in the statement filed for surrendering excess land, pending determination of the extent and identity of the land to be surrendered, the TLB can take possession of such land if it is satisfied that such person is in possession of the land and has legal title (S.86(5))
- Land board shall assign on registry subject to conditions and restrictions, the land vested in the Government under S.86 and 87. (S.96)
- The land in which there are kudikidappukars shall be assigned to such kudikidapukars
- The remaining land shall be assigned to
  - Landless agricultural laborers
  - Small holders and other landlords who are not entitled to resume any land
- Provided that, 87.5 % of land shall be assigned to Landless Agricultural laborers, of which half shall be to Scheduled Tribes and such Socially and Economically Backward Classes

### **Procedure Before Land Tribunal**

- Land Tribunal is constituted under section 99 of the KLR Act
- Usually it is chaired by a Tahsildar
- Cultivating Tenant can submit application before LT for purchase of rights of landlord (S.54)
- Upon receipt of such application, the LT shall give notice to Land owner, intermediaries and all other persons interested (S. 57)
- After considering claims and objections and hearing the parties, the LT shall pass orders
- The LT shall determine the purchase price payable by the Tenant

### **Amendment to Kerala Land Reforms Act**

Kerala Land Reforms act was amended to enable:

- Utilisation of upto 5% of Plantation Area (originally exempted from ceiling as per section 81), for tourism activities

Rationale:

1. The State has immense potential in tourism activities
2. Plantation tourism has been gaining prominence
3. Additional revenue generation and additional job generation is important
4. Enables the plantation owners to find additional income and improve plantation activities in the remaining plantation area

#### **Promoting Industrial Development**

- Private Industrial Estates are a major step to promote industrial development
- Minimum extent of land required for setting up of such a facility is 10 acres
- If the proposed Private Industrial Estate is to be set up in area exceeding 15 acres, then the Government will grant exemption from ceiling area specified under the KLR Act
- This provision enables the setting up of industrial estates even in remote areas of the state
- Eg:- Such a private industrial estate is set up at Neervaram in Panamaram, which is a very remote village.

Enables the government to ratify the construction of buildings in lands assigned for other purposes, such as Cultivation.

Rationale:

1. It is necessary to ensure housing for all
  2. Dearth of land is preventing the government and local bodies from taking up a lot of developmental activities
  3. A lot of constructions were done in such lands. If it is not ratified, those will need to be demolished- leading to further complications: economic and environmental
- Brought in severe punishment for unauthorised occupation of government land (3 to 5 years of imprisonment + Rs 50000 to Rs. 2,00,000 fine)
  - Made the offences of Encroachment of government land and abetment of encroachment, cognizable and non-bailable

Rationale

1. Government land should be protected from encroachment
2. Wrong doers should be handled tough with severe punishment

#### **Kerala Restriction on Transfer By and Restoration of Land to Scheduled Tribes Act**

- An act to prevent alienation of land belonging to Scheduled Tribe
- Historically, land of Scheduled Tribes was grabbed through wrong means
- This act protects them from being disowned from land
- **Restriction on transfer.** - Notwithstanding anything to the contrary contained in any other law, or in any contract, custom or usage or in any judgment, decree, or order of any court, any transfer effected by a member of the Scheduled Tribe, of land possessed,

enjoyed or owned by him on or after the commencement of this Act, to a person other than a member of a Scheduled Tribe, without the previous consent in writing of the competent authority, shall be invalid. (S.4)

- Land transferred by a member of ST, to a non-ST, after 1.1.1960 but before commencement of this act will be void subject to the following conditions
- If the transfer is of an area of land, less than two hectares
- If the transferred land is used for agricultural purpose, then the transferee is entitled to retain in his possession the said land upto and extend of two hectares (S.5)

**Reconveyance of Land:** If a member of ST became landless because of any invalid transactions as aforesaid, then he is entitled to restoration of such land, subject to the following conditions

- The person shall make an application to the Revenue Divisional Officer
- The RDO shall enquire into the matter and pass appropriate orders
- If the RDO finds out that the person is entitled to restoration of land, then that land shall be restored to his possession and enjoyment (S.7)

The Government shall assign one acre of land to all landless Scheduled Tribes, within 2 years from the date of publication of the Act in the Gazette

- **“Assignment of land.** - (1) Notwithstanding anything contained in section 6 or in the Kerala Government Land Assignment Act, 1960 (30 of 1960) and the rules issued thereunder, the Government shall assign land to the landless families of the Scheduled Tribes in the State, an extent not exceeding forty ares of land in the district they reside within a period of two years from the date of publication of this Act in the Gazette, or such further period as may be specified by Government by notification in the Gazette, and in the manner as may be prescribed.

(2) Where the extent of the land in the possession and enjoyment of any family of the Scheduled Tribe in the State, is less than 40 Ares such family shall be entitled to get assigned land which is necessary to make the total extent of the land equal to 40 Ares.”

## **Land Reforms in Kerala**

KLR Act, 1963 – one of the most robust land laws in the country.

Institutions (Land Reforms Review Board, Land Board (CLR), Secretary LB (JCLR), Zonal Land Boards – 4, Appellate Authorities -2, Land Tribunals

KLR Act 1963 (.....sections) – Redistribution of Land - Two-pronged Strategy

1. Land to the tiller Tenants (LT s)

2. Ceiling Cases (as on 1.1.1970 – section ..... or after 1.1.1970- ..... ) – Surplus land vests in Govt – assignment to the landless and those eligible

Rules – Tenancy Rules, Ceiling Rules, etc.

Important Provisions: Section 2 (definition of person), 7 E, 72, 81, 82, 83, 84, 85 (8), 96, 98 A, 101, 120 A, Bar on Jurisdiction of civil courts, etc.

Online platforms are integrated under DILRMP by the departments are:

- **Registration** : **OPEN PEARL**
- **Revenue** : **Revenue Land Information System (ReLIS)**
- **Survey** : **Ente bhoomi** (State own initiative)

### **IT systems in Revenue Department – ReLIS**

ReLIS serves as a web application designed by the Revenue Department to facilitate seamless online integration of textual record (RoR) with the Registration departments.

- The primary goal of creating Digital RoR (Record of Right) data and enhance integration with Registration department.
- ReLIS facilitates a range of citizen friendly online services reducing the reliance on physical visits to government offices.
- ReLIS is a user-friendly web application accessible to stakeholders involved in land administration for TP extract (RoR), online mutation, online tax payment, Land conversion etc.
- Developments - e-Court Module with notice serving, e-payment, advocate selection, Dynamic Mortgage updation by Banks - Electronic Mortgage Recorder
- The system is subject to continuous improvement, adapting to technological advancements and evolving administrative requirements.

### **IT systems in Registration Department –PEARL (Package For Effective Administration of Registration Laws)**

- Online slot booking for document Registration
- Seller/buyer can prepare the documents
- Standardisation of deeds (19 different types)
- e-stamping services
- biometric scanners for thumb impression (Pilot)
- Online filing of simple mortgages (No visit required)
- Integrated with village app for mutation
- e-payment/E-POS Integration for all services
- Digitally Signed Encumbrance & Certified Copies
- Digital Document execution platform for financial contracts
- Anywhere Registration within a district
- Standardisation of deeds into 19 different natures;
- Buyer/ seller can prepare their own documents using model documents published by the Department.
- Valuation Certificates for Flats and other buildings for assessment of valuation in a document
- Consent based Aadhar for identification of parties
- Digital Document Execution Platform for remote execution of Financial Contracts
- Anywhere Registration within a district

- All mortgage transactions in digital form only (Co-op Banks)
- No Physical touch points for EC & CC

### **Ente bhoomi - Digital Land Survey Mission**

- Digital Land Parcel Map for every Landholding is quintessential for effective realization of any objective of modernization of Land Administration.
- The "Ente Bhoomi" mission initiated for a comprehensive digital land survey of 1550 villages, aimed to provide highly accurate, continuously updated and authentic land records to the citizen, within a four-year timeframe.
- Generates the most accurate Spatial data linked with Ownership
- Timebound survey within 4 years
- Authentic Digital LPM (Land Parcel Map) and RoR for all landholders
- Unified Land Transaction through a single window portal for citizens - The sketch gets updated (mutations) in real time with the textual data
- Realize the spirit of conclusive titling
- Utilize the most advanced/accurate technology as on date
- Preferred Ground based survey compared to Drone technology
- Develop an integrated Real Time online Survey Software solution
- Utilize the most advanced/accurate technology as on date
- Preferred Ground based survey compared to Drone technology
- Develop an integrated Real Time online Survey Software solution
- State of the Art Survey Instrumentation
- 28 CORS stations established
- 1500 RTK GNSS for field survey
- 200 R-ETS to augment survey in dense vegetation
- Drones augment the survey in select regions

### **Team size**

- RTK rover = 1 surveyor + 1 helper
- R-ETS = 1 surveyor + 2 helpers
- Drone = 1 surveyor + 1 helper
- Contract surveyors - 1500 nos
- Contract helpers - 2650 nos
- 795 Dept Surveyors involved

### **Digital Survey - Process**

- 6(1) Notification
- IEC campaign
- Team deployment and user creation
- Scanning of Legacy Records
- Vectorization and geo-referencing of old maps

- Pre survey map (vector layer on Bing satellite map)
- Digital Block Formation
- Data Purification of Re-LIS
- Survey Sabha
- Survey Jagrata Samiti
- Government Land/Village boundary Fixation
- Private Land Survey (textual and spatial)
- Mobile/Aadhar Seeding (OTP)
- Original Land Complaint (OLC)
- Quality Check
- Inspections
- Pre 9(2) Camps for record exhibition
- 9(2) Notification under S&B Act
- Appeal Land Complaint (ALC)
- VO certification
- 13 Notification under S&B Act
- ILIMS (single window land transaction management)
- Ente Bhoomi - An Integrated Survey Software solution developed for **ground truthing**
- The drone Ortho - Rectified Imagery (ORI) is consumed as a Web Map Service (WMS) into the ground truthing module
- Points are created in the parcel bend points at maximum feature discernible zoom level using the Tab Touchpad Stylus.
- The points are selected to generate the final land parcel.

Since the textual details (ownership attributes) are already linked with the parcel internally, this procedure takes care of both the Map1 and Map2 requirements.

Parameter	Drone Survey	Ground Based Survey (RTK/R-ETS)
Efficiency	Needs to be analyzed	Needs to be analyzed
Accuracy	Accuracy of 5 to 15 cm when done with maximum care	0 to 3 cm achievable at normal conditions of survey
Data Quality	Depends on ORI generation after Drone Fly. Ground Truthing; Vectorization	Depends on the point where the RTK pole is fixed
Implementation Cost	Cost for recurring Drone Fly. Data Processing Infrastructure (ORI post processing/Digitization); Demarcation Cost, Rovers	Initial cost for Deployment of Instrumentation. CORS infrastructure

<b>Vegetation Influence</b>	In-efficient even with slight vegetation cover	Works even in vegetation areas except dense vegetation
<b>Densely Built Up Area</b>	Visibility issues in heavily concreted areas	Opaqueness in three side view between tall building is a concern
<b>Data Collection</b>	Drone ORI Image. Ground Truthing supplemented by Rovers/TS	Rover only
<b>Parameter</b>	Drone Survey	Ground Based Survey (RTK/R-ETS)
<b>Equipment</b>	Drones, DGPS, GNSS Rovers	CORS, GNSS Rovers, R-ETS
<b>Human Resource</b>	RTK team for accurate observation (1 surveyor + 1 helper)	1 surveyor + 1 helper
<b>Dependency</b>	Terrain and vegetation, climate, visual interpretation skill	Terrain (tall building), vegetation and network strength
<b>Ease of Usage</b>	Sophistication: Image processing is a complex process. Delineation of exact point in ground truthing is a concern	Minimal Learning Curve: Quick adaptation for users of varying skill levels.
<b>Accuracy</b>	Dependant on Drone Equipment, Flying Altitude, GCP, Quality of Flying, Data Processing, Terrain and Ground Truthing	Quality of Survey Equipment, Identification of parcel bend
<b>Time</b>	Extra time required for preparatory works (demarcation, flying, image processing etc)	Direct survey without much preparation is possible



## Relevant Acts as per the Power point presentations- Tamilnadu Cadre

After independence, the various land tenures prevailed during the British Government were abolished. **Uniform Ryotwari System** was introduced in the State. In this regard, the following statutes have been enacted by the Legislature:

- Tamil Nadu Estates (Abolition & Conversion into Ryotwari) Act XXVI of 1948
- Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 26/63
- Tamil Nadu Lease Holds (Abolition and Conversion into Ryotwari) Act 27/63
- Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 30/63
- Tamil Nadu Fixation of Ryotwari Assessment on Freehold Lands Act 1972- Act 31/73 etc.

### Main Objective of these Acts:

- To abolish the intermediaries between the sovereign and the actual tillers of soil.
- To introduce the Ryotwari system, a successful system, both beneficial to the Ryots as well as to the Government.
- Special authorities in the designation of Settlement Officers / Assistant Settlement Officers, Settlement Tahsildars were created.
- Settlement Registers and other revenue accounts were handed over to Revenue Department for maintenance.
- Thus the settlement registries attained finality and no settlement authorities have powers to reopen the settled issues.

### Updating Registry Scheme

As no re-settlement work has been conducted from the year 1937, the Revenue records created during the introduction of Ryotwari settlement became innumerable entries and turned into brittle condition. This position necessitates the introduction of revenue follow-up work in place of resettlement. The main objectives of Revenue Follow-up work are:

- Delimiting and demarcating porombokes.
- Correcting the registry and bringing it up to date.
- Preparing fresh accounts such as printed 'A' Register, Chitta, and other connected Records.

**Updating Registry Scheme (UDR)** - introduced in 1979 and completed in 1987 for updation of Registry and preparation of fresh survey and settlement records. The scheme is mainly intended to bring the Revenue Registry up-to-date after making field by field inspection, enquiry in the villages and effecting subdivision wherever necessary. Issued patta to the actual holders of the lands - Patta signifies only prima facie possession over the property. As Village being the basic administrative unit, each and every village will have -

- 'A' Register - List of all Survey Numbers in the Village.
- Field Measurement Book - Sketch of each and every Survey number referred as Field.
- Village Map - Sketch containing the entire survey numbers of the Village.
- Chitta / Patta Register - Depicts the list of survey numbers owned by the Private individual(s) / entity(ies).

### Records for non-agrarian land

The lands records are maintained in three modes namely

- Village Records - in Rural Areas

- Town Records - in Urban Areas
- Original – 1920s
- Ongoing – Town Settlement / Revenue follow-up work
- Natham Records - Areas which are presumed for residence in Rural Areas

### **Natham Survey and Settlement**

**Natham or Grama Natham or Village site** is a portion of land in a village used for dwelling purpose. During Settlement operations, Natham portion of the villages was left undisturbed and cultivable lands were alone settled. G.O.Ms.No.1971 Revenue (SSII) Department dated 14.10.1988 - ordered for the Settlement of Natham site or village sites and agricultural lands used for non -agricultural purposes. The beneficiaries are getting title for their residential occupation.

### **Main Objective of Natham Survey:**

Covering of areas hitherto unsurveyed

- To facilitate clear demarcation of the boundaries of fields available to the ryots together with a patta, field sketch, etc.
- To facilitate identification of vacant lands and detect encroachment
- To facilitate manifold enhancements of revenue to department
- To facilitate upward revisions of the house tax / property tax due to local bodies and potential for increased the income
- To ensure record of right for the properties as the land holders get patta for his individual holding in village site and facilitate the weaker section of the society to avail themselves of the benefits extended by the Govt. and bank in the form of loans provided for construction of houses under the 20 Point programming etc.

### **Town Survey and Settlement**

While Cadastral Survey method is being used Rural areas, Town Survey method is being used in urban areas. • Under the Town Survey method, survey is carried out based on streets, wards and blocks and land records are maintained in the form of

- Ward Maps / Block Maps
- Town Survey Land Register (TSLR)
- Chitta
- Whenever rural areas are upgraded as Municipalities and Corporations, survey is conducted by adopting town survey methodology.

### **Land Assignment – House Site Darkhast**

**House Site Assignment** - Government lands assigned as House sites to poor houseless people under R.S.O. 21.

Extent assigned as House Site to the Individuals based on income limit:

**Village Limit : 3 Cents**

**Municipal Areas : 1.5 Cents**

Land Assignment – Cultivation

**Cultivable Land Assignment** - Government cultivable lands assigned to poor landless people under R.S.O. 15.

Extent assigned for occupation on free of cost to the Individuals based on income limit:

**Wet Land : 1.5 Acres**

**Dry Land : 3 Acres**

### **Transfer of Registry**

**Patta Transfer** - Transfer the name of the Pattadar based on the document available under R.S.O 31 Patta Transfer (Mutation of Revenue Records) is done through 2 channels namely

(a) Sub-Registrar Transfer of Registry

(b) Revenue Transfer of Registry

**Web Based Tamil Nilam Software** application developed where the applications for patta transfer are applied by the Public either **online or at Common Service Centers (CSCs)** and processed online.

### **Time Limit for Disposal of Online Patta Transfer (OPT) Applications**

- Not Involving Sub Division (NISD) cases : within 15 Days
- Involving Sub Division cases : within 30 Days

TN Land Reforms (Fixation of Ceiling on Land) Act, 1961

- Limit / ceiling to agricultural land in 'standard acres'
- Applicable to individuals, Families, trusts, other legal entities

Rule: Prelim notification, claims / objections, declare as surplus, re-distribute to land-less

- Exceptions:
- Industry, commerce (37-A)
- Educational and medical purposes (37-B)

## **Chapter -IV**

### **Land Acts in Western India**

#### **Relevant Acts as per the Power point presentations- Gujarat cadre**

- 1st May 1960 the State Gujarat bifurcated from State Bombay (Gujarat and Maharashtra)
- After formation of Gujarat, there exists Divisional Commissionerate's (Baroda and Rajkot)
- The Office of Divisional Commissioner was abolished in 1964
- The functions of appellate and revisional jurisdiction assigned to Special Secretary Appeals in 1964
- Formation of new districts and talukas taken place in State in 1964, 1997, 1999, 2007, 2013, 2017
- Gujarat State today comprise of 33 districts, 285 talukas and 18498 villages.
- 1950-1960 : Survey & Settlement was done in the State.
- In 1960, cadastral survey completed in the state and new updated revenue record promulgated.
- That survey & settlement exercise served as basis of the present land records.
- Gujarat land revenue code 1879
- Gujarat land revenue rules 1972
- Tenancy Act 1948
- Saurashtra Gharkhed, tenancy and agri. Land ordinance 1949
- Land ceiling Act 1960
- Right to Fair Compensation and Transparency in Land Acquisition & Rehabilitation & Restoration Act-2013 (Acquisition)
- Prevention of fragmentation & consolidation of holdings act 1947
- Mamlatdar court act 1906
- Treasure trove act 1878
- Land grabbing act 2020

#### **Urban development :**

- Municipalities act 1963
- Gujarat TP & Urban Development act with rules 1976
- In 1955 village wise list of protected / permanent / ordinary tenants prepared and entered in VF6
- Proceedings were initiated to decide right of tenants which they cultivated on 1/04/1957 (tiller's day)
- Purchase price was decided u/s. 32G, upon payment of purchase price land purchase certificate u/s. 32M issued to tenant. The entry of certificate mutated in VF6
- Mamlatdar worked as Agricultural tribunal under the Act (An Govt agent to complete land transaction between land owner and tenant)
- Such lands are to be sold to tenants paying purchase price to landlord through ALT, with conditions and restrictions – New Tenure Land

### **Important Sections :**

- 32-Tenants, 32-G, 32-H purchase price 32-M certificate, 43 restrictions on land, 63 agricultural land cannot be transferred to non-agriculturalist, 74 appeal, 76 revision, 84 summary eviction

### **Record of Rights (Hakk Patrak)**

- The Survey Act 1865: Occupant defined to mean the person whose name was authorized in the Survey papers
- The Bombay Revenue Code 1879: Registered occupant was defined to signify a sole occupant whose name was authorized in the Government Records.
- Record of Rights Act 1903 was re-enacted in LRC 1979 into chapter 10A
- Amending Act of 1913: Preparation of the Record of Rights was essential for proper land administration.
- The subject of Records of Rights was intended purely for settlement purpose
- RoR as exist today is divided into Village Form (VF) 6, 7, 8A and 12
- All other Rights recorded permanently in VF6 and indexed in VF7
- Provisions: LRC Chapter 10(A): SEC 135(A) TO (L) and LR Rules Chapter 15: RULE 104 TO 113

### **Various legislations affecting the Record of Rights**

- The Bombay Land Revenue Code, 1879
- The Bombay Tenancy and Agricultural Lands Act 1948
- The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947
- The Gujarat Agriculture Land Ceiling Act, 1960
- The Bombay Public Trust Act, 1950
- The Gujarat Co-operative Societies Act, 1961
- The Gujarat Court of Wards Act, 1963
- The Gujarat Land Ceiling Act, 1960
- The Gujarat Town planning and Urban Development Act, 1976
- The Registration Act, 1908
- Hindu Succession Act, 1956
- The Stamp Act, 1958

### **Important Village Forms : RoR**

#### **1. Village Form No. 1**

- It is called Akarbandh, basis of all accounts of Land Revenue (Kaymikhardo)
- It is prepared and provided to the village after settlement
- Changes made in Akarbandh as per Kami Jasti Patrak (KJP)

#### **2. Village Form No. 2**

- Maintained in three parts, public land, land converted into NA, land given on lease

#### **3. Village Form No.6**

- RoR is the most important statement in Land Revenue records.
- It is the main Record that shows how rights on land are derived for occupant or land holders.
- Record of the transactions made in time to time.

### **Provisions**

- Under section 135 (sub sections ) of land Revenue code 1879.

- Rules 104 to 113 of Gujarat Land Revenue Rules, 1972.

#### 4. Village Form No 7 –

- It is also known as 7/12 Utara (earlier it was known combined as VF 7/12)
- The details of survey number, land tenure, land area, holder's name, number of mutation entries
- After resurvey, land parcel map is printed on VF7

#### 5. Village Form No 8(A) –

- Khata vahi of land holding (register of khatedars)
- The form is connected with VF 6 and VF 7
- It reflects the effect of modification done in VF 6 & 7

#### 6. Village Form 12

- It is known as Pahani Patrak. Contains details of crop, cultivator, mode of cultivation
- VF 12 is separated from VF 7 in 2012

#### Mutation Entries : Updation of RoR

- Acquisition of Rights: Succession, Survivorship, Inheritance, Partition, Purchase, Mortgage, Gift, Lease and order of competent court/ authority
- Changes made after preparing record of rights are called mutation

#### Land Records: Urban / Rural

Details	Urban Land	Rural Land
Record of Right	Property Card, Village Form 2, F-Form	Village Form 6, 7, 8A, 12
Acts	Land Revenue Code Town Planning Act Municipal / Municipal Corp. Act Urban Land Ceiling Act	Land Revenue Code Tenancy Act Panchayat Act Fragmentation & Consolidation Act
Administration	City Survey Supt TPO Muni Commissioner Chief Officer	Mamlatdar Talati TDO

#### City Survey Land Records

- Initial survey in towns: Surat city in 1821 and Ahmedabad City in 1824
- In 1863, City Surveys of modern type were introduced
- The proposals made by Mr. T C Hope, Collector Ahmedabad were sanctioned, and survey commenced in Ahmedabad City in 1963 for non-agricultural lands
- Rules of Hak Chokshi prepared by Mr T C Hope, Collector Ahmedabad , in 1867
- Lastly these provisions were incorporated in Chapter 10 of LRC 1879
- The provisions of survey of city apply to land other than agricultural land
- LRC Chapter 10 – deals with lands within the sites of villages, towns and cities
- Sec 131 : Survey of land used other than agriculture purpose in village, town or city
- Introduced for cities having population more than 2000 u/s 132

- The Govt approves the proposal sent by land record dept & give permission to introduce city survey u/s 95,132
- Inquiry Officer appointed by govt u/s 18 of rank of mamlatdar/ dy collector
- Phase wise work : measurement, hak-choksi, preparing record, hearing of claims, final register, issuance of sanad
- Record of rights prepared as property card (mixture of vf 7 & 6)
- Mutation after changes to be recorded in property card as per the procedure of VF 6 entries
- VF 6, 7 & 8A abolished for lands under city survey area, property card or vf 2 are maintained
- Appeal/ revision against order of hak-choksi- LRC sec 203, 211
- Appeal/ revision against decision of mutation entry – Rule 108(5), 108(6)

## **Important Amendments in Acts**

### **Transitional Area: Supplement Settlement**

- More urbanization and industrialization in state
- Areas enlarged beyond village or town limit – new or hybrid areas
- Construction of residential buildings without NA and NOC.
- Not having legal occupancy rights
- Gujarat Land Revenue (Amendment) Act, 23 of 2017: Chapter 9A inserted
- Provisions of supplement settlements (Section 125A to 125U)
- Unauthorized constructions built up to 01/01/2005 to be settled
- Revenue Officer for settlement appointed by Government
- Summary process of supplement revenue settlement by appointed Revenue Officer
- Exclusions: Government Land, local authority land, lands of tribals, reserved land under TP Act, Bhoodan land, New and impartial tenure land, water bodies
- Public notice > claims > summary inquiry > settlement fee > issue of certificate > property card
- Occupiers got title and legal document of their properties

### **Agricultural Land for Bonafide Industrial Purpose**

- Section 63: Restrictions on transfer of agricultural lands to non-agriculturalist
- Section 63AA: Sale of Land for Bonafide industrial purpose permitted in certain cases
- New Section 63AA inserted by Gujarat Act No. 7 of 1997

### **Conditions:**

- 1) **Not within urban area**
- 2) **Owner not having more than 10 Hectare land**
- 3) **Permission of Industrial Commissioner in case ownership exceeding 10 Hectare**

### **Key Points**

- Total area of land should not exceed 4X that of construction area
- Land should not belong to person belonging to Scheduled Tribe
- Commencement of Industrial Activity within 5 year
- Transfer or Sale of land be done at recovery of premium after 3 years

## **Protection to Bonafide Purchasers**

### **The Gujarat Tenancy and Agricultural Land Act, 1948**

#### **New Section 63AB, 63AC, 63AD inserted by Guj Act No. 28 of 2015**

##### **Section 63 AB:**

- Last transaction if made to an agriculturalist to be valid even if earlier transaction or transactions may be invalid
- Last transaction made on or before 30th June 2015
- Last purchaser should be agriculturalist

##### **Section 63AC:**

- Conversion of land into NA purpose, if the land is purchased before the commencement of Amending Act, 2015
- Public Trusts for charitable purpose purchased land on or before 30th June 2015
- They are entitled to make an application within 6 months for conversion into NA purpose

##### **Section 63AD:**

- Penalty to transferee for transfer of land in breach of provisions of sub sections 1 of 63
- If transfer found invalid – penalty of 3 times the amount of prevailing Jantri of such land to transferee
- Direction to person or institution to restore the land within a period of 1 month of such order

## **Agricultural Land for Bonafide Public Purpose**

- The Gujarat Tenancy and Agricultural Land Act, 1948
- New Section: 63 AAA instead by Gujarat Act no. 23 of 2020
- Purchase of Agricultural land by non-agriculturalist exempted for other than industrial purpose
- Agricultural University, Animal Husbandry University, Education, Medical Education and Health
- Sale of land exceeded in 10 Hectares: Permission of Revenue Secretary

## **Online NA: Quicker Disposal**

- The Gujarat Land Revenue Code, 1879, Section 65
- Conversion of use from Agriculture to Non - Agricultural purpose
- Simplification and digitization of process (iORA)
- 12/11/2018: Implementation in the State
- Revenue Department circular dated 12/12/2018
- Notification dated 07/12/2018: Powers of District / Taluka Panchayat resumed by Collectors to give NA permission in rural areas
- Revenue Department circular dated 09/01/2019: Powers to RAC for Nagar Palika C and D Class areas
- Drive for scanning of manuscript of VF 6, 7
- Red , Yellow and Green channels for timely disposal of applications
- Clarification of Inam Abolition Land Tenure
- Major tenure abolition legislations were passed (1947 to 1979)
- Occupants had given rights to holding the lands on basis of new or old tenure (Mutations in VF 6, 7)



- There were some ambiguities related to tenure of occupancies
- One committee chaired by Shri C L Meena, IAS (Rtd) – Report given in 2020
- Revenue Dept issued 24 notifications clarifying the status of tenures of lands occupying under various tenure abolition acts (INAMS(Watan) = Alienations (Ankadiya, Baroda Watan, Pargana & Kulkarni Watan, Panchmahal Mevasi, Rurviving alienation (Jivai), Jat inam, Vatva Vajifadari Rights, Okhamandal Salami, Bhil Nayak, Bandhi jama, Udhad and Ugadiya, Mulgiras, Bhagdari & Narvadari, Talukdari, Mumbai Mulki, Matadari, Mumbai Service, Jagir, Parchuran Inam, Sagbara & Mevasi, Aghat & Ijara, Gam Nokar Sarkar Upyogi, Mumbai Inam Kutchh, Patel Inam
- Clarification reg tenures (whether new or old) to be considered of such lands on basis of occupancy price paid, re-grant status etc factors

### **The Gujarat Tenancy and Agricultural Land Act, 1948**

- New Section: 63 AAA instead by Gujarat Act no. 23 of 2020
- Purchase of Agricultural land by non-agriculturalist exempted for other than industrial purpose
- Agricultural University, Animal Husbandry University, Education, Medical Education and Health
- Sale of land exceeded in 10 Hectares: Permission of Revenue Secretary

### **Process of Mutation Entry in VF 6**

- Application to eDhara Centre with necessary documents
- Verification of application by Dy. Mamlatdar & receipt
- Data entry of mutation entry (correct script) script lock by Dy. mamlatdar
- Notice generation for interested persons (Sec 135D)
- Service of notices (Dispute Section 135D / Rule 108(1))
- 30 days are statutory time limit for serving notice
- Decision of mutation entry after notice service time
- Structure of entry, effect lock by Dy. Mamlatdar
- Appropriate effect in VF 7, 8A (RoR Updation)
- Provisions of appeal /revision – Rule 108(5), 108(6)

### **Introduction of e-Dhara**

- Manual ROR replaced by e-Dhara in 2005
- Computerized ROR (VF 7, 12, 8a, 6)
- E-Dhara Kendra, e-Grams, Any ROR App
- Entries : bank Loan, Orders done online
- Computer controlled mutation process- SMS Alert
- Entries : Transfer, Succession, Mortgage, Family Partition, Release of Right, Orders etc.
- Digitization of VF 7/12 and 8A forms of all villages
- Computerized record promulgation by prant officers
- Online validation of data at time of data entry, verification bulk prints, verification with manual original records, corrections in computerized data, display of new computerized record for public at villages, distribution of free new copies for public verification,
- 1st April 2005, State implemented online mutations in all talukas
- To provide prompt issuance of computerized RoR & online updation of land records

- Mamlatdar (eDhara) custodian of VF 6, VF 7 and VF 8(A), carries out all changes when authorized by competent revenue officers(CO,Dy mam-land, mam..etc)

### **Resurvey Project**

- First : Original survey from 1880-1915 in Gujarat
- Second : 1960 – cadastral survey completed in Gujarat
- Manual work : Chain and Cross Staff used
- Tippan : Primary record of field measurement
- Area calculated manually in acre-guntha
- Limitations, Lacking accuracy, Old records
- Resurvey: Sophisticated & latest technology(DGPS, ETS, IGIS, NIC) used
- Record promulgation after grievance redressal
- 100% computerized & Digital Records
- New ROR with LPM (Land Parcel Map)
- GIS Software as per NLRMP guidelines

### **Land: Non-Agricultural Use**

- A non-agriculturist cannot purchase agricultural land (Tenancy Act – Sec. 63)
- In Maratha period evidence of tax on non-agricultural land – Jhopdi Vero

### **The broad categories of NA Land during earlier times**

- Land occupied by custom
- Lands occupied on leases
- Lands occupied on payment of NA assessment

### **Provisions of NA assessment contained in Sections 48, 65, 66, 67 of LRC**

#### **On basis of usage, land is divided into three classes**

- For Agriculture
- For Building

#### **Any purpose other than Agriculture and Building**

- The NA purpose was defined as Residential, Commercial, Industrial or any other
- The assessment shall be altered with the change of the use
- The standard rate of assessment was fixed at 5% of the average market value
- The concept called multi purpose NA introduced in 2016 by the ACT 3 of 2016

### **The Gujarat Land and Agricultural Ceiling Act 1960**

- To bring ceiling on existing and future holdings, the Act was enacted.
- ‘Ceiling area’ is defined as extent of land determined under section 5 to be the ceiling area
- ‘Small holder’ is defined as an agriculturist cultivating less than 1/16th of the ceiling area
- ‘Specified date’ is the date of the coming into force of the Amending Act of 1972 i.e., 1st April 1976 – Major sons entitled to hold land as an individual shall be calculated as on the land held on specified date
- Exemption - Government land, khar land, lease land, local authority land, public trust, panjrapole, gaushala, cooperative societies, and bhoodan samiti

- In Gujarat, 54 acres land may be possessed by a person. The law restricted to own agricultural land beyond a certain limit.
- Law empowered the State government to acquire surplus land and allot the same to agricultural co-operative societies, weaker castes, farm laborers
- Amendment in 2018, for the efficient use of land, now the Act also carry provisions to allot such land to government-owned departments for public purpose and also for industrial purposes.
- No person shall hold land in excess of the ceiling limit specified after the appointed date i.e., 1st September 1961
- Standard area-based ceiling and classification of land as Jirayat, Mausami, and Bagayat
- Provision of acquisition of land in excess of the ceiling limit
- Mamlatdar works as an agricultural land tribunal under this act
- ALT declares the acquisition of excess land to be invalid and excess land is forfeited to and vested to government (Sec 26)
- Allotment of surplus land vested in the state government to certain categories of individuals and cooperative societies on payment of occupancy price (Sec 29) with conditions & restrictions (New Tenure)
- Restriction on transfer or sub-division of land allotted under Sec 29 (Sec 30)

## **Consolidation and Fragmentation Acts**

### **Salient Features**

- Lands below the standard area deemed as fragment (20 guntha irrigated & 2 acres non-irrigated land)
- Restrictions & Conditions for transfer of such fragment land
- Fragments without the permission of collector not to be transferred or leased (Repealed)
- Consolidation means compact blocks formed of fragments of agriculture land
- Block could not be partitioned or broken up without permission of collector (Repealed)
- In consolidation holdings are transferred with all encumbrances to form a block
- Standard area defined on basis of classification of lands (dry crop land, rice land, bagayat, warkas land)

### **Roles and Responsibilities of Revenue Officers**

- Updation and maintenance of Revenue Records
- Revenue Court works: Disputes, appeals, revisions
- Preservation and management of Government Land
- Monitoring and supervision of eDhara kendras
- Field tour and inspection of subordinate offices
- Removal of encroachment and effective recovery of Government dues
- Effective inspection of Land Records for recovery of NA assessment

### **All lands belong to Government**

- All lands (not of others) belong to Govt(S 37)
- Lands may be assigned for special purposes(S 38)
- Recovering of natural products from land (39A)
- All land liable to pay revenue unless exempted (S 45)
- Land revenue to be a paramount charge on the land (S 56)
- Forfeited holdings may be taken in possession and otherwise disposed (S 57)

- Written permission of mamlatdar for use of unoccupied land (S 60)
- Penalties for unauthorized occupation of land (S 61)
- Unoccupied land may be granted on conditions (S 62)
- Occupancy rights are conditional (S 68)
- Intestate occupancy or holding to be sold (S 72)
- Occupancy to be transferrable and heritable (S 73)
- Power to restrict rights to transfer (S 73A)
- Restriction on transfer of occupancies of tribals to tribals or nob-tribals (S 73AA)
- Relinquishment of land/ account(S 74)
- Summery eviction of person unauthorizedly occupying land (S 79A)

### **Use of land for non-agricultural purpose**

- Uses of land for non-agricultural use (S 65)
- Prohibition of use of land for certain purposes (S 48)
- Penalty for using land without permission for NA purpose (S 66)
- Permission may be granted on terms to continue NA use (S 67)
- Rights of Govt on natural resources, vesting of rights in state govt (S 69, 69A)
- Occupancy when not liable to process of civil court, the court to give effect to Collector's certificate (S 70)

### **Dynamic Updation of Property Rights**

- Claim for entry in RoR (S133A)
- Record of rights (S 135B) Chapter 10A for RoR
- Acquisition of rights to be reported (S 135C)
- Register of mutation & Disputes (S 135 D)
- Penalty for neglect to afford information of acquisition of right (S 135F)
- Presumption of correctness of entries in RoR of rights & register of mutation (S 135J)
- Bar of suits & exclusion of chapter 13 i.e., appeal/ revision of LRC (Rule 108)
- Limits of sites of village, town, city how to fixed (S 126) Chapter 10 for City Survey Area - land used other than agricultural use
- Survey of lands in such sites how to be conducted (S131)
- Sanad to be granted to occupant (S 133)

### **Provision of Appeal and Revision**

- Appeals & Revision- Chapter -13
- Appeal to lie from any order passed by a revenue officer to his superior(S 203)
- Appeal when lie to the state Govt (S 204)
- Periods within which appeals must be brought (S205) 60 days
- Admission of appeal after period of limitation (S 206)
- Powers of appellate authority (S 209)
- Power to suspend execution of order of subordinate officers (S 210)
- Power to call for and examine records & proceedings of subordinate officers {S 211} Suo moto revision

- Rules as to decisions or orders expressly made final (S212)

### **Procedure of Revenue Officers**

- Procedure of revenue officers (chapter 12)
- Subordination of revenue officers (S 188)
- Power to summon persons to give evidence & documents (S 189)
- Summons writing sealed, mode of serving (S 190, 191)
- Formal inquiry (S 193)
- Summery inquiry (S 195)
- Formal & summery inquiry to be deemed judicial proceeding (S 196)
- Ordinary inquiry (S 197)
- Arrest of defaulter to be made upon a warrant (S 199)
- Power of RO to enter upon any lands or premises for purposes of measurement, inquiry etc (S200)
- State govt determine the language of a district (S 201)
- Collector how to proceed to evict any person wrongfully in possession of land (S 202)

**Jantri:** Circle rates - official land rates used for stamp duty and registration, revised in 2011 and now fresh revision is under process.

**Promulgation:** The process of validating and finalising revenue records (of a village). Every 10 year, promulgation of VF 7/12 was mandatory in handwritten land records before 2005

**Annawari system:** (this term was coined when the Indian rupee was equivalent to sixteen annas) of estimating the impact of weather on crop yield was developed to decide on tax remissions and relief measures

**Bhoodan:** Land donated to the landless people by proprietors and landlords under a movement launched by the Gandhian leader Vinoba Bhave; once donated it has to be confirmed by revenue authorities for the entry in donee's name

**Record of Right:** Entries of all the surveyed land along with their category, ownership, nature, area and so on; after final publication they carry a statutory presumption of correctness.

**Registration:** The act of entering in register maintained for the purpose of keeping an official record of any transaction of which a record is required to be kept by law or customary practice (see Sec. 3 of the Transfer of Property Act, 1882; Registration Act, 1908).

**Revisional Survey:** Survey operations initiated and conducted on the basis of the blueprint map of the cadastral survey under the same provisions of the law in order to update the land records.

**AnyRoR:** Any Record of Rights Anywhere. AnyRoR is the online Land Record software of Gujarat State.

**Jamabandi:** Hujur Jamabandi is conducted by the Asst. Collector as such, between October to December, to verify and settle the village accounts of the previous year and to determine the Land Revenue and other dues for the current year. This is more or less an audit of last year's account and partly inspection to see that the accounts of the current year.

**Guntha:** Unit of measurement, 1 Guntha = 100 sq mtr, 0.025 Acre = 1089 square feet.

**Mutation:** Transfer or change in the ownership title.

## **Relevant Acts as per the Power point presentations- Maharashtra cadre**

All records maintained under various "Village Forms" are land records. Map or plan of survey number or subdivision of survey number prepared under the MLR Code 1966, Town Planning Records: Maps of Town Planning Scheme, Improvement Scheme etc.

Village forms- 21 types of forms are required to be kept by Talathi, most important of the village forms are- Village Form-I (Related to the overall area of agricultural, non-agricultural and forest land), Village Form VI (Register of Mutation), Village Form VI-C (Heir-ship Cases Register), Village Form VII-XII (Record of Rights), Village Form VII-B (Register of Persons whose names are not entered in Record of rights as occupant but in actual possession of land), Village Form VIII-A (Detail of individual "Khatedar" land with the area and taxes, payable by him).

### **Important sections of Maharashtra Land Revenue Code 1966 (MLRC)**

Revenue Officers and their Powers and Duties are mentioned under sections 5 to 16 and provisions relating to use of lands-41 to 49. Provisions relating to encroachment on Government lands are mentioned under sections 50 to 54A and provisions relating to Revenue Survey of Lands are mentioned under sections 79 to 89. Provisions relating to lands within Villages, Towns and Cities are mentioned under section 121 to 131 and provisions relating to Boundary and Boundary Marks are mentioned under section 132 to 146. The Bombay City Survey and Boundary Marks details are mentioned under sections 277 to 293.

Land Records A—Record of Rights are mentioned under sections 141 to 159 and procedure of Revenue Officers is mentioned under sections 224 to 245.

Provisions for appeals, revision and review are mentioned under sections -246 to 259, and Maharashtra Revenue Tribunal- 308 to 326.

Mutation takes place with respect to – sale, inheritance, lease, mortgage, gift and exchange and by legal instrument or order of revenue civil court.

Failure to pay arrears of land revenue makes the holding liable to forfeiture. On forfeiture the occupancy ceases to be property of the occupant under section 72 of MLR Code 1966. The forfeited land shall not change hands by way of inheritance or by will.

Under section 36 A, the land of a Tribal cannot be transferred in favour of any non-Tribal without permission of State Government and/or Collector as the case may be.

No land purchased by tenant under section 32, 32F, [32I, 32 O, 33 C, or 43 ID or sold to any person under section 32 P or 64 shall be transferred by sale, gift, exchange, mortgaged, leased or assignment, without the previous sanction of the collector.

Sanction is not required when land is to be mortgaged in favour of Government. As per Section 63 of MLR Code, No sale, gifts, exchange or lease of any land shall be valid in favour of person who is not an agriculturist. However collector may grant permission for transfer under certain conditions.

No permission is required to sell the land to the person who may or may not be an agriculturist for the purpose of bona-fide industrial use if the land situates within the industrial zone of a draft plan or final regional plan or draft of final town planning scheme prepared under the MRTTP Act 1966 and the area where no such plans or scheme exists.

Transfer of Fragments of land not allowed under the provisions of “Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

Gaothan is portion of the land of the village which is ordinarily used for settlement. “Gaothan “or” village site” means the land included within the site of a village, town or city as determined by section 122 of MLR Code. It states that; it shall be lawful for the Collector or for a survey officer acting under the general or special orders of the State Government to ascertain and determine what lands are included within the site of any village, town or city and to fix and from time to time, to vary the limits of the site determined as aforesaid, regard being had to all subsisting rights of landholders. Principles for Gaothan Extension Scheme and regulation of buildings are given in the rule of 1967 of the Bombay Village Panchayat Act.1958. Collector is empowered to grant permission under section 44 of MLR Code.1966 for Gaothan Extension Scheme. He is required to consult Town Planning Department. Since the introduction of standardized building bye laws and DC Rules for B. & .C. Class municipal councils in the State in 1981, these have been used for scrutinizing applications for Gaothan Extension Scheme by Town planning Department for the areas outside the jurisdiction of planning authority. As Village Gram panchayats are not equipped with the staff required for planning, Town Planning Department is preparing village layouts for extension of old village gaothan and new village gaothan sites. If an agricultural holding is situated, within the limits of 200 m. from the existing boundaries of the Gaothan, holder of the land can apply to the collector under Section 44 of MLR Code1966 for conversion of use of land from agricultural purpose to non agricultural purpose under Gaothan Expansion Scheme and can sell the plots/Buildings to the local people

### **Partition of land**

A partition is a term used in the law of real property to describe an act by a court order or otherwise, to divide up a joint ownership into separate portions representing the proportionate interests of the holder of the property. The property of person who dies interstate is passed on to his legal heirs as the joint holders. "Joint holders" means holders or occupants who hold property as co-sharers and whose shares are not divided by metres and bounds. Each holder has equal rights to the property, except to the extent they have modified these rights through an agreement among themselves where co-sharers wish to destroy the joint interest, they can do so through a partition of the property - a division of the land into distinctly owned plots if such division is legally permitted based upon zoning and other land use restrictions or where such division is not permitted, a forced sale of the property followed by a division of proceeds. If the parties are unable to agree to a partition, any or all of them may seek the ruling of a court to determine how the land should be divided up, physically divide it between the joint owners (partition in kind), leaving each with ownership of a portion of the property representing their share. Courts may also order a partition by sale in which the property is sold and the proceeds are distributed to the owners. Where law does not permit physical division, the court must order a partition by sale.

Each co-owner is entitled to partition as a matter of right, meaning that the court will order a partition at the request of any of the co-owners. The only exception to this general rule is where the co-owners have agreed, either expressly or impliedly, to waive the right of partition. The right may be waived under certain conditions. In the Maharashtra the provision of partition of the land is made under Section 85 of the MLR Code 1966.

Removal of encroachments –On government lands (Sec 50 MLRC) and Regularization of encroachments- On government lands (Sec 51)

### **The Maharashtra Agricultural Land Leasing Act 2017**

- Model Land Lease Act, 2016 by Niti Ayog

- The Maharashtra Agricultural Land Leasing Act 2017

Assented by the President of India and finally published in state Gazette on 27<sup>th</sup> June 2023



**The Rajasthan Land Revenue Act, 1956**

- **Sec. 3- Interpretations**
- **“Land Records Officer”** shall mean the collector and shall include Additional or Assistant Land Records Officer;
- **“Nazul Land”** shall mean abadi land within the limits of a municipality or a panchayat circle or a village, town or city, **vesting in the State Government**;
- **Doli/Mandir/ Mafi/Devbhumi land-** lands which are shown in revenue records as mandir mafi/Doli/Mafi/Devbhumi lands.
- **Abadi lands-** “Abadi” or “Abadi area” “abadi land” means the populated area of a village, town or city and includes the site of such village, town or city, land reserved and set apart under Section 92 for the development of abadi.
- **Pasture land (Gochar lands)-** Shall mean land used for the **grazing** of the cattle of a village or villages or recorded in settlement records.
- **Siwai chak land-** As per Rule 226 of LRR 1957, Unoccupied land whose land revenue has not been assessed and which is not included in the tenancy of any khatedar . known as siwai chak/bilanam land i.e Gair mumkin/mumkin lands. Its record will be maintained in form 14.
- **Gair mumkin land-** Uncultivable wasteland which cannot be held, occupied or used for agriculture and allied activities eg. Gair mumkin Pahar/ Rasta/ Nadi/ Pal/ Talab etc.
- **Oran land-** Oran or Devbhumi, usually includes water body also, are the common preserved Section of forests protected in the name of some god or goddess (Sacred spaces/lands)
- **Command and Non- command lands-** irrigated/non irrigated lands.
- **Tank lands-** Peta kasta lands.
- **Sec. 4 to 40-** The Board of Revenue and Revenue courts and Officers Establishment and Composition of Board –
- The powers of BOR are to be exercised subject to the provision of LR Act (Sec. 74 to 87, Sec. 52 to 55 and 261) and Tenancy Act (Sec. 222 to 228 and 230 to 231 and 233 and 258)
- The BOR is the highest revenue court in the state and has three kinds of powers (1) Appeal, (2) Revision, (3) Reference.
- The Board shall consist of a Chairman, and not less than three and not more than [Twenty] other members].

**Sec. 9- General Superintendence of Subordinate Revenue Courts and Revenue officers –**

**General Superintendence and control over all Revenue Courts and Revenue officers shall be vested in BOR**

- **Sec. 17-** Divisional Commissioners and Additional Divisional Commissioners
- **Sec. 18-** Settlement Commissioner and Additional Settlement Commissioner
- **Sec. 19-** Director and Additional Directors of Land Records

State Govt. shall appoint for whole of State a Director of Land record and may appoint as many as additional and asst. director land records. Presently, a Member of BOR has been appointed as DLR and all Div. Commissioners have been conferred the power of DLR in the respective jurisdiction.

**Sec. 20-** Appointment of other Officers – The State Government shall appoint-

- (a) Collector and TDR .

- and may appoint - an Additional Land Record Officer, Settlement Officer to a district, Additional Collector, Assistant Collectors, Naib-tehsildars, Additional Tehsildar
- (3) 20-A Revenue Appellate Authority – To receive, hear, dispose of appeals in revenue judicial cases.
- Sec. 23- Controlling Power –

The control of all non- judicial (all administrative matters excluding settlement matters) matters connected with revenue in the state is vested in the State Govt. and control of all judicial matters (determination of rights and liabilities of the parties – through appeal, revision, review and references) matters connected with settlement is vested in BOR.

#### **Sec. 25- Powers and duties of Courts and Officers**

<b>Designation</b>	<b>Jurisdiction</b>	<b>Powers and Duties</b>
Div. Comm.	Within division	Commissioner shall within his division exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the Rajasthan Tenancy Act, 1955 or any other law for the time being in force.
Collector	Within Distt.	Collector shall within his district exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the Rajasthan Tenancy Act, 1955 or any other law for the time being in force.
SDO	Within Sub Division	SDO shall within his sub division exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the Rajasthan Tenancy Act, 1955 or any other law for the time being in force.
TDR	Within Tehsil	TDR shall within his Tehsil exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the Rajasthan Tenancy Act, 1955 or any other law for the time being in force.

#### **Sec. 25- Powers and duties of Courts and Officers**

<b>Designation</b>	<b>Jurisdiction</b>	<b>Powers and Duties</b>
Settlement Commissioner	Throughout the State	Settlement Commissioner shall within Throughout the State exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or any other law for the time being in force.
Director of Land Records	Throughout the State/allotted in their respective jurisdiction	shall be in charge of all matters relating to survey and the preparation, revision and maintenance of land records throughout the State.
Land Record Officer	Within his area	Land Record Officer shall Within his area exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or any other law for the time being in force.

Settlement Officer	Within his area	Settlement Officer shall Within his area exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or any other law for the time being in force.
All Additional Officers of the designation cited above	Within in area	On directions of the State Govt., all the add. Officers shall exercise such powers and perform duties of the designated post.

#### Sec. 26- Additional powers of Courts and Officers

The state govt. is vested with the power to confer Additional powers of Courts and Officers by notification in official gazette.

#### Sec. 27- Inherent powers of Courts and officers

The commissioner shall being authorised shall have all the power of land record officers and their subordinate officers., Collector to have all the powers of SDO, Asstt. Coll. And TDR. SDO to have all the powers of Asstt. Collector and TDR, and asstt. Collector shall have all the power of TDR and NT, and TDR shall have all the power of NT.

#### Sec. 28-29- Officers temporarily succeeding to a permanent vacancies

When office of Commissioner/Collector/SDO/TDR permanently vacant then succeeding officer to have all the power and duties of that post subject to order of the state govt. In the case of temporary absence of the officer any officer available at the HQ to assume extra charge of that officer to discharge routine duties of absentee officers.

#### Sec. 30- Formation and alteration of Patwar Circles – GOR on the recommendation of the Director Land Records

#### Sec.31- Appointment of Patwaris - District Collector is the Appointing Authority

#### Sec. 32- Formation and alteration of Land Records Inspection circles – GOR on the recommendation of the Director Land Records

#### Sec. 33- Appointment of Girdawar Qanungos or Land Records Inspectors - District Collector is the Appointing Authority

#### Sec. 34- Sadar Qanungos - BOR is the appointing authority

#### Sec 74. Appeal to be as followed by this Act

Appeal against order passed by any court or officer shall be only as per provisions of this Act. And not otherwise.

#### Sec. 75 and 76 First Appeals and Second Appeals -

Deals with the **first appeals** against the original order of the subordinate courts to the next higher courts whereas **second appeals i.e.** appeals against the decision of the first appeal to the next higher authority mentioned herein.

### Main provisions of Tenancy Act 1955

**Chapter iii -Classes of Tenants :** For the purposes of this Act, there shall be the following classes of tenants, namely:

(a) Khatedar tenants,

(aa) Maliks and

(b) Gair Khatedar tenants.

**Khatedar tenants** — (1) Subject to the provisions of section 16, is a tenant of land otherwise than as a sub-tenant or a tenant of Khudkasht admitted (by any competent authority) as a tenant or an allottee of land under Allotment Rules under RLR Act or acquires Khatedari rights under Jagir Act, 1952.

**Lands in which Khatedari rights shall not accrue**—Khatedari rights shall not accrue in 14 types of lands which are mainly of public utility purposes i.e. pasture lands, air strip, railway boundary, nadi, nala, rasta, agore, oran, forest land etc.

**Malik**—Every Zamindar or Biswedari holding khudkasta land in is occupation at time of vesting under Zamindari and Biswedari Abolition Act. 1956.

**Gair Khatedari tenant**— Every tenant of land in any part of the State other than a Khatedar tenant, a tenant of Khudkasht or sub-tenant shall be a Gair Khatedar tenant.

### **Devolution, Transfer, Exchange and Division General**

**Interest of tenants**—the interest of a tenant in his holding is heritable but not transferable.

#### **Devolution of Tenancies**

**Bequest-** A Khatedar tenant may by **will bequeath his interest** in the holding in accordance with the his personal law.

**Succession to tenants**— When a tenant dies **intestate**, his interest in his holding shall devolve in accordance with his personal law at the time of death.

#### **Transfer of Tenancies**

**Transferability of Khatedar's interest**— The interest of a Khatedar tenant shall be transferable subject to the conditions specified in sections 42 and 43.

**General restrictions on sale, gift and bequest**— The sale, gift or bequest by a Khatedar tenants of his interest in the whole or part of his holding shall be void, if — (b&bb) such sale, gift or bequest is by a member of SC/ST/Saharia in favour of a person **who is not a member** respectively of SC/ST/Saharia .

#### **Surrender, Abandonment & Extinction Surrender of Tenancies**

**Surrender**— Surrender is a voluntary **relinquishment of the possession** over the holding by a tenant. to the land holder. A tenant in the following year may on or before the **1st May** surrender his holding **by giving up possession**, It must be accompanied with a written document attested by the Tehsildar or by the Chairman of a Municipal Board.

**Abandonment**— Conditions of abandonment – There are following necessary conditions to constitute a abandonment u/s 60: **(1) Tenant must have left the neighborhood (2) He must have ceased to cultivate the holding, (3) He must not have left the holding without leaving in charge of his holding, (4) When he leaves the holding without written notice to the land holder. The abandonment only means that the tenant without making any arrangement for the cultivation on his holding.**

#### **Declaratory Suits- Suits for declaration of right—**

(1) Any person claiming to be **a tenant** or a **co-tenant** may sue for a declaration that he is a tenant or for a declaration of his share in such joint tenancy.

**A tenant of Khudkasht** may sue for a declaration that he is such a tenant.

**A sub-tenant** may sue the person from whom he holds for declaration that he is a sub-tenant.

**Forum:** Court of Asst. Collector

**Ejectment for illegal transfer or sub-letting**— (1) If a **tenant** transfers or sub-lets, against the provisions of this Act and **the both the tenant and the transferee** shall on the application of the TDR, be liable to ejectment

Forum—Court of Asst. Collector, Limitation 30 years.

**Ejectment for detrimental act or breach of condition**— (1) A tenant shall be liable to ejectment from his holding—

(a) on the ground of any act or omission **detrimental** to the land in that holding.

(b) on the breach of condition of the order/contract.

Forum—Court of Asst. Collector Limitation 3 years.

**Ejectment of certain trespasser/unlawful possession-**

(1) A trespasser who has **taken or retained possession of any land without lawful authority** shall be liable to ejectment on the suit of the person entitled to eject him. Further liable penalty of up to **fifteen times** of the annual rent. **Forum—Court of Asst. Collector, Limitation 12 years.**

(2) **In case of Govt. land- Tehsildar to proceed as per provisions of section 91** of the Rajasthan Land Revenue Act.

**Summary ejectment of trespasser of the land held by a member of a SC or a ST—**

**A trespasser who has taken or retained possession, without lawful authority of land held by a tenant belonging to SC or ST** shall be liable to ejectment on an application of the person affected or by public servant authorised by govt. Further liable penalty of up to **fifty times** of the annual rent.

**Forum—Court of TDR Limitation 12 years**

**188. Injunction against wrongful ejectment-**

(1) Any tenant whose right to enjoyment of holding under invasion may bring a suit for the grant of a perpetual injunction.\*

(2) The court may grant P I in following cases-

(a) when the actual damage can not be ascertained

(b) when the pecuniary compensation not found adequate relief;

(c) when it is probable that pecuniary compensation cannot be obtained.

(d) when the injunction is necessary to prevent a multiplicity of proceedings.

Forum : Assistant Collector Court. Limitation 3 years Appeal to RAA

Revision : No Revision as 2nd appeal to lies to Board of Revenue

**256. Bar to jurisdiction of Civil courts**

no suit or proceeding shall lie in any civil court with respect or any matter arising under this Act or the rule made there under, no order passed by the State Government or by any revenue court or Officer in exercise of the powers conferred by this Act or the rules made there under, shall be liable to be questioned in any civil court.

**Competent Authority for Hearing Suits, Applications Under RT Act**

Section of Act	Description of suit, application or appeal	Court/Officer Competent to dispose of
53	Suit for Division of holding	Assistant Collector
88	Suit for declaration of the plaintiffs rights:- (I) as a tenant, or (ii) as tenant of Khudkasht, or iii) as a sub-tenant, or (iv) for a share in a joint tenancy	Assistant Collector

89	Suit for declaration to :- - class of tenancy. - area of boundaries of holding - rent payable in respect thereof and manner of its payment - the time, place and manner of appraisalment, division of delivery - the time of tenancy	Assistant Collector
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### **Mutation (Sec.132 – 136 of RLR Act, 1956)**

Mutation is a significant and basic alteration, substitution of the name of a person by the name of another in relation to property in the record showing right to title to the property. Mutation is a summary and fiscal proceedings and it does not guarantees land title. In this process of alteration/substitution, the land holder or the party interested is to report the changes of rights or interest on land and the profit or land due to succession or transfer or otherwise to the village patwari and tehsildar within three months from the date of obtaining such possession.

- There are provisions related with mutation under sec 132 to 136 of Rajasthan Land Revenue Act, 1956 & detailed procedure of mutation is given under rules 119 to 148 of Rajasthan Land Revenue (Land Records) Rules, 1957.

### **Sec. 135- Procedure on report**

#### **(1) Undisputed cases**

In case of undisputed cases of succession and transfer tehsildar to record changes in annual registers through mutation proceedings. Appeal will lie to collector u/s 75 of LR Act

- Powers transferred to Gram Panchayat for attestation of undisputed cases of succession and transfer Mutation u/s 135

(1) Vide notification dated 4 Sept. 1982. As per this notification the GP shall have jurisdiction to attest mutations (such as due to succession or transfer etc.) either received directly or through TDR only within 30 days from the date of receipt of such application. Appeal will lie to SDO

#### **(2) Disputed cases**

In disputed cases of mutation TDR vested with the power to decide under sec. 135 (2) LR Act. Appeal will lie to Director Land Records/ Commissioner/Add. Comm.

### **Sec. 136- Correction of errors**

- Clerical errors in record of right to be corrected by land record officer ( SDO) on application by land holder (TDR) or party aggrieved. Appeal to Div. Comm.

### **Sec. 140- Presumption as to entires**

- All entries made in the record of rights shall be presumed to be true until the contrary is proved.

### **Sec. 224 to 256**

Revenue to be first charge on the land and all arrears of land revenue are first paid before execution of decree. All tenants or co-tenants jointly or severally responsible for payment of land revenue, Statement of account certified by TDR conclusive proof of amount due., Arrears to be recovered either by service of demand, attachment and sale of movable or immovable property of defaulter., Collector empowered to put into possession the purchaser and to issue certificate of sale., All money declared by LR Act, All

amount due to state govt. on duty tax, rent, royalty fine and penalty to be recovered as arrears of land revenue.

## **Chapter- V**

### **Land Acts Other UT/States**

#### **Relevant Acts as per the Power point presentations- GOA, AGMT Cadre**

##### **Land Acts/Laws in the state**

- The Goa Agricultural Tenancy Act, 1964;
- The Goa Land Revenue Code ,1968 ;
- The Goa, Daman and Diu Mamlatdars Court Act, 1966
- The Goa Mundkars (Protection from Eviction) Act, 1975
- The Goa Land Use Regulation Act, 1991;
- The Goa Land (Prohibition on construction) Act, 1995;
- The Goa Land Revenue (Modification and Regularisation of Grants under Decree No. 3602 dated 24-11- 1917) Act, 2007;
- The Goa Public Premises (Eviction of Unauthorised Occupants )Act ,1988 ( 22 of 1988);
- The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act 1968;
- The Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Act No. 8 of 2014);
- Goa Restriction on Transfer of Agricultural Land Act, 2023;
- Agricultural Tenancy Act, 1964.

##### **Goa Land Revenue Code 1968**

- Published in the Official Gazette, on 4-9-1969 and entire code came into force w.e.f. 1-3-1971
- Till today Code was amended 24 times.
- Last Amendment March,2023
- Total number of Rules under the code : 22

##### **Important concepts/terminology**

- “class of land” means any of the following classes of land, namely, dry crop, rice, garden land or non-arable.
- “Pot Kharab” means barren or uncultivable land included in a survey number and includes any land comprised in a survey number which from any reason is held not to be likely to be brought under cultivation.

(Revenue Inspectors (Duties and Functions) Rules, 1969)

- “virgin land” means land which has not been under cultivation for a continuous period of three years immediately prior to its grant under these rules.

(Disposal of Government Lands) Rules, 1971.

##### **Land Classification under section -20**

###### **On the basis of Ownership**

- Government Land
- Private Land or Occupied Land

###### **On the basis of Use of Land**

- Agricultural use
- Non-Agricultural use

###### **Personal housing and commercial /Industrial Housing**

- Occupants-Class I – are persons who shall be entitled to hold land in perpetuity and without any restrictions on the right to transfer.



- (Occupants-Class II – are persons who shall be entitled to hold land in perpetuity but subject to such restrictions on the right to transfer as may be prescribed by rules.
- (Government lessees – are persons who are entitled to hold land for a fixed period under a lease from Government granted under Section 26.

### **Revenue Court, Section 165-187**

(1) A revenue officer not below the rank of Mamlatdar, while exercising jurisdiction under this Code or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a Revenue Court.

(2) A Revenue Court shall be deemed to be a Civil Court for the purposes of enquiries under this Code. Section 345 of Cr.P.C.1973 & Section 384 of The Bharatiya Nagarik Suraksha Sanhita, 2023

### **Land Record**

Record of Rights, Section 95

- Survey number, sub-division number,
- Area
- Type of Land
- Assessment of the land and the tenure on which it is held;
- Names of all persons who are **occupants, Government lessees** or mortgagees of the land
- Tenants, if any, of the land;
- Names of persons holding an encumbrance or any other charge or right on the land;
- The nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;
- The rent, if any, payable for the land;
- such other particulars

Section -96 (Intimation to be sent by Civil Registrar within 3 days with copy of the Registered Documents ( Difference with other States). Section -97 (Acquisition of the rights by the Government), correction of clerical errors-103 and presumption of correctness of entries in record of rights and register of mutations -105.

- Partition- Section-6 and Demarcation of boundaries of survey number or sub-division Section-114.

### **The Goa Land Revenue, (Property Register) Rules, 2021**

**Relevant Land Acts**

- Delhi Land Reforms Act, 1954 and Rules, 1954
- Delhi Land Revenue Act, 1954 and Rules, 1962
- East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948
- The Delhi Holdings (Consolidation and Prevention of Fragmentation) Rules, 1959
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- The Land Acquisition Act, 1894 (now repealed)
- Delhi Municipal Corporation Act, 1957
- The Delhi Development Act, 1957
- Indian Registration Act, 1908
- Indian Stamp Act, 1899

**Delhi Land Revenue Act, 1954 and Rules, 1962**

Deals with procedural matters and the jurisdiction of Revenue Officers relating to land revenue and land records maintenance

**Authorities under the Act**

- Chief Commissioner
- Collector/Additional Collector
- Revenue Assistant/Assistant Collector
- Tehsildar and Naib Tehsildar
- Kanoongos and Patwari

**Important provisions of the Act**

- Section 20 – Record of Rights (Khatoni or Jamabandi)
- Section 21 – Annual Register containing the amendments in Record of Rights during an year/a particular period
- Sections 21, 22, 23, 24 – Procedure of Mutation i.e. change in Record of Rights
- Section 23 – Mutation carried out by Tehsildar if there is no dispute and there is no contravention of the provisions of Delhi Land Reforms Act, 1954
- Sections 22 & 23 – Mutation cases to be decided by Revenue Assistant when there is dispute and other cases referred to be
- Section 28 – Settlement of boundary dispute by the Deputy Commissioner

**Relevant Revenue Records under Delhi Land Revenue Rules, 1962**

- Maps (Shajra) of a Village – Rule 26 and Rule 50
- Khasra Girdawari (Form P-4) – Rule 54
- Khatauni (Record of Rights) – Rule 83
- Jamabandi – Punjab Land Revenue Manual
- Field Book – Field measurements of each Khasra

- Khasra No. – Identification of each plot
- Tatima (Division of Plots) – Rule 57
- Entry of Adverse possession in a Khasra (Form P-5 & P-5A) – Rule 63

### **Declaration of villages as Urbanised Villages under 507 (a) of Delhi Municipal Corporation Act and connected issues**

- When a Rural Village loses rural character, it is declared as Urban
- Consequently the provisions of Delhi Land Reform Act, 1957 ceased to apply over the Rural villages and the Lands of these Revenue Estates
- The Delhi High Court and Supreme Court of India have also upheld that the DLR Act will not be applicable once the village is declared urbanised
- Land, Resources, Fund, Contracts executed by Gaon Sabha, Assets and Liabilities of that village stand transferred to Central Government (managed by DDA) once village is declared urbanised
- Services get transferred to MCD
- However, certain issues concerning public have emerged:
- Land in Delhi Land Revenue Act is defined as ‘Land’ as in Delhi Land Reform Act
- So eventually, even the processes under Delhi Land Revenue Act as ‘Mutation’ Or change in Record of Rights, Partition, Division of land have also ceased
- In Delhi, MCD does not maintain land records conferring any ownership rights. MCD maintains records of properties for the purpose of House Tax only
- There is no other Agency/Authority that maintains Record of Rights and Land Records. Unlike, the Department of Survey, Settlement and Land Records or similar entities functioning in other states as Maharashtra, Karnataka, Telangana etc. where large scale urbanisation of rural areas has taken place
- In Delhi, due to absence of such mechanisms the people are facing a vacuum in getting Mutation/Partition or Sub-division of their lands and properties, which is a challenge confronting the Government
- Proposal under consideration is to assign these activities to the Revenue Department as it is maintaining Land Records prior to urbanisation

### **Section – 12 of Delhi Development Act**

#### **Process of Planned Urbanisation**

- Any area in Delhi is declared on Development Area by DDA
- Large scale land acquisition under Planned Development of Delhi (PDD) in such Development Area (DDA, Land & Building Department and Revenue Administration)
- Area/Land once declared as development area, no development or construction can be carried out by any person/agency without prior approval of DDA
- Land developed – earmarked for Residential, Commercial, Institutional, Industrial and for other uses as per the Master Plan/ Zonal Development Plan
- Land so developed accordingly allotted and services provided
- Area once developed – denotified as ‘development area’ and withdrawn from the purview of Section 12 of Delhi Development Act
- Developed urban area transferred to MCD for maintenance of Services, Collection of House Tax

### **Enemy Property**

- Property that belonged to Pakistan or Chinese nationals or the Firms/Companies owned by them in India and such entities left the country during wars of 1962 or 1965 as the case may be
- All such land now under the custody of MHA
- Being managed by Central District of Revenue Department, GNCTD
- Governed under Enemy Property Act, 1968

#### **Land notified for acquisition**

- Development Area – under Section 11 of Delhi Development Act

#### **Nazul Lands**

- Land parcels in Delhi vested in Union of India – both Developed and Undeveloped
- Placed with DDA for management

#### **Custodian Land (Evacuee Land/Property)**

- The Land which were owned by Muslims in India prior to 1947 when they migrated to Pakistan during independence
- Spread across all the districts of Delhi
- Under the custody of MHA
- Land & Building Department, GNCTD manages these lands on behalf of MHA
- The Evacuee Property Act, 1950 is applicable to such land
- Such land is not transferable and any such sale/transfer without law shall be void ab-initio
- Such land was initially allotted to Hindu refugee migrating from Pakistan post 1947
- Master Plan of Delhi – 2021 amended in 2013 to include a new category of land as ‘Low Density Residential Area (LDRA)’
- LDRA – Villages containing existing farm houses clusters (23 Villages)
- Low density residential plots – allowed in the villages falling in Green Belt (47 Villages)
- These villages – intensification of residential density and heavy additional load on civic infrastructure is discouraged

#### **Action on Unauthorized Change in Land use and Illegal Construction**

<b>Rural</b>	<b>Revenue Department</b>	<b>Delhi Land Reforms Act, 1954</b>	<b>81</b>
<b>Urban</b>	Municipal Corporation of Delhi	Delhi Municipal Corporation Act, 1957	343
<b>Development</b>	Delhi Development Authority	Delhi Development Act, 1957	30, 31

	<b>DLR</b>	<b>PLR</b>
Legislation	Section 22, 23	Section 33-35
Halqa Patwari Report	P1 Form	Intkal Form

Case of any dispute forwarded to RA u/s 23 of DLR Act