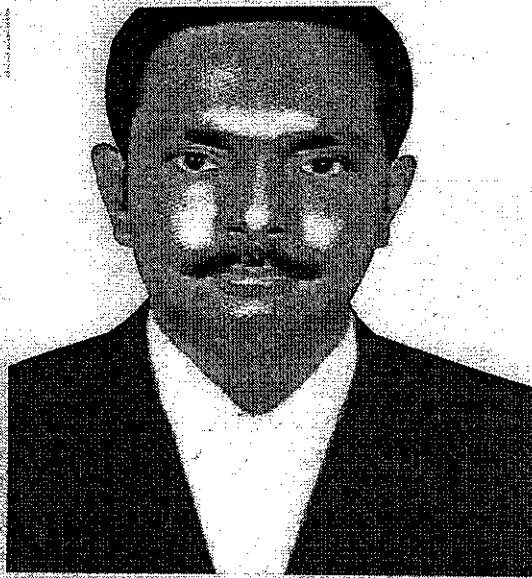




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JHARKHAND MUTATION LAWS

With:-

- Commentary on The Bihar Tenants' Holdings (Maintenance of Records) Act, 1973
- The Bihar Tenants' Holdings (Maintenance of Records) Rules, 1976
- Bihar Tenants' Holdings (Maintenance of Records) (Amendment) Act, 1982 (Extracts)
- Online Mutation Forms / New Online E-filing Forms for Mutation Introduced By Jharkhand State Government]
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Preface

The concept of welfare State was embodied in our constitution with a task of adjusting the old institution of private property to a harmonious relationship with the new force of new legislation. The expression 'property' is comprehensive. It takes all types of property, movable or immovable, corporeal or incorporeal. I need not go deeper on the historical aspects of the doctrine of property, as our constitution has expressed its philosophy in clear terms.

The two fold objects of the ownership of property are security and stability. The goal of Law of mutation fulfils these objects. The law of mutation moves around transferability and heritability of land or real property. Transfer of tenures is the main object of law of mutation. Under the Permanent Settlement Regulation of 1793, which is still in force in Chotanagpur and Santal Parganas of the State of Jharkhand, was first milestone for the land reform. This Regulation of 1793 followed the custom of rule of primogeniture. Reference should also be made to the Bengal Inheritance regulation of 1793, which was enacted for removing certain restrictions to the operation of the Hindu and Muhammadan laws with regard to the inheritance of landed property subject to the payment of Revenue to Government. This Regulation brought discontentment among the zemindars of Bengal which includes Bihar also. Formerly Permanent tenures were almost invariably held to be heritable, even when not transferable. Section 3 (xviii) of CNT Act, 1908 defines permanent tenure as a tenure which is heritable and which is not held for a limited time, all permanent tenures must be heritable. Though there is no specific provision with regard to permanent tenures in the laws force in the Santal Parganas but nature and procedure of entering raiyat's name in the record of rights shows that permanent tenures exist in Santal Parganas also.

The Bengal Survey Act of 1875 provided the procedure of survey of land under the province of Bengal and it was applicable in the Bihar also. In the year 1876, the Act VI of 1876 known as Chotanagpur Encumbered Estates Act was passed to save the local tenure holders from selling their tenure. Thereafter the Land Records Maintenance Act, 1895 was passed in which provisions with regard to registration of mutation in case of transfer or of intestate testamentary successions were prescribed under Sections 3 to 27 of the Act.

In the year 1908, Chotanagpur Tenancy Act was enacted. Initially there was no provision with respect to registration of transfer occupancy holding but by way of a new section 23 A, registration of transfer of occupancy holding was allowed.

The Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 failed to cater the needs of legislature towards maintenance of land records as same was passed for the peace and good Government. So, after the abolition of zemindar Estates, the Government started the Bujharat -drive in the year 1954 to prepare ar up to date land records to have knowledge of current tenancy position in the State. But this Bujharat -drive failed to fulfil its object, hence in the year 1973, Bihar Tenant's Holdings (Maintenance of records) Act, 1973 was passed which is still in force in the State of Jharkhand. This Act came into force with different notifications in different areas but lastly, on 2nd October 1990 it came into force in whole of Bihar including Chotanagpur and Santal Parganas region of Bihar.

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The Bihar Tenants' Holdings (Maintenance of Records) Act, 1973

[Bihar Act 28 of 1975]¹

An Act to provide for the maintenance of up-to-date records of holding of raiyats in the State of Bihar and matters connected therewith.

Be it enacted by the Legislature of the State of Bihar in the Twenty-fourth Year of the Republic of India as follows:—

SYNOPSIS

Long Title: It is well established principle of law that an Act consists of a long title which precedes the preamble and the said long title is a part of the Act itself and is admissible as an aid to its construction². It is no doubt that it indicates the main purpose of the enactment but it cannot control the express operative portion of the Act.³

The long title expresses twofold purpose of the Act:—

- To maintain up-to-date records of holding of raiyats; and
- To maintain up-to-date matters connected therewith.

The term 'raiya' has been defined under section 2(e) of the Act. The Act has been enacted for the maintenance of up-to-date records of holdings of raiyats in the State and the matters connected therewith⁴.

The term 'record' includes record of rights, various registers as defined under the Rule 35 of the Khas Mahal Manual. It reads as:

"The record to be maintained under these Rules are as follows:—

- When there has been a record-of-rights the *khasra* plot index; the 16 inch map and the continuous *khatian* (Register IB). When the estate is proprietary, and also where there are tenure-holders, it is also necessary to maintain the *khewat* of proprietors and the *khewat* of tenure-holders.
- When there has been no record-of-rights the *khasra* (if any), the map (if any) and the *jamabandi* register IA.
- If there has not been a regular survey and there are no field numbers. The corrections described in Rule 49 will be made with reference to boundaries and names of tenants. In such cases a copy of register IA will have to be kept both at the head office and by the *Tahsildar*, in order to enable the provisions of Rule 36 to be carried out."

The term 'up-to-date' records mean up-to-date changes in records. Rule 37 of the Khas Mahal Manual prescribes that

"Apart from alterations due to survey and Settlement the records will also require correction to keep them up to date on account of—

- Transfer of or inheritance to holdings.
- Sub-division or amalgamation of holdings. [See also Rule 42 of the Khas Mahal Manual]

1. Published in Bihar Gazette (ex.ord.) dated 20-8-1975.

2. Union of India v Elphinstone Spg and Wvg Ltd & Ors (2001) 4 SCC 139

3. Manoharlal v State of Punjab, AIR 1961 SC pp 418-19; [1961] 2 SCR 343, p.346

4. Shanti Devi v. the State of Bihar 1993(1) PLJR 118

- (3) New settlement of unoccupied or additional lands or of purchased holdings;
- (4) Abatement of rent."

Chapter 1 Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973.

(2) It extends to the whole of the State of Bihar.

SYNOPSIS

Short Title: The short titles, inducted in explicit sections of the Act are part of the Act. According to Lord Thoring, every Act of parliament should have a short title, ending with date of the year in which it is passed¹. The title, however, is not conclusive of the intent of the legislature but constitutes only one of the numerous sources from which assistance may be obtained in the ascertainment of that intent in cases of doubt. It is but indicative of the legislative intent². Reference to the long or short title of a statute for purposes of interpretation must always be secondary to reference to enacting part, for the title may be colourless, or the Act may deal with subjects not expressed in the title³.

Extent and Commencement: It extends to the whole of the State. In exercise of powers conferred by Sub-section (3) of Section 1 of 'The Bihar Tenants' Holding (Maintenance of Records) Act, 1973' (Bihar Act 28 of 1975), the Governor of Bihar was pleased to appoint 2nd day of October, 1990⁴ as the date on which the said Act will be deemed to have come into force in respect of all the remaining Districts/ Anchals which had not been notified previously⁵. Prior to coming into force of the this Act, the matters relating to mutation were governed apart from the relevant Tenancy Acts applicable to specified areas, under the Mutation Manual⁶. The rights vested in the party under the provision of Mutation Manual cannot be taken away except in accordance with the provisions of a Statute. It is true that Mutation Manual do not have the Statutory force⁷. It is not disputed that the Mutation Manual is really compilation of executive instructions issued by the State of Bihar and thus it does not have any statutory force. The sources of the authorities exercising power of mutation does not flow from any statute⁸. In the same case, it has been held that such a statute enacted by the Legislature of Bihar being Bihar Tenants Holdings (maintenance of Records) Act, 1973 (hereinafter referred to as the Act, 1973) has been made applicable in the entire State of Bihar only in 1990. It is, thus, clear that the officers acting under the provisions of Mutation Manual are not courts nor the proceeding before them are judicial proceedings⁹.

1. Practical Legislation at p. 37.

2. Mangal Karva v State of M.P., AIR 1955 Nag. 153.

3. Crates on Statute Law, 5th Edition: P. 182-183.

4. See notification no. S.O. 81, dated 18th January, 1991.

5. Manohar Lal Jain v State of Jharkhand & Others, (2004) 3 JCR 362.

6. Dattatray Nath Pandey vs The State Of Bihar And Ors, 1994 (2) PLJR (HC) 612.

7. Shanil Devi v. the State of Bihar 1993(1) PLJR 118

The Act has been enacted for the maintenance of upto date records of holding of *raiya*s in the State of Bihar and the matters connected therewith¹. This Act has been enacted for the purpose of maintenance of Government records. The Act does not recognize or confer any title or interest in any property on any person. It only recognizes the person from whom rent is to be realised in respect of lands².

The Act (Bihar Act No. 28 of 1975) received the assent of President of India on 5-5-1975 and published in the Bihar Gazette on 20th August, 1975. In terms of Section 1(iii) of the said Act, the same was to come into force on such dates and in such areas as the State Government by a notification in the official Gazette publishes, and different dates could be appointed in the different areas of the State. By reason of a notification dated 8-1-1991, the said Act was made applicable in the entire State of Bihar with effect from 2-10-1990. The said Act is, thus prospective in nature³.

In a proceeding with regard to mutation was initiated prior to 2nd October 1990. The Act was made applicable with effect from 2.10.1990. Under the Act, there was provision for second revision before the Commissioner u/s 17 of the Act, but that was also deleted by the Notification of the same date. The Act will apply to the proceedings which were initiated on or after 2nd October 1990. The Hon'ble Court held that with regard to the proceeding pending before the 2nd October 1990, the Act has no application and it will be governed by the Mutation Manual. Clause 10 of the Mutation Manual contained provision with regard to appeals and revision⁴.

This statute has specifically provided particular acts to be done in a particular manner as would be evident from the relevant provisions of the Act. Hon'ble Justice Tapen Sen observed in the context of the Bihar Act No. 28 of 1975, that "The best interpreter of a statute (all the separate parts being considered) is the statute itself. 'Optima statuti interpretatrix est [omnibus particulis ejusdem inspectis]' ipsa statutum". Therefore, a statutory functionary cannot conduct himself in a manner that is not provided by the statute. The Hon'ble Court further observed in following words:

"This Court is reminded of the famous observations made by the Supreme Court in the case of *Ramna Dayaram Shetty v International Airport Authority of India and Others*⁵. At paragraph 10, the Supreme Court observed thus :—

"It is a well-settled rule of administrative law that an executive authority must be rigorously held to the standards by which it professes its actions to be judged and it must scrupulously observed those standards on pain of invalidation of an act if violation of them. This rule was enunciated by Mr. Justice Frankfurter in *Vitarelli v Seaton*, (1959) 359 US 535: 3 L Ed 1012, where the learned judge said "An executive agency must be rigorously held to the standards by which it professes its actions to be judged.....Accordingly, if dismissal from employment is based on a defined procedure, even though generous beyond the requirements that bind such agency

1. Kapileesingh & Others v State of Bihar, (2003) 2 PLJR 431

2. Ramji Prasad Singh v State of Bihar, (2008) 3 PLJR 245

3. Ibid., at paragraphs 20-23.

4. Ram Shankar Bhagat v State of Bihar, (2003) 2 PLJR : (2004) 1 BLJ 108

5. Manohar Lal Jain v State of Jharkhand & Others, (2004) 3 JCR 362

...law is now firmly established and, if I may add, rightly so. He that takes the procedural sword shall perish with the sword" and held that the Circle Officer not having acted within the parameters of law, his order was illegal and de hors the provisions of the statute¹.

[बिहार सरकार राजस्व एवं भूमि सुधार विभाग, पत्र संख्या 11-भू० सु० अक्रि०-12/91-407-रा, दिनांक 12-3-1991. प्रेषक, श्री फुलचन्द सिंह भूमि सुधार आयुक्त एवं सचिव सेवा में, सभी जिला प्रदाधिकारी।

विषय.-बिहार अभिधारी होल्डिंग (अभिलेखों का अनुरक्षण) अधिनियम 1973 (बिहार अधिनियम संख्या 28, 1975) के कार्यान्वयन सम्बन्ध में।

निदेशानुसार उपर्युक्त विषय पर मुझे कहना है कि राज्य के भूमिधारियों के भू-अभिलेखों को अद्यतन संधारित कर भूमि सुधार कार्यक्रमों को प्रभावशाली ढंग से लागू करने के लिए राज्य सरकार ने बिहार अभिधारी होल्डिंग (अभिलेखों का अनुरक्षण) अधिनियम, 1973 अधिनियमित किया है। उक्त अधिनियम की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार ने निम्नांकित अधिसूचनाओं द्वारा उनके सम्मुख उल्लिखित जिलों के विभिन्न अंचलों में अधिनियम को लागू किया है :-

क्रम सं०	अधिसूचना सं०	दिनांक	जिला का नाम	अंचल का नाम
1	2	3	4	5
1	683	11.5.1978	पूर्णिया	बनमनखी, धरहरा कोठी, धमदाहा, भवानीपुर एवं रुपौली
2	1043	1.8.1978	मुंगेर	खडगपुर
			पूर्वी चंपारण	छोड़वानो
			नालन्दा	बिहार (बिहार शरीफ)
			पटना	बिहटा
3	2854	15.9.1988	गया	आमस, गुरुआ, इमामगंज, हुमरिया एवं शेरघाटी।
			औरंगाबाद	मदनपुर, रफीगंज, एवं देवा
4	903	18.7.1989	वैशाली	महनार, सहदेई, मुजुर्ग (देवरी), लालगंज, वैशाली, हाजीपुर, बिहुपुर, महुआ, मोरोल, जनदाहा, राधोपुर एवं पातेपुर (सभी अंचलों में)।

¹ Manohar Lal Jain v State of Jharkhand & Others, (2004) 3 JCR 362.

5	1029	7.9.1989	जहानाबाद,	अरवल, करपी, कुर्था, मखदुमपुर, जहानाबाद, काको तथा बोपी।
6	663	5.6.1990	भोजपुर	उदयवतनगर, बड़हरा, कोईलवर, सहार, सदैश, पीरो, तरारी, शाहपुर एवं बक्सरा।
7	663	5.6.1990	रोहतास	डिहरी, बाबु एवं कुंदरा
			सीतामढ़ी	रीगा एवं सुरसंडा।
			कटिहार	बराही एवं मनिहारी।
			किशनगंज	किशनगंज।
			समस्तीपुर	पूसा।
			भागलपुर	बाराहाट
			औरंगाबाद दाउदनगर एवं हसपुर।	

2. राज्य के अन्य सभी अंचलों में दिनांक 2 अक्टूबर, 1990 से इस अधिनियम को लागू किया गया है, परन्तु इसकी अधिसूचना 8 जनवरी, 1991 के बिहार गजट के असाधारण अंक में एस. ओ. 81, दिनांक 18 जनवरी, 1991 के अधीन प्रकाशित हुई है, अतएव उक्त अधिनियम 18 जनवरी, 1991 से इन अंचलों में लागू समझा जायेगा। अधिसूचना की प्रतिलिपि संलग्न है।

3. उपर्युक्त अधिनियम का मूल उद्देश्य राजस्व अभिलेखों का अद्यतन संधारण तथा भूधारियों को अभिधारी खाता पुस्तिका उपलब्ध कराना है। उपर्युक्त अधिनियम तथा उसके अन्तर्गत निर्मित नियमावली में अभिलेखों के अद्यतीकरण एवं संधारण की प्रक्रिया विहित है इसके लिए एक विशेष कार्यक्रम चलाकर उक्त अधिनियम को लागू करना है कार्यक्रम के प्रथम चरण में चालू खतियान, अभिधारी खाता पंजी तथा खेसरा पंजी तैयार कराना है इन्हें तैयार करने का आधार मुख्यतः रिविजनल सर्वे अथवा चकबन्दी के दौरान तैयार अभिलेख होंगे जहाँ रिविजनल सर्वे अथवा चकबन्दी नहीं हुई है वहाँ साबिक सर्वे के अभिलेख मुख्यआधार होंगे। दोनों ही दशाओं में राजस्व सम्बन्धी अन्य चालू अभिलेखों, जैसे जमाबन्दी रजिस्टर, दाखिल खारिज रजिस्टर आदि के इन्दराजों के आधार पर भू-अभिलेखों को अद्यतन किया जायेगा।

4. अंचलाधिकारियों अपने अंचल के प्रत्येक गाँव के रिविजनल सर्वे चकबन्दी के खतियान की प्रतिलिपि अथवा जहाँ सर्वे नहीं हुआ हो वहाँ के साबिक खतियान की प्रतिलिपि प्राप्त कर हल्का कर्मचारी को देंगे तथा हल्का कर्मचारी को आदेश देंगे कि गाँव के प्रत्येक खेसरा का निरीक्षण कर एक खेसरा पंजी तैयार करें। प्रारूप चालू खतियान, अभिधारी खाता पंजी, ग्राम नक्शा तथा खेसरा पंजी नियमावली के नियम 5 में वर्णित विधि से तैयार की जायेगी।

5. चालू खतियान एवं अभिधारी खाता पंजी का प्रारूप तैयार करने के बाद अंचलाधिकारी विहित रीति से इनका प्रकाशन करेंगे तथा उनमें की गई प्रविष्टियों के सम्बन्ध में प्राप्त आक्षेपों की सुनवाई निर्धारित तिथि पर एक समुचित आदेश देंगे और इन आदेशों के अनुसार प्रारूप में प्रविष्टियों को सुधार कर अन्तिम रूप से चालू खतियान तथा अभिधारी खाता पंजी तैयार की जायेगी।

6. अभिलेखों के अद्यतन संधारण के लिए आवश्यक प्रपत्रों को मुद्रित करने की व्यवस्था की जा रही है, परन्तु इन्हें मुद्रित करके आपूर्ति करने में विलम्ब की संभावना है। अतएव आपसे अनुरोध है कि प्रपत्रों की आपूर्ति की प्रतीक्षा न कर अधिनियम को लागू करने के निमित्त आवश्यक कार्रवाईयाँ अविलम्ब की जाए।

7. बिहारी अभिधारी होल्डिंग (अभिलेखों का अनुसंधान) अधिनियम, 1973 संशोधन अधिनियम, 1982 एवं बिहारी अभिधारी होल्डिंग (अभिलेखों का अनुसंधान) नियमावली 1976 की प्रतिलिपियां सभी अंचलाधिकारियों एवं राजस्व विभाग से सम्बन्धित अन्य पदाधिकारियों के उपयोग के लिए भेजी जा रही हैं।]

(3) It shall come into force on such date and in such area as the State Government may, by notification in the Official Gazette, appoint; different dates may be appointed for different areas of the State.

[S.O. 683 dated 11th May, 1978.—In exercise of the powers conferred by sub-section (3) of section 1 of the Bihar Tenants' Holding (Maintenance of Records) Act 1973 (Bihar Act no. 28 of 1975), the Governor of Bihar is pleased to appoint the 1st day of June, 1978, as the date on which the said Act shall come into force in Banmankhi, Barn, Arakothi, Dhamdaha, Bhawanipur and Rupauli Anchals of Purnea district.

S.O. 1049 dated 1st August, 1978.—In exercise of the powers conferred by sub-section (3) of section 1 of the Bihar Tenants' Holding (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975) the Governor of Bihar is pleased to appoint the 1st day of August, 1978, as the date on which the said Act shall come into force in Kharagpur Anchal of Monghyr district, Chauradano Anchal of East Champaran district, Bihar Anchal of Nawada district and Bihar Anchal of Patna district.

S.O. 903 the 18th July, 1989.—In exercise of the powers conferred by sub-section (3) of section 1 of the Bihar Tenants' Holding (Maintenance of Records) Act, 1973, the Governor of Bihar is pleased to appoint the 1st day of March, 1989 as the date on which Bihar Tenants' Holding Maintenance of Records Act, 1973 (Bihar Act 28 of 1975) shall come into force in all Block/Anchals of Vaishali District.

S.O. 81 the 18th January, 1991.—In exercise of the powers conferred by sub-section (3) of section 1 of the Bihar Tenants' Holding (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975) the Governor of Bihar is pleased to appoint the 2nd day of October, 1990 as the date on which the said Act shall, besides the Districts/Anchals previously notified under the said Act, also come into force in all the other District/Anchals.]

2. Definitions.—In this Act, unless there be anything repugnant to the subject or context,—

(a) "Anchal Adhikari" means an officer appointed as such by the State Government.

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Anchal adhikari or Circle Officer is Circle Officer, as an administrative personnel, responsible for all day to day operation within its area of posting, related to the collection of revenue through various channels and according to the prevailing laws in the State of Jharkhand. The Circle Officer is also responsible to maintain:—

- (i) Continuous *Khatian*,
- (ii) Tenant's Ledger Register,
- (iii) Village maps for each village within the local limits of his territorial jurisdiction,
- (iv) To maintain Register II; and

The list is not exhaustive.

Duties:—

- i. While preparing, the Circle Officer shall record the rights of those *raiyats* whose rights have been duly recognised the continuous *khatian* under the Chotanagpur Tenancy Act, 1908, Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 and other tenancy laws in Regulation III of 1872, which prevails in the State of Jharkhand.
- ii. Initiate mutation proceeding. To create *Jamabandi* etc. vide Section of the Act.
- iii. Subject to the orders of the Collector or, as the case may be, the Circle Officer shall be responsible for the supervision of the revenue administration and the land records of every village in their circle. They shall, from time to time in each year inspect every village in their respective jurisdiction, get themselves acquainted with the qualification and conduct of the village Pradhan, Manik, Munda, Mukhiya etc. and the condition of the people in such village and report promptly to the Collector or, as the case may be, any matter requiring orders of superior officers and shall see that the orders passed by such officers are proper and expeditiously implemented.

It is well settled that every authority including a statutory authority has an inherent right to decide and give a judgment on its own jurisdiction. Objections as to its jurisdiction and/or maintainability of any application before any authority are at first instance to be decided by the said authority itself unless the authority is without jurisdiction at the initial stage itself. The jurisdictional facts have to be noticed and decided at the first/original stage where all objections of fact and law can be raised by all parties including the lack of jurisdiction or the maintainability of applications under consideration. The Hon'ble Patna High Court observed and advised in following words: "It is this stage which is before the Anchal Adhikari and part would be well advised to contest the matter there raising all objections as to jurisdiction and maintainability and the Anchal Adhikari would be well advised to consider and decide the preliminary issues before proceeding in the matter¹." In a case *Jamabandi* was opened by a Karamchari and that also without any order of a competent authority. The Commissioner in his order has given finding that the writ petitioner's claim was based on said 'Hukumnama' in respect of *raiyati* land whose veracity could not be adjudged. It was further held by him that the petitioner could not submit a chit paper with regard to his acquisition of land in auction sale. The Hon'ble Court held that "the revenue authorities passed their orders for cancellation of *Jamabandi* as they found the same was opened by a Karamchari without any valid order from a competent authority. In other words, the order for creating *Jamabandi* was passed by a person who was not authorised under the law and as such the same was without jurisdiction²." In the same case the Hon'ble Court further observed that *Jamabandi* standing in the name of a particular person can be cancelled in appropriate cases such as when it is brought to the notice of the revenue authorities that the order

at all or where the same is found to be based on the apparent error of record/facts or on law but of course, after giving prior notice and an opportunity of hearing to the concerned person, whose interest would be adversely affected¹.

In the case of *Harihar Singh v. Addl. Collector*² a Bench of Hon'ble Patna High Court noticed the contents of Letter No. 5-LR/RC-1073/693-LR, dated the 8th October, 1969, from the Secretary to the Government of Bihar in the Department of Revenue to all the Collectors, and another letter dated the 25th April, 1959, bearing No. 3354/IR FB-744/1959, to all the Divisional Commissioners, and held that till 1969, new *Jamabandis*, on the basis of Sada Hukumnamas and rent-receipts granted by the ex-intermediaries, were not only being opened by the approval of the Anchal Adhikari but were being opened by the Karamcharis themselves, and, as such, it was within the competence of the Anchal Adhikaries to open new *Jamabandis*³.

- (b) "Circle Inspector" means of an officer appointed as such by the Commissioner of the Division;

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Circle Inspector is an officer appointed by the Commissioner of the Division to assist from all facets to the Circle Officer.

- (c) "Collector" includes an Additional Collector, an Additional Deputy Commissioner and any other officer not below the rank of a Deputy Collector specially empowered by the State Government to discharge all or any of the functions of a Collector under this Act;

SYNOPSIS

This is an inclusive definition. A division bench of the Hon'ble Patna High Court observed that "Collector includes Additional Collector, Additional Deputy Commissioner, any other officer not below the rank of Deputy Collector specially empowered by the State Government all or any functions of the Collector under the Act. So unless, there is notification by the State Government by empowering the Additional Collector or any other authority mentioned in the definition clause to discharge the function of the Collector, they cannot be treated as Collector in terms of the definition"⁴. In another case the Patna High Court took same view⁵. According, to this definition, the Collector includes Additional Collector, Additional Deputy Commissioner and any other officer not below the rank of Deputy Collector specially empowered by the State Government to discharge all or any of the functions of the Collector under the Act. So, unless there is notification by the State Government specially empowering the Additional Collector or any other authority mentioned in the definition clause to discharge the function of the Collector, they cannot be treated as Collector in terms of the aforesaid provision⁶. Section 2(c) of the Act the Collector includes Additional

1. Jagdeo Mahto Vs. Commissioner, North Chotanagpur, 2008 (2) JCR 153 (Jhar.).
2. 1978 BCCJ (HC) 323
3. Khiru Gope & Ors v Land Reforms Deputy Collector, Jamui & Ors, (1983) AIR(Patna) 121: (1983) PLJR 727
4. Kapildeo Singh v State of Bihar, (2003) 2 PLJR 431
5. Indradeo Yadav v State of Bihar, (2009) 3 PLJR 974
6. Kapildeo Singh v State of Bihar, (2003) 2 PLJR 431

Collector etc. as provided therein provided there is notification under the provisions of the Act specially authorising them to discharge all or any of the functions of the Collector of the district. In absence of empowerment by notification they cannot discharge the functions of the Collector of the district with regard to any matter²⁸.

- (d) "Commissioner" includes Additional Commissioner or any officer not below the rank of the Collector of a district appointed by the State Government to discharge all or any of the functions of a Commissioner under this Act;

- (e) "Continuous Khatian" means a Khatian maintained in the Form prescribed by rules made under this Act;

SYNOPSIS

1. Khatian

1. **Khatian**: *Khatian* is a legal detailed record for each separate holding of the plots comprising it, their boundaries and area, the names of the tenants and the 'landlord'; the name and number of the estate or patti upon which the land lie and the details of the land.

2. Continuous Khatian

2. **Continuous Khatian**: it means a *khatian* maintained in the form prescribed by ruled framed under the Act. Rule 4 of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976 prescribes the mode of preparation of continuous *khatian*. This rule provide that the Circle Officer shall maintain continuous *Khatian* and Tenant's ledger in Forms 1 and 2 of the Schedule of the Rules.

Rule 36 of the Bihar Govt. Estates (Khas Mahal) Manual provides that the only addition that will be made in the continuous *khatian* is the entry of miscellaneous legally payable demands of a non-agricultural character such as bunker, phalkar, basaouri, etc. these will be entered in either the "rent" column or the column of remarks according to the space required for such entries, in distinctive ink, and each such entry must be duly initialed.

- (f) "Form" means a form prescribed by rules made under this Act;

SYNOPSIS

It is an instrument to be employed in a legal transaction or a judicial proceeding that includes the primary essential matters, the appropriate technical phrases or terms, and any additional material required to render it officially accurate, arranged in suitable and systematic order, and conducive to adaptation to the circumstances of the particular case. In the context of present Act 'form' means the forms prescribed in various schedules of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976

- (g) "Gram Panchayat" means a Gram Panchayat established under section 3 of the Bihar Panchayat Raj Act, 1947 (Bihar Act 7 of 1948);

- (h) "**Holding**" means a parcel or parcels of land held by a raiyat and forming the subject of a separate tenancy;

SYNOPSIS

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|------------|---------------------|-----------|
| 1. General | 2. Raiyat | 3. Parcel |
| 4. Land | 5. Separate tenancy | |

1. General : The definition of holding is same as prescribed under section 3(xii) of the Chotanagpur Tenancy Act, 1908 and Section 4(viii) of the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949. In the State of Jharkhand two kinds of Tenancy Laws are applicable viz. Chotanagpur Tenancy Act, 1908 and Section 4(viii) of the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949. Therefore we need to interpret the definition in the light of above mentioned tenancy laws.

2. Raiyat : Section 6 of the CNT Act, 1908 runs as Meaning of Raiyat—

- (1) "**Raiyat**" means primarily a person who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family, or by hired servants or with the aid of partners; and includes the successor-in-interest of persons who have acquired such a right, but does not include a Mundari-khunt-kattidar.

Explanation.—Where a tenant of land has the right to bring it under cultivation, he shall be deemed to have acquired a right to hold it for the purpose of cultivation, notwithstanding that he uses it for the purpose of gathering the produce of it or of grazing cattle on it.

- (2) A person shall not be deemed to be a Raiyat unless he holds land either immediately under a proprietor or immediately under a tenure-holder or immediately under a Mundari-khunt-kattidar.
- (3) In determining whether a tenant is a tenure-holder or Raiyat, the Court shall have regard to,—

- (a) local custom; and
- (b) the purpose for which the right of tenancy was originally acquired.

Section 7 of the CNT Act, 1908 relates to the meaning of raiyat having khuntkatti rights.

While Section 4 (xiii) of the SPT (Supplementary Provisions) Act, 1949 defines raiyat as "a person not being landlord, who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family or by hired servants; and includes the successors-in-interest of a person who has acquired such a right".

It is interesting to note that in both the tenancy law, raiyats has been defined on the basis of purpose of acquiring land.

3. Parcel : Parcel may be defined as a tract of land and for property law its use is to divide and distribute land¹. It may also be defined as the description of property in a deed.

4. Land : The term 'land' has not been defined in the Act. The omission intentional one. In absence of restriction or details of nature, classification etc. land, in the context of present Act we can safely say that all types of land held by raiyat as specified in the tenancy laws applicable in the State of Jharkhand shall be subject matter of mutation laws. For the purpose of mutation law, nature of land immaterial. The only criteria specified by the present Act is that the land concern must form the subject of a separate tenancy. The word 'holding' would mean parcel parcels of land for which a separate record of rights may be created to assess its revenue by the State Government.

5. Separate tenancy : Tenancy has not been defined in this Act. But it appears from the definition of holding that the interest of a raiyat in a parcel of land forms the subject of separate tenancy¹. Holding may be defined as legally own property² hence it is the custom that settlement under a single khata number because a khata number will never consist of more than one holding.

Tenancy may be defined as the possession or occupation of land by right title³ hence separate tenancy may be defined as the individual right or title of possession or occupation of land by a raiyat. From the definition of Raiyat it is clear that the land may be cultivated by the family members of a raiyat but if the right hold land devolves upon the family members then a tenancy with two or more persons having identical interest by the same instrument and with the same right or possession may arise. In this situation question of holding clarify the matter. Separate tenancy may also be defined as several tenancy i.e. a tenancy that is separate and not jointly with another person⁴. Definition of raiyat includes family members of a raiyat or hired servant by a raiyat hence it becomes crucial to describe about the nature of the tenancy, it depends upon the fact that whether it is joint tenancy or tenancy in common. It is well established that a tenancy whether it is joint or common can be created by acts of indicating the establishment of relation of landlord and tenant. It may be expressed or implied or gathered from the conduct or circumstances of parties⁵. It is crucial to distinguish between joint tenancy and tenancy in common because the doctrine of survivorship operates in joint tenancy but not in tenancy in common. Survivorship here means the coalescence, on the death of one joint tenant of the entire interest in question in the surviving joint tenants. The joint tenants together constitute one single legal personality, rather like a body corporate whose existence remains unimpaired by the removal of one member. Thus a joint tenant does not have a share or proportion of value of the property as a tenant in common does. Deciding this principle, however, the profits and enjoyment of the land are the property of the joint tenants to the same extent⁶. The rules for creation of a joint tenancy are these: The joint tenants must get their interests at the same time. They must be entitled to possession at the same time. The interests must be physically undivided interest, and each undivided interest must be an equal fraction of the whole. The

1. Bimal Chandra Sinha v State of Orissa AIR 1962 SC 1912

2. Black 7th Ed. P. 737

3. Black 7th Ed. P. 1477

4. Ibid, Black P. 1477

5. Ibid, Black P. 1477

1. Black 8th Edition P. 1477

tenants are in many ways holds the position of a single tenant subject to the condition that there must be unity between them in following four ways —

1. Unity of time. The interest of each tenant must vest at the same time.
2. Unity of title. The title of all the co-owners must derive from the same instrument.
3. Unity of interest. The interest of each co-owner must be identical and;
4. Unity of possession. Each co-owner is entitled to enjoy possession of every part of the property, yet cannot exclude any of the others from the same enjoyment². Tenancy in common may be defined as a tenancy by two or more persons, in equal or unequal undivided shares, each person having an equal right to possess the whole property out no right of survivorship. The central characteristic of a tenancy in common is simply that each tenant is deemed to own by himself with undivided part of the entire parcel.

The subject of separate tenancy is not only relevant for mutation law, tenancy law but also for Rent Control Laws. It is also important to note that the word 'land' has not been defined in the Act or in the tenancy laws applicable in the State of Jharkhand.

- (i) "Karamchari" means an officer appointed as such by the Collector of the district;
- (j) "Land Reforms Deputy Collector" means—
 - (i) an officer appointed as such by the State Government; or
 - (ii) an officer not below the rank of a Deputy Collector empowered by the State Government by a notification in the official Gazette to perform all or any of the functions of a Land Reforms Deputy Collector under this Act;
- (k) "Mukhia" means a Mukhia of a Gram Panchayat;
- (l) "Mutation" means and alteration in the entries in the Continuous Khatian and the Tenants' Ledger Register maintained under this Act;

SYNOPSIS

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| 1. Mutation | 2. Fee for Mutation Cases |
| 3. Alteration in the Entries | 4. Continuous Khatian |
| 5. Tenant | 6. Ledger Register |

1. Mutation : Mutation means transfer or change of title in the revenue records of the local revenue office of the concerned property. This definition is descriptive and inclusive both. On the basis of the mutation, the person whose name has been mutated may get the right to enter his name in the revenue record and record of rights. A division bench of the Patna High Court held that mutation proceeding is not judicial proceeding, but there cannot be any doubt that they are administrative proceeding involving civil consequences³. In a case of *Dipan Ram v. State of*

² Black 7th Ed. 1477

³ Land Law by Dalton 4th Ed. P. 249

⁴ Dattatray Nath Pandey vs The State Of Bihar and Ors, 1994 (2) PLJR(HC) 612

Orissanam, the Hon'ble considered the question that whether the mutation of land can be refused on the ground that the sale-deed in respect of the land was executed and registered outside the State. The Single Bench of Jharkhand High Court held that mutation of land cannot be refused on that ground. In the case of *Smt. Rita Chakraborty v. State of Jharkhand and Ors.*² the land was purchased from one Pranab Kumar Mitra a non-tribal by registered sale-deed dated 4.2.1994 registered at Kolkata and after the purchase petitioner came in possession of the land. The Circle Officer refused to mutate the land in favour of the purchaser on the ground that the sale-deed was registered at Kolkata. On these facts, a Bench of the Jharkhand High Court held that mutation cannot be refused on the ground that registration was done outside the State. It is well settled that mutation of land does not create any right and title in favour of one or another. It merely allows a person to have his name entered in Register-II for purposes of payment of rent³.

In a Letters Patent Appeal, a division bench of the Jharkhand High Court observed that "It is well settled that mutation of land does not create any right and title in favour of one or another. It merely allows a person to have his name entered in Register-II for purposes of payment of rent. If any application for mutation is preferred, the competent authority cannot refuse."⁴ In this appeal the Hon'ble Court also observed that Orders in mutation proceedings are not evidence that the successful applicant was in possession as sole legal owner in a propriety sense to the exclusion, for example, of all claims for the other member of the family as co-owners or for maintenance or otherwise as revenue authorities have no jurisdiction to pronounce upon the validity of a such a claim⁵. The Hon'ble Court further observed that the "Officers passing the orders on mutation matter do not exercise any judicial, or quasi-judicial function. They arrive at a decision, of possession on the basis of the evidences placed before them including the reports of the officers concerned. Respondent Nos. 2 and 3 in my opinion, cannot be said to be a 'Court' within the meaning of Section 3 of the Evidence Act and as such it was not necessary for them to follow the procedure laid down under the Evidence Act for the purpose of proving any document or otherwise."⁶ The Hon'ble Court also referred and placed the reliance on the decision of Privy Council⁷ in which it was held that the "mutation proceedings are merely in the nature of fiscal inquiries, instituted in the interest of the State for the purpose of ascertaining which of the several claimants for the occupation of the property may be put into occupation of it with the greater confidence that the revenue for it will be paid.

The purpose of mutation is only, as we have noticed from the definition of mutation given in Clause (l) of Section 2 is for "alteration in the entries in the Continuous Khatian and the Tenants' Ledger Register maintained under this Act"⁸. In this case,

1. 2002 (1) JCR 146

2. WP (C) No. 4847 of 2002

3. State of Jharkhand v Arjun Das, 2004(4) JCR,535

4. State of Jharkhand v Arjun Das, 2004(4) JCR,535

5. Ibid

6. Ibid

7. Nandkishwar Bux Rai v Gopal Bux Rai, AIR 1940 PC 93, see also, Nirman Singh v. Lala Rudra Partab Narain Singh, (1926) 13 AIR PC 100:53 IA 220 (PC) at p. 227

8. Mahabir Mahto & Ors. V State of Jharkhand, (2012) 4 JLR 210

the Hon'ble Court further observed that mutation proceeding is only for the purpose of making alteration in the entries in the Continuous *Khatian* and Tenants' Ledger Register; a lower revenue officer has been given jurisdiction to decide these disputes by taking evidence but for the limited purpose and such revenue authority cannot decide complicated legal dispute as well as adverse claims¹. The Court also observed that the mutation proceeding may be uncontested in case of no dispute and it can be contested as is clear from sub-section (2) of Section 14 of the Act of 1973. Therefore, a right of appeal has been given to the aggrieved party u/s 15 of the Act of 1973 and appeal against the order of the Anchal Adhikari lies before the Land Reforms Deputy Collector and revisional power vests in the Collector of the District who has been given power to examine the legality and propriety of any order made under the Act of 1973 or Rules made thereunder by any authority. However, nature of the order which may attain finality by order passed in the appeal u/s 15 or in revision u/s 16 will remain the same of fiscal nature having limited effect. After attaining finality of the order which were referred above, the Anchal Adhikari is required to give effect to the order u/s 18 by making correction in Continuous *Khatian* and Tenants' Ledger Register and is required to forward the copies of the corrected entries thereof to the Sub-Divisional Officer and the Collector.²

The Jharkhand High Court considered a question in a case that whether Section 11 of the CPC will be applicable in a mutation proceeding? The Hon'ble Court observed and held that

"Since the Revenue Authorities while deciding a mutation proceeding have been held to be not a court of law and the mutation proceedings before them are held not the judicial proceedings by the Supreme Court, therefore Section 11 of the Code of Civil Procedure cannot be applied to a proceeding which is not a judicial proceeding and it cannot be applied to an order passed by a revenue authority since the order passed by such authority is not an order passed by a Court of law. Therefore, the provision of Section 11 C.P.C., i.e. of res judicata would not be applicable to such proceeding."³

Mutation involves change in the names of the occupants of tenancies in the following cases:—

- (a) Succession or inheritance;
- (b) Transfer by sale or exchange, of whole plots which do not require any measurement and;
- (c) Partition.

In this regard reference may also be taken of the Govt. notification dated 12.7.61 (Letter No. E/XXIV-3029/60-5950, L.R) which classify the mutation process broadly into two categories:—

Mutation due to succession.—It is the duty of all revenue personnel responsible for the collection of rent to note down the name of real rent payers and recorded rent payers. If they differs then process of mutation

1. Ibid

2. Ibid

should be initiated with the help of Sarpanch and same should be forwarded to the Circle Officer of the concerned circle. The Circle Officer will issue notice(s) to all concerned parties including Sarpanch/Mukhiy and pass an order for mutation. Against the order passed by the Circle Officer, an appeal will lie before the LRDC. Within a month from passing the order.

Mutation due to Transfer, gift, sale etc.—Provisions of Section 23 of the CNT Act, 1908 and Section 23, 24 and 24-A of the Santal Pargana (Supplementary Provisions) Act, 1949 is relevant for the purpose of mutation under the respective tenancy laws of the State. Section 23 of the CNT Act, 1908 relates to Registration of certain transfers of occupancy holdings which runs as—

- (1) When an occupancy holding or any portion thereof is transferred [by sale, gift, will or exchange in accordance with the provision of this Act], the transferee or his successor in title may cause the transfer to be registered in the office of the landlord to whom the rent of the holding or portion thereof as the case may be, is payable.
- (2) The landlord shall allow the registration of all such transfers and shall not be entitled, except in the case of a transfer by sale or gift, to levy any registration fee. In the case of a transfer by sale or gift, the landlord shall be entitled to levy a registration fee of the following amount, namely:—
 - (i) when rent is payable in respect of the holding or portion, a fee of [five per centum] on the annual rent thereof.
[Provided that, such fee shall not be less than rupees two and fifty paise or more than rupees two hundred and fifty; and]
 - (ii) when rent is not payable in respect of the holding or portion, fee of [rupees two and fifty paise.]
- (3) A registering officer shall not register any instrument purporting to transfer an occupancy holding or portion of an occupancy holding by sale or gift unless there is paid to him in addition to any fee payable under the Act for the time being in force for the registration of documents, a process fee of the prescribed amount and the registration fee payable under sub-section (2), together with the costs necessary for the transmission of the registration fee to the landlord.
Provided that a gift to the husband or wife of the donor or to son adopted under the Hindu Law or to a relation by consanguinity within three degrees of such donor shall not require any registration fee to be paid to the landlord as provided in sub-section (2).]
- (4) When the registration of any such instrument is complete, the registering officer shall send to the Deputy Commissioner the

the same to the landlord and notice of the transfer and registration in the prescribed form, and the Deputy Commissioner shall cause the fee to be transmitted to and the notice to be served on the landlord named in the notice in the prescribed manner.

- (5) If any landlord refuses to allow the registration of any such transfer as is mentioned in sub-section (1), the transferee or his successor-in-title may make an application to the Deputy Commissioner, and the Deputy Commissioner shall thereupon, after causing notice to be served on the landlord, make such inquiry as he considers necessary, and [shall if he is satisfied that the transfer is not contrary to the provisions of this Act], pass an order declaring that the transfer shall be deemed to be registered, and may also pass such order as he thinks fit in respect of the costs of any such inquiry.]

While Section 24 and 24 A of the Santal Parganas (Supplementary Provisions) Act, 1949 reads as:—

24. Registration of certain transfers of *raiya* holdings.—(1) When a *raiya* holding or any portion thereof is transferred by sale, gift, will or exchange in accordance with the provisions of this Act and the record-of-rights, the transferee or his successor in title may cause the transfer to be registered in the office of the landlord of the village.

(2) Notwithstanding anything to the contrary contained in the record-of-right or any law or anything having the force of law in the Santal Pargana, the landlord shall allow the registration of such transfers, and shall not be entitled, except in the case of a transfer by sale, gift or will, to levy any registration fee. In the case of a transfer by sale, gift or will, the landlord shall be entitled to levy a registration fee of the following amount, namely,—

- (a) when rent is payable in respect of the holding or portion, a fee of two per centum on the annual rent thereof: Provided that such fee shall not be less than eight annas or more than fifty rupees; and
- (b) When rent is not payable in respect of the holding or portion, a fee of one rupee:

Provided that a gift to the husband or wife of the donor to a son adopted under the Hindu Law, or the daughter, sister, adopted son or adopted daughter of the donor under the Santal Law, or to a relation by consanguinity within three degrees of such shall not require any registration fee to be paid to the landlord.

(3) If any landlord refuses to allow the registration of any such transfer as is mentioned in sub-section (1), the transferee or his successor in the title may apply to the Deputy Commissioner and the Deputy Commissioner shall thereupon, after causing notice to be served on the landlord, make such enquiry as he considers necessary, and shall, if he is satisfied that the transfer is not contrary to the provisions of this

Act or the record-of-rights, pass an order declaring that the transfer shall be deemed to be registered, and may also pass order as he thinks fit in respect of the costs of any such enquiry.

24-A. Registration of certain transfers of homestead.—(1) When a homestead or any portion thereof, which a *raiya* holds otherwise than as part of this holding as a *raiya* is transferred by sale gift, will or exchange in accordance with custom or record-of-rights, the transferee or his successor-in-interest may cause the transfer to be registered in the office of the landlord of the village.

(2) Notwithstanding anything to the contrary contained in the record-of-rights or in any law or anything having the force of law in the Santal Parganas, the landlord shall allow the registration of such transfer, and shall not be entitled, except in the case of transfer by sale, gift or will, to levy any registration fee and in the case of a transfer by sale, gift or will, the landlord shall be entitled to levy such registration fee as may be prescribed.

(3) If any landlord refuses to allow the registration of any such transfer as is mentioned in sub-section (1) the transferee or his successor-in-interest may apply to the Deputy Commissioner and the Deputy Commissioner shall after causing notice to be served on the landlord make such enquiry as he considers necessary and shall, if he is satisfied that the transfer is not contrary to custom or the record-of-rights, pass an order declaring that the transfer shall be deemed to be registered, and may also pass such order as he thinks fit in respect of the costs of any such enquiry.

All mutation proceedings in the State will be governed by the above noted provisions subject to the territorial jurisdiction of the tenancy law of Chotanagpur and Santal Parganas.

As regards mutations due to diluvion, a note should be made regarding diluviated plots or plots in the "Remarks" column of the Continuous *Khatian* IB or the *Jamabandi* Register IA, as the case may be, as required under Rule 48 of the Bihar Government Estates Manual, 1953.

A comparative chart has been prepared by the State Government comparing therein the description of the reforms in online mutation and previous system.

Under the new system types of mutation are:—

- a. Through Registered sale deed: Certified copy of the sale-deed is admissible in evidence without proving it.
- b. Through Succession Mutation;
- c. Through Family Partition;
- d. Mutation by Gift; and
- e. Mutation by will.

2. Fee For Mutation Cases.—There is no express provision with respect to fee for mutation cases in the Act. However, Rule 39 of the Khas Mahal Manual prescribes rule in this regard in following words:

1. Hussaini Mahto & Others v Hulas Mahto & Others, 2006 AIR Jhar 87

This rule governs application for mutation filed by occupancy *raiya*s, tenure-holders and *raiya*s holding at fixed rates. Mutation involves change in the name of the occupants of the holdings due to—

- (a) succession or inheritance;
- (b) transfer by sale, gift or exchange; and
- (c) partition.

So far as the Khasmahal is concerned succession by inheritance does not affect the position of the occupancy *raiya*. In such cases the application should not bear any court-fee stamp. In case of succession to a permanent tenure and a holding at fixed rates a tenant has to deposit with the Collector the usual landlord's registration fee prescribed by the Bihar and the Chota Nagpur Tenancy Acts. This also applies to cases of transfer of occupancy holdings, permanent tenure or holdings at fixed rates. When an occupancy holding is partitioned by an order of a court or otherwise, no fee is chargeable on an application for mutation in such cases. In case of a partition of a permanent tenure or a holding at fixed rates an application for mutation should bear one rupee and fifty paise court fee stamp together with a surcharge of 65 paise only. All applications for mutations should on receipt be entered in Register 27 in which the following two columns should be added before use:—

- (1) Date on which correction of Khasra and *Khatian* is made.
- (2) Signature of the officer who authenticates revision.

If on enquiry by the *Tahsildar*, it is found that the application is unopposed no entry need be made in Register 8. But should it be opposed a mutation case should be started and transferred to Register 8. A case should also be started at once and entered in Register 8, if a mutation already allowed is challenged by an applicant.

But due to digitations of filing e-application for mutation some portion of this rule are now irrelevant, particular reference may be given to the procedure which states that 'All applications for mutations should on receipt be entered in Register 27 in which the following two columns should be added before use'.

Other record includes the list of registers as expressed under Rule 56, 57, 58, 59, 60, 61 and 62 of the Khas Mahal Manual.

3. Alteration in the Entries.—The term "Alteration in the Entries" has not been defined in the Act. But it means simply alteration in the entries of the—

1. Continuous *Khatian*; and
2. The tenant's ledger register.

The alteration may occur due to—

- (a) Mutation; and
- (b) demand which includes abatement or reduction of rent.

The alteration may takes against the following particulars:—

- a. Alteration in the name of the owner of the land concerned;
- b. Alteration in the area of the land concerned;
- c. Alteration in the *Jamabandi* of the land concerned;
- d. Alteration in the amount of rent of the land concerned;

4. Continuous *Khatian* : *Jamabandi* Register is prepared under Survey Settlement operation under CNT Act and Regulation III of 1872. The entry in the register is called *khatian*. It has 17 columns but entries are made in 14 columns as per the particulars given in Section 81 of the CNT Act. Register I-B Continuous *Khatian* is maintained in Form I. It is prepared under Bihar Tenant Holding (Maintenance of records) Act 1973. Register No. 1A is prepared under Survey Settlement operation and no change can be made in it until there is another revisional survey. Before the next survey operation is taken up, if there is any changes with respect to the land, it is incorporated in Register IB which is called continuous *Khatian*. Where there has not been revisional survey this register will be in form I A. Where there has been a survey and record of rights prepared it will be updated in form I B (the continuous *Khatian*). The Circle Officer is not permitted to make any alteration or correction either in the Register IA or IB continuous *khatian*, except by the general or special order of the Collector.

5. Tenant.—The word 'tenant' has been defined in section 2(u) of the Act which provides the meaning of 'tenant' is same as defined and assigned in the CNT Act 1908 and Santal Parganas (Supplementary Provisions) Act, 1949.

6. Ledger Register.—The term *ledger* is derived from the English dialect forms *ligger* or *leggen*, meaning "to lie or lay"; in sense it is adapted from the Dutch substantive *legger*, properly "a book laying or remaining regularly in one place". Originally, a ledger was a large volume of scripture or service book kept in one place in church and openly accessible. In application of this original meaning the commercial usage of the term is for the "principal book of account" in a business house.

Tenant's ledger register or Rent Roll is maintained in Form No. 2 of Bihar Tenant Holding (Maintenance of Records) Act 1973. It is prepared on mutation of the land after the change of tenant and/or their rent roll. It contains the land revenue demand along with the cess. The revenue receipts are prepared and issued on the basis of this register. Such entries are to be made in pursuance to the order passed in mutation proceeding. Any entry against such order is a nullity.

In revenue field, a ledger register is a register in which details of individual land owner is entered. This entry may be with respect to name of the tenant, *Jamabar* no etc. The provisions for entry in the ledger register are prescribed under clause (i) of sub-section (4) of section 3 of the Act. Section 19 of the Act provides a presumption of correctness of entries in continuous *khatian* and Tenant's Ledger Register.

(m) "Mutation Case Register" means a register in the form prescribed

(n) "*Raiyat*" in its application to the areas in which—

- (i) The Bihar Tenancy Act, 1885 (Act VIII of 1885);
 - (ii) The Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908);
 - (iii) The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949) are in force;
- shall have the same meaning as is assigned to it in the applicable to that area;

under Chapter X of the Bihar Tenancy Act, 1885 (Act VIII of 1885) or, as the case may be Chapter XII of the Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908) or the Santhal Parganas Settlement Regulation, 1872 (Reg. 3 of 1872);

SYNOPSIS

General.—Subsection 2n(i) is irrelevant as same relates to the Bihar Tenancy Act, 1885 which is not applicable in the State of Jharkhand.

The word "*raiya*," it may be here explained, means "subject," and comes from an Arabic word meaning to pasture, feed, or protect. The word '*raiya*' has been described not defined in the Act [see section 6 of CNT Act, 1908 and Section 4(xii) of the Santal Parganas (Supplementary Provisions) Act, 1949]. Mr. Field also observed "There is no single word in the English Language which exactly conveys the idea. The term '*raiya*' applied to the Indian soil, and meaning 'subjects' but never 'slaves', embodies the idea more nearly than any other word I know." The occurrence of the word '*primarily*' in section 6 of the Act clearly indicates that the description of 'tenure holder' and '*raiya*' is not exhaustive. It is very difficult to lay down any general definition of the word '*raiya*'. Generally, they are the cultivating tenants, but they may not be cultivators at all; they may cultivate their land through hired labour or with the aid of partners which includes the successors in interest of the persons who have acquired right of cultivation. It excludes a Mundari khunkaltidar. A '*raiya*' should either be an actual cultivator, or that his land should actually be under cultivation. It is sufficient if he has a right to cultivate land.

- (p) "Revenue Officer" means any officer whom the State Government may appoint by name or by virtue of his office, to discharge any of the functions of a Revenue Officer under this Act, and includes a Circle Inspector;
- (q) "Registering authority" means a registering authority under the Registration Act, 1908 (Act XVI of 1908);

SYNOPSIS

In this definition we need to restrict ourselves to the provisions laid down under Chapter XII of the CNT Act, 1908 and Section XIII of the Regulation III of 1872 which prescribes the mode of preparation of record of rights in Chotanagpur and Santal Parganas region respectively.

Record of Rights under Chapter XII of CNT Act, 1908 : Section - 81 of CNT prescribes the particulars to be recorded such as:—

- (a) Name of each tenant or *raiyyat* / occupant;
- (b) The class of the tenant whether tenure holder, Mundari Khunt- Kattidar, settled *raiyyat*, occupancy *raiyyat*, non-occupancy-*raiyyat*, under -*raiyyat* etc.
- (c) The boundary of the land.
- (d) The name of the landlord.

1. C.D. Field, *Landholding and the relation of Landlord and Tenant in various countries*, Calcutta, 1883, p. 166n

- (e) The name of each proprietor in the local area or estate.
- (f) The rent payable.
- (g) The mode in which the rent has been fixed whether by contract, by the order of the court or otherwise.
- (h) If the rent is gradually increasing the time so recorded.
- (i) The rights and obligation of the *raiya*s.
- (j) The special conditions.
- (k) Any easement attaching to the land for which the record of right is being prepared.
- (l) If the land is claimed rent free - whether the rent is actually paid.
- (m) The rights on forest produce, jungle land or waste land or to graze cattle on any land.
- (n) The right of any resident of the village to reclaim jungle land / waste land or to convert land into *korkar*. Before the final publication of record of rights a preliminary publication is made under section 83, which is the draft record of rights so as to receive and consider the objections made in the entries therein. Under it the objections have to be considered and disposed of in the prescribed manner. Revenue Officer shall finally frame the record and cause it to be finally published which shall be a conclusive evidence that record has been duly made under this chapter.

There is a presumption of correctness of final publication of record of rights under Section 84(3) of the CNT Act. It has been held in *Tata Iron and Steel Company Vs Mrs Parbati*,¹ that Kacha Khatian (draft publication) issued in the name of X during survey operation does not give presumption of correctness under Section 84 unless the same is finally published.

Record of Rights under Regulation 3 of 1872 : The record of rights prepared under section 13 of Regulation III of 1872 includes the following documents (a) The abstract *Khatian Jamabandi* and (b) The record of rights and duties. In fact provision under section 13 of regulation III of 1872 is not related only to the records of rights but it is also a record of duties which shall be prepared by the settlement officer for each village showing the rights and duties of proprietors, headman and *raiya*s as ascertained under this Regulation. As per the Rule No. XXII of the Rules for conduct of settlement proceedings in the Santhal Parganas when the record of rights and duties has been prepared by the settlement officer or Assistant settlement officer, he will cause it to be read out in his presence to the assembled *raiya*s and other persons interested. He will at the same time receive and dispose of any objections that may be preferred to any entries in it, or omission from it. Record of rights and Duties under 1st programme and Khas both (Pardhani villages consists of two parts viz. 1) Proprietary rights and duties and 2) Rights and duties of *raiya*s. (see Appendix) Record of Rights prepared under second programme for Pardhani villages also consists of two parts viz Proprietary Rights and duties and Rights and duties of *Raiya*s including headman etc. (See Appendix). Record of Rights of Khas villages prepared

1. 1997 (1) BLJR 72

under second programme consist of two parts viz. Proprietary Rights and Duties and rights and duties of *raiya*s including duties of the proprietor so long as the village remains Khas. Record of Rights and duties prepared under third programme for Pardhan villages consist of two parts viz. proprietary rights and duties and Rights and duties of *raiya*s including duties of the headman. (see Appendix) Record of Rights and duties of Khas villages prepared under third programme also consist of two parts viz. Proprietary rights and duties and rights and duties of *raiya*s. In the same way Record of Rights and duties has been prepared for, government Mahal, Damin - I - Koh, Snathal Parganas, Bengali Khas villages of pargana Ambar, Bengali Khas villages of Pargana Sultanabad, Bengali Khas villages of Pargana Mohamedabad, Khas villages of the Rajmahal Subdivision (now district) in which the right of transfer has been recorded, Mul *raiya* villages of the Deoghar subdivision (now district).

It is well established principle of law that entry in the record of rights does not confer right, title and interest over the land concerned. The Mutation authorities while exercising their jurisdiction are normally bound by the entries made in the survey settlement records of right¹. An entry in the record of rights neither creates nor extinguishes the rightful title of a person in immovable property².

In *Sitaram Choubey and Others v. State of Bihar and Others*³ it has been held as follows:

The Mutation authorities while exercising their jurisdiction are normally bound by the entries made in the survey settlement records of right. So far as the matter relating to creation of *Jamabandi* or cancellation thereof is concerned, the same used to be governed by the Executive Instructions issued by the State from time to time. Creation of *Jamabandi* or cancellation thereof has not been done in this case under the provisions of any statute. By reason of an entry in Register II, a person merely becomes entitled to deposit rent. It is, therefore, difficult to comprehend as to how cancellation of *Jamabandi* would amount to cancellation of settlement, as it is well known that neither payment of rent creates title nor non-payment extinguishes any. An administrative order of mutation passed by the Revenue Authorities is not and cannot be a decision on the question of title. Such a decision can only be taken by a Civil Court in a duly constituted civil suit. It is, therefore, not correct to contend that the effect of the impugned order would be cancellation of settlement by itself resulting in extinguishment of the settlement purported to have been made in favour of the petitioners by the ex-landlord."

In *Suraj Bhan & Ors. v. Financial Commissioner & Others*⁴ Hon'ble Supreme Court also held that entries in the revenue records does not confer title on a person whose name appears in record of rights. The creation of *Jamabandi* neither creates any right and title in favour of one or the other nor cancellation of *Jamabandi* extinguishes right and title of actual owner. The entries in the revenue records or *jamabandi* have only "fiscal purpose" and no ownership is conferred on the basis of such entries. The title of the property can only be decided by a competent civil court.

¹ *Chowdhury Chandra & Ors. v. State of Bihar & Ors.*, 1993(2) PLJR 255.

With regard to cancellation of *jamabandi* a case decided by the Jharkhar High Court is relevant. Facts of this case in brief is that the land in question has been originally recorded as Gair Mazarua Malik in the Revisional Survey Records of Right finally framed and published in the year 1930-35, *jamabandi* in respect of the said land has been running in the name of one Rang Nath Sahu since the date of vestir in the year 1955-56. On the basis of the said *jamabandi* and the continuous Register II, the respondents all along accepted rent and recognized Rang Nath Sahu as *raiya* in respect of the said land for more than five decades. The petitioner was a purchaser of a portion of the said land. After purchasing the said land, he applied for mutation his name before the Circle Officer. After due enquiry, mutation was allowed in favour by the order of the Circle Officer. Petitioner was paying rent in respect of the land purchased by him. The Hon'ble Court held that "the cancellation of long running *jamabandi* is, thus, wholly arbitrary, illegal and without any basis. The revenue authorities have no jurisdiction to pass orders for cancellation of the settlement under the provision of Section 4(h) of the Bihar Land Reforms Act, without following the prescribed procedure/provision of law. Though the land is recorded as Gair Mazar Malik or Gair Abad Malik in the Revisional Survey Records of Right, the State has recognized the tenancy right of Rangnath Sahu by accepting rent over a period several decades. His name had been running in the Tenant's Ledger/Register maintained by the Anchal Office for such a long time without any objection from a quarter."

The Jharkhand High Court dismissed a writ petition by holding that the illegal *Jamabandi*, based on forged said Hukumnama in collusion with the Government officials without obtaining the order of the competent authority was rightly cancelled by both the authorities i.e., the Sub-Divisional Officer and the Deputy Commissioner by a concurrent findings of facts and law.²

The Jharkhand High Court considered a question in an LPA that where a party claims right adverse to the person whose name is recorded in the Continuous *Khatian* or Record of Rights whether he can move application for mutation? The Court found and held from the scheme of the Act "it is clear that the application for mutation, obviously for alteration of the entries in the Continuous *Khatian* and Tenant Ledger Register cannot be claimed by a person having totally adverse interest to a person whose name is entered in the revenue record and, therefore, the application for the entry of the names of the appellants with a claim that their source of right is independent³". In the same case the Hon'ble Court observed that "It appears that by passage of time, the mutation proceedings which has limited scope and which gives limited jurisdiction to the Anchal Adhikari under the Act of 1973 expanded beyond its scope and in practice may have become an adversary litigation proceeding for entering the names of the person who is claiming right through person whose name is recorded in the revenue record and, claiming the right by virtue of either death of original recorded person and being successor of the recorded persons or by virtue of transfer, exchange, agreement, settlement, lease, mortgage

1. *Dineshwar Prasad Vs. State of Jharkhand*, 2008 (3) JCR 689 (Jhar.)
2. *Mazharul Haque Vs. State of Jharkhand*, 2008 (4) JCR 429

gnt, or by any other means or by virtue of the court's decree or by virtue of grant of land by the Bhoodan Yagna Committee or by virtue of consequence of the acquisition of the land under the Land Acquisition Act or other statutes, but legally, Anchal Adhikari has no jurisdiction to decide adverse claims, other than provided under Sections 3 to 13 of the Act.^{1a} In mutation proceeding, the Circle Officer/LRDC/Deputy Commissioner are not supposed to determine the title and proprietary right in the immovable property for the reason that the mutation proceedings are merely in the nature of fiscal enquiries, instituted in the interest of the State for the purpose of ascertaining that each of the several claimants is in occupation and for the purpose of collection of revenue.²

(i) ³[x x x]

(s) "Subdivisional Officer" means the officer incharge of the Civil administration of the Subdivision of a district;

(t) "Tenant" in its application to the areas in which—

(i) The Bihar Tenancy Act, 1885 (Act VIII of 1885);

(ii) The Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908); or

(iii) The Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949) is in force shall have the same meaning as is assigned to it in the Act applicable to that area, and shall include such raiyat who holds land whether immediately or medately under another raiyat and pays rent for that land either in cash or in kind or would have been liable to pay but for a special contract ;

SYNOPSIS

General.—In view of the said definition, the Sub-divisional Officer is the officer-in-charge of the civil administration of the sub-division of the district for the purpose of the said Act. However, the Sub-divisional officer is not an authority under the provisions of Sections 14, 15 & 16 of the said Act.^{4a} The Sub-Divisional Officer, has no authority under the said Act to cancel the Zamabandi.⁵

(u) "Tenants Ledger Register" means the Register prescribed under the rules.

SYNOPSIS

General.—Tenant has not been defined in this Act. The C. N. T. Act, 1908 "tenant" means a person who holds land under another person and is, or but for a special contract would be liable to pay rent for that land to that person. As per Black dictionary tenant may be defined as one who holds or possesses lands or tenements by any kind of right or title.⁶ It is beyond the scope of the book to write in details about the definition of tenant in the context of CNT Act, 1908 and Santal Parganas Tenancy (Supplementary Provisions) Act, 1949. The interested reader may read separate commentary on respective tenancy laws.

1. Mahabir Mahto & Ors v State of Jharkhand & Ors, (2012) 4 JLR 210

2. The State of Jharkhand Vs. Taurian Infrastructure, [2014] (1) JCR 342 (Jhr)

3. Omitted by Bihar Act 9 of 1983.

4. Abdul Majid v State of Jharkhand, (2017) 4 JLR 317; (2017) 4 JBCJ 624

5. Nepal Ram Prajapati v. The State of Jharkhand & Ors., W.P.(C) No. 1399 of 2007

6. Black p. 1478

Chapter II

"Preparation and Maintenance of Continuous Khatian and Tenants Ledger Register"

3: Anchal Adhikari to prepare and maintain Continuous Khatian, Tenants Ledger Register and Village Maps.—(1) Soon after the commencement of this Act in any area the Anchal Adhikari shall cause to be prepared in his office a Continuous Khatian and a tenants' Ledger Register for each village within the local limits of his jurisdiction on the basis of entries made in the existing record-of-rights of the villages, after such verification as may be prescribed and maintain the same in the manner prescribed.

Note.—Until a record-of rights or a new Tenants, Ledger Register is finally prepared, the existing record-of-rights shall be the record-of-rights within the meaning of this section.

SYNOPSIS

1. General.—This section prescribes threefold duty of Anchal Adhikari or Circle Officers viz.—

- To maintain and prepare continuous *khatian* for each village within the local territorial jurisdiction
- To maintain and prepare tenant's ledger register for each village within the local territorial jurisdiction, and;
- To maintain village maps: Continuous *khatian* and tenant's ledger register has already been explained earlier. It is well settled that Land is the subject matter of State Government. State Government makes all the policies regarding Land management and land records management within the State. The State Governments is also having an authorized administrative department to service updated Cadastral land information to the citizens. Village map is a very important document which includes all important particulars of a village. Village maps are based on the cadastral survey. In developed countries as well as in India, cadastral survey uses the following three methods namely (i) Ground based survey using Total station and GPS, (ii) Aerial photographs or (iii) High resolution satellite images.

Transmutation of names by virtue of purchase or otherwise is not a case which is covered u/s 3 of the Act. It is only covered u/s 14 of the Act. Section 3 of the Act deals with original entries and objections thereto.¹

²((2) While preparing the continuous Khatian the Anchal Adhikari shall record the rights of those under-raiyats whose rights have been duly recognised under the existing tenancy law.

SYNOPSIS

This sub-section was substituted in the year 1983 but not relevant in the context of the State of Jharkhand as the concept of under *raiya* in the tenancy law does not exist.

1. Ramji Prasad Singh v State of Bihar, (2008) 3 PLJR 245

2. Subs. by Bihar Act 3 of 1983.

(3) The Anchal Adhikari shall send a copy of each of the Continuous Khatian and Tenants Ledger Register so prepared to the Sub Divisional Officer and the Collector.

SYNOPSIS

This section makes it mandatory for the Anchal Adhikari to send a copy of the prepared continuous *khatian* and tenant's ledger register to the Substantial Officer and the Collector. As per the Rule 5(5), it is the duty of the Anchal Adhikari to obtain the finally published record of rights in respect of each village of the Anchal and handover the same to the Karmcharis to prepare preliminary Continuous *khatian* (Form I) and Tenant's Ledger (Form II). The 'substantial officer' has not been explained in the Act, but from the scheme of the Act it is clear that it means, LRDC. In a case the Jharkhand High Court observed that "The Anchal Adhikari has no jurisdiction to alter or modify or disobey the court's decree and consequential effect of the possession under the Act of 1973 or otherwise. Looking to the nature of the proceeding and limited jurisdiction of the Anchal Adhikari of making correction in the revenue record, the Anchal Adhikari has no power and jurisdiction to pass a decree or order of declaration of a right, title or interest in the property or has right to declare about legality and validity of an instrument of transfer or a settlement or decide the issue of contentious succession cases which power vest under the provisions of the Indian Succession Act, in Civil Courts."¹

- (4) (i) The Anchal Adhikari shall cause to be prepared a draft of the Continuous Khatian and Tenants Ledger Register and shall cause them to be punched in the prescribed manner for a period of not less than 30 days and he shall receive and consider all objections which may be made with respect to entries therein or omissions therefrom during the aforesaid period of publication.

SYNOPSIS

This sub-section prescribes that the Circle Officer is authorize to prepare a draft of continuous *khatian* and tenant's ledger. Now online system prescribed a definite format which is annexed with this book at page. Due to this system it is not necessary to prepare such a draft as same is definite and it cannot be changed by any revenue Authority.

- (ii) The Anchal Adhikari shall consider and dispose of such objections in accordance with the rules made by the State Government and after giving reasonable opportunity of being heard to the parties concerned and after making such local enquiries and verifications as he may deem necessary.

SYNOPSIS

Sub-section 3(ii): The term "reasonable opportunity of being heard" should be interpreted in the light of modern digitized online system. All the process in this regard has been explained in the notification dated 29.7.20, Gyapank 1857/0 issued by the Department of Revenue, Registration and Land Reforms of the Govt. of Jharkhand. The notice will be issued online to all the concerned parties. The downloaded copy of such notice will be paste on the notice board by Revenue sub inspector (Karmchari).

- (ii) After such objections have been disposed of by the Anchal Adhikari he shall finally prepare the Continuous Khatian and the Tenant's Ledger and shall cause them to be published in the prescribed manner for a period of not less than 30 days and such publication shall be conclusive evidence of the fact that the Continuous Khatian and the Tenants Ledger Register have been duly published under this section.

SYNOPSIS

General.—The notification dated 29.7.20 has made the rules corresponding to the Act irrelevant to the great extent. The term 'prescribed manner' means the manner prescribed by the said notification. The Circle Officer is required to pass an order in the manner provided by this notification.

- (iv) Any person aggrieved by an order of the Anchal Adhikari passed under clause (1) may, within thirty days of the date of the order prefer an appeal to the Land Reforms Deputy Collector who shall after giving to parties concerned reasonable opportunity of being heard, pass such order as he thinks fit.

SYNOPSIS

This Sub-section prescribes that any person aggrieved by an order of the Circle Officer under Sub-section 4(ii) of the Act may file an appeal to the LRDC within 30 days. The LRDC will issue notice to the concerned parties, and after giving reasonable opportunity of being heard shall pass an order which thinks fit. Interpretation to this section must be made in the light of above mentioned notification. Earlier there was no provision to file an appeal online before LRDC. Circle Officer may also file an appeal before LRDC, if he found that the order passed was incorrect or wrong.

- (v) Subject to the provisions of Section 16, the order of Land Reform Deputy Collector on appeal shall be final.

SYNOPSIS

The order passed by the LRDC on appeal shall be final subject to the provision of Section 16.

4. Registering Authority to give notice of transfer and registration to Anch Adhikari.—When the registration of any instrument of transfer by way of sale, exchange, mortgage, lease, partition or gift or by any other mode of transfer or holding or part thereof is complete, the registering authority shall give notice of such registration in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

SYNOPSIS

This section makes it mandatory for a registering authority to give notice of transfer and registration to the Circle officers in case of transfer of real property by way of—

- a. sale
- b. Exchange
- c. Mortgage
- d. Lease

- f. Or by any other mode of transfer of a holding or a part thereof. The Registering authority will send this notice to the Circle Officer and the mode will be online. In the said notification dated 29.7.2020, there is no prescribed format in this regard, hence Records Maintenance Form 13 will be applicable.

Notice means information. Notice is a vital principle of fairness and due process in legal procedure and must be given to both parties, to all those affected by a lawsuit or legal proceeding, to the opposing lawyer and to the court. In short, neither a party nor the court can operate in secret, make private overtures or conceal actions. Notice of a lawsuit or petition for a court order begins with personal service on the defendants (delivery of notice to the person) of the complaint or petition, together with a summons or order to appear (or file an answer) in court. In case of mutation notice also plays important role. The object of this section is to keep update the revenue authority from the changing with respect to the status of a real property.

It is clear from Section 4 that in case of transfer of property by way of sale, exchange, mortgage, lease, partition or gift or by any other mode of transfer of a holding or part thereof, then the registering authority shall give notice of such registration of the document effecting the transfer to the Circle Officer in the prescribed form.¹

5. Civil Courts to give notice of delivery of possession to the decree-holder or auction purchaser or of final decree for partition or for foreclosure to the Anchal Adhikari.—When under the Code of Civil Procedure, 1908 (Act V of 1908), possession of a holding or part thereof has been delivered in execution of a decree to the decree-holder or to a purchaser at Court auction, sale or when a final decree or partition or for foreclosure of a mortgage has been passed the Court executing the decree or the Court passing the final decree for partition or foreclosure, as the case may be, shall give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

SYNOPSIS

This section prescribes that Civil Court is also required to send notice to Circle Officers in case of—

- Delivery of possession of a holding or part thereof in execution of a decree to the decree holder
- Delivery of possession of a holding or part thereof to a purchaser at Court auction sale, after a final decree passed in partition or for a foreclosure of a mortgage in executing the same in prescribed form.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 14 (See Rule 16 of the Act) will be applicable. This form contains following particulars:—

- Serial no.,
- Case No with year,
- Name and full address of the plaintiff,

1. Mahabir Mahto & Ors v State of Jharkhand & Ors. (2012) 4 JLR 210

4. NOTICE AND FULL ADDRESS OF THE DECREE HOLDER

- Full details of the land for which decree has been given, name of the village and Thana No. Khata No. Khesra No., etc.
- Name with full address of the decree holder
- List of the decree and date
- Remarks.

In an LPA, the Jharkhand High Court observed that the mutation proceedings have limited scope so far as its effect is concerned and the purpose of mutation proceeding is very clear from the Act of 1973 itself which substantially suggests that these are proceedings to safeguard the interest of the State and the revenue authorities primarily so that the State may know the persons' right over the agricultural land and once the names are entered in the revenue record they can be altered only because of the reasons mentioned in Sections 3 to 13 of the Act of 1973. The provisions referred above are not meant for getting a declaration in serious dispute cases with respect to the entitlement and, therefore, it has been specifically provided by Section 5 of the Act of 1973 that when under the Code of Civil Procedure, possession of a holding or part thereof has been delivered in execution of a decree to the decree holder or to a purchaser at Court auction sale or when a final decree for partition or for foreclosure of a mortgage has been passed the Court executing the decree or the Court passing the final decree for partition or foreclosure, as the case may be, shall also give notice of the fact in the prescribed form to the Anchal Adhikari of the area.¹

6. Certificate Officer to give notice to the Anchal Adhikari of delivery of possession to the Auction purchaser.—When under the Bihar and Orissa Public Demands Recovery Act, 1914 (Bihar and Orissa Act IV of 1914), possession of a holding or part thereof has been delivered to a purchaser at auction sale held in execution of a certificate officer shall give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

SYNOPSIS

This section prescribes that it is the statutory duty of the Certificate Officer to send notice to Circle Officer with regard to delivery of possession of a holding or part thereof at auction sale held in execution of a certificate.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 15 (See Rule 17 of the Act) will be applicable. This form contains following particulars:—

- Serial No.
- No. of Certificate Case/year
- Name and full address of the Certificate debtor
- Details of the land covered by sale certificate viz. Village, Thana, Plot No., Area, etc.
- Name, parentage and full address of the person who is put in possession of the land covered by sale certificate
- Date of delivery of possession
- Remarks.

1. Mahabir Mahto & Ors v State of Jharkhand & Ors. (2012) 4 JLR 210

7. Collector to give notice of acquisition under the Land Acquisition Act, 1894 to the Anchal Adhikari.—Where holding or part thereof has been acquired under the Land Acquisition Act, 1894 (Act I of 1894), the Collector or the Court, as the case may be, making the award under that Act, shall give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

8. Collector to give notice in certain events.—The Collector shall also give notice in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated in the event of all or any of the following matters, namely,—

- (i) when final order under clause (b) of sub-section (1) of section 6 of the ¹Bihar Public Land Encroachment Act, 1956 (Bihar Act XV of 1956) has been passed by the Collector;

SYNOPSIS

General.—This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to acquisition of land under the provisions of the Land Acquisition Act, 1894 (Now it must be substituted with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013) delivery of possession of a holding or part thereof against which an award has been made.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 16 (See Rule 18 of the Act) will be applicable.

This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to final order passed under clause (b), Sub section (1) of Section 6 of the ¹Bihar Public Land Encroachment Act, 1956 (Now, 2000).

There is no prescribed digitized online format in this regard hence Records Maintenance Form 17 (See Rule 19 of the Act) will be applicable.

- (ii) when any land has vested in the State Government under the Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus Land) Act, 1961 (Bihar Act 12 of 1962) or when any such land or Government land is settled by the Collector;

SYNOPSIS

This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to—

- a. any land vested in State Government under the ²Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus Land) Act, 1961; and
- b. when any such land or Government land is settled by the Collector.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 18 (See Rule 20 of the Act) will be applicable.

- (iii) when any land has been acquired by the Collector for irrigation purposes and taken possession of under the provisions of Chapter VI of the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act 5 of 1922);

¹ Now read Jharkhand Public Land Encroachment Act, 2000.

SYNOPSIS

Section 8 (iii) : This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to—

- a. acquisition of land by Collector for irrigation purposes; and
- b. possession of land under the provisions of Chapter VI of the Bihar Private Irrigation Works Act, 1922).

There is no prescribed digitized online format in this regard hence Records Maintenance Form 19 (See Rule 21 of the Act) will be applicable.

- (iv) when orders relating to the determination of fair and equitable rent, transfer of holding or a portion thereof or ejectment there from have been passed by the Collector under the provisions of the ¹Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948);

SYNOPSIS

Section 8 (iv) : This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to

- a. orders relating to the determination of fair and equitable rent;
- b. transfer of holding or part thereof
- c. or ejectment there from

under the provisions of the ¹Bihar Privileged Persons Homestead Tenancy Act, 1947.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 20 (See Rule 22 of the Act) will be applicable.

- ²(v) when a holding or a portion thereof has been restored to a former raiyat under the provisions of the Kosi Area (Restoration of Lands to Raiyats) Act, 1951 (Bihar Act XXX of 1951);

- (vi) when a holding or part thereof has been acquired under section 50 of the Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908) or section 53 of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Act XIV of 1949) and possession is given to the applicant;

SYNOPSIS

This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to—

- a. acquisition of land under section 50 of the CNT Act, 1908; and
- b. acquisition of land under section 53 of the Santhal Parganas (Supplementary Provisions) Act, 1949. [Note: this section has been declared ultra vires by Hon'ble Patna High Court.]

There is no prescribed digitized online format in this regard hence Records Maintenance Form 22 (See Rule 24 of the Act) will be applicable.

- ²(vii) when an under-raiyat unlawfully ejected from his tenancy or portion thereof is restored to possession under section 48 of the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973 (Act VIII of 1973); or

¹ Now read Jharkhand Privileged Persons Homestead Tenancy Act, 2000.

holding under the ¹Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948).

²[Explanation.—Collector under this section means Collector under the relevant Acts.]

SYNOPSIS

This section prescribes that it is the statutory duty of the Collector to send notice to Circle Officer with regard to conferment of permanent tenancy upon a privileged tenant under the Bihar Privileged Persons Homestead Tenancy Act, 1947.

³[9. Civil Courts to give notice of acquisition under section 84 of Bihar Act VIII of 1885.—When the acquisition of a holding or part thereof by the landlord has been authorised and the tenant is required by the Civil Court to sell his interest therein under section 84 of the Bihar Tenancy Act, 1885 (Act VIII of 1885), the said Court shall give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

10. Bhoodan Yagya Committee to give notice of settlement of land.—When any land is granted by the Bihar Bhoodan Yagya Committee to any landless person under the ⁴Bihar Bhoodan Yagya Act, 1954 (Bihar Act XXII of 1954), he shall give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated.

SYNOPSIS

This section prescribes that it is the statutory duty of the Bhoodan Yagna Committee to send notice to Circle Officer with regard to settlement of land to any landless person under the ⁴Bihar Bhoodan Yagna Act, 1954.

There is no prescribed digitized online format in this regard hence Records Maintenance Form 24 (See Rule 28 of the Act) will be applicable.

⁵[11. Under-raiyat claiming to have acquired the status of occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 to file application before the Anchal Adhikari.—Every under-raiyat having acquired the status of an occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) shall file application in the prescribed form before the Anchal Adhikari.

⁵[12. Persons claiming interest by partition effected either privately or through court or intestate or testamentary succession, transfer, exchange, agreement, settlement, lease, mortgage, gift or by any other means to file application before the Anchal Adhikari.—After the commencement of this Act in any area every person having interest in a holding or part thereof in that area by partition effected either privately or through court, or intestate or testamentary succession, transfer, exchange, agreement, settlement, lease, mortgage, gift or by

1. Now read Jharkhand Privileged Persons Homestead Tenancy Act.

2. Ins. by Bihar Act 9 of 1983.

3. Not relevant in the context of the State of Jharkhand.

4. Now read Jharkhand Bhoodan Yagna Act, 2000.

5. Subs. by Bihar Act 3 of 1983.

any other means, shall within three months or accrual of such interest file application in the prescribed form before the Anchal Adhikari of the area in whose jurisdiction that land is situated for mutation of his name in respect of that holding or part thereof in the continuous Khatian and the Tenants, Ledger Register and on receipt of such application, the Anchal Adhikari shall grant a receipt to such person.)

SYNOPSIS

1. Persons

2. Partition

1. Persons.—Here 'person' means any person empowered to hold property. It includes legal person also. The scope of the meaning of the term 'person' depends essentially on the connection and the circumstances in which it is used. The definition of 'person' given in Section 3, Clause 39, General Clauses Act, 1897, which is that the word 'person' shall include any company or association or body of individuals, whether incorporated or not. It would be observed that that is a rather wider definition for the purpose of the present Act. In *Hirst v West Riding Union Banking Co.*¹ Starling J. said:

"I will refer to what Lord Blackburn said in *Pharmaceutical Society v London and Provincial Supply Association*² with regard to the meaning of the word 'person' in a statute. And then the Lord Justice makes a quotation from a well known judgment of Lord Blackburn. I will only pick out one sentence from that quotation which is in these words: 'I do think that the presumption that it (the word 'person') does include an artificial person, a corporation, if that is the presumption, is at all a strong one.'

One need to consider the subject matter of the particular enactment in which the word 'person' appears and specially the immediate context in which it is used in order to decide whether that presumption will apply or whether it will not.³

The term 'the person claiming interest' used in the section has been distinguished from a 'person interested'. Under the THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013, Section 3 (x), the expression 'person interested' does not require that a person must really have an interest in the land sought to be required. It is enough if he claims an interest in compensation as distinguished from an interest in property sought to be required.⁴ According to this section person interested means:—

- (i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;
- (ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (iii) a person interested in an easement affecting the land;

1. [1901] 2 KB 560, p.562.

2. [1850] 5 A C 857.

3. *Bharat Abhyudoy Cotton Mills Ltd. v Kameshwar Singh*, AIR 1938 Cal 745.

4. *Amar Singh Yadav v Shanti Devi*, AIR 1987 Pat 191; 1987 PLJR 184(HC).

- (iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and
- (v) any person whose primary source of livelihood is likely to be adversely affected.

2. Partition : Partition is not a transfer in a strict sense. It is an adjustment of the rights of the various members of the family. It implies an interest in different persons in the property to be divided. The term 'partition' in C.P.C., sec. 54 is not confined to the mere division of the lands into the requisite parts, but includes the delivery of the shares to their respective allottees. Family settlement is not synonymous to 'partition'. Unless a family settlement is effected with an intention of bringing an end to the joint status of the family, it cannot be equated to a 'family partition'.¹

This section prescribes the specific ground of mutation viz. partition. Partition means division of property. Partition may take place in following manners:—

- a. **Private partition:** It includes family agreement.
- b. **Partition through Court:** It includes decree passed by a competent court for partition.
- c. **Intestate succession:** It applies when owner of the concerned property dies without will and due to death of owner succession opens.
- d. **Testamentary Succession:** It includes a testament i.e. a probated by a competent Court.
- e. **Exchange of land :** this ground is applicable when and where tenancy law permits or any other law which is in force in the State of Jharkhand permits.
- f. **Agreement:** the Act does explain that what kind of agreement it should be. In absence of such omission we can safely say that a registered agreement for partition or transfer of land is meant by this term.
- g. **Settlement:** It includes the order of the Settlement Courts.
- h. Lease
- i. Mortgage
- j. Gift
- k. Or any other means to file an application.

The list is not complete. The digitized format will be relevant for the present purpose. Some of the above item is missing from the list prescribed by the notification dated 29.7.2020 issued by the Government of Jharkhand.

The period of limitation to file an application is three months or accrual of such interest. Under the Rule 30 of the Act, Form no. 26 is prescribed to apply in Maintenance Records. But digitizations changed the position of the 'Rules' corresponding to the Act. Now the digitized format is permissible and for that purpose period of limitation will be 30 days. In another words, application for mutation should be filed within three months in the digitized format.

In a case, a mutation application was filed on the basis of sale deed executed by the recorded tenant and same was rejected on the ground that there was already an order of mutation in favour of the respondent. But the earlier order of mutation was passed without notice to the recorded tenant. The Hon'ble Patna High Court remanded the case for fresh consideration.¹

In a judgment² the learned Single Judge of the Patna High Court considered case of mutation passed only on the basis of possession refused to interfere with the findings of fact arrived at by the mutation authorities. Section 12 of the Act makes mandatory that persons claiming interest can file an application before the Anchal Adhikari only in the prescribed form.³

The Jharkhand High Court observed that as per Section 12 of the Act of 1973 in certain circumstances mentioned in Section 12 itself, like if any person is claimant interest in a holding or part thereof by way of partition, privately or through court or a intestate land or by virtue of testamentary succession, transfer, exchange agreement, settlement, lease, mortgage, gift or by any other means, then he required to give information to the Anchal Adhikari within the stipulated time.⁴

13. Mukhya, Circle Inspector or Karamchari to report cases of partition, intestate or testamentary succession or acquisition by any other means to the Anchal Adhikari.—A Mukhia, a Circle Inspector or a Karamchari shall, obtain information of cases of partition, intestate or testamentary succession or acquisition or interest by any other means in a holding or part thereof in course of his visits to the villages within his jurisdiction and shall forthwith furnish the same to the Anchal Adhikari in the prescribed form.

SYNOPSIS

General.—This section provides that it is the statutory duty of the Mukhya Circle Inspector and Karamchari to give report after getting information of cases partition, intestate or testamentary succession or acquisition or interest by any other means in a holding or part thereof in course of visits to the villages within the respective jurisdiction and shall give report to the Circle Officer in the prescribed form. Since, digitally no such specific format has been prescribed; therefore Maintenance of Records Form 27 [See Rule 31] will be applicable. This section still relevant as the people of the State are not legally aware by their legal right. The inclusion of this section imposes duty upon the revenue authorities to implement the provisions of the Act. The form shall consist of the following information:—

- a. Name of the person(s)
- b. Mode of acquired interest
- c. Khesra No.
- d. Khata No.
- e. Mouza No.
- f. Thana No. and
- g. Anchal

1. Anil Kumar Tiwari v State of Bihar, (2007) PLJR 273 (Pat.)

2. Depta Tiwari and Ors. v. State of Bihar and Ors., 1987 PLJR 1037.

3. Manohar Lal Jain v State of Jharkhand & Others, 2004(3) JCR, 362

The Jharkhand High Court also observed that "Section 13 cast duty upon Mukhia, Circle Inspector and Karamchari who are required to obtain information of partition, intestate, deliberation of interest, testamentary succession or acquisition of interest or any other means in holding or part thereof then he is to visit the village and the area obviously, the land itself and is required to furnish the information to the Anchal Adhikari in prescribed format."¹

Chapter III Mutation

2[14. Requisition and disposal of Mutation Cases.]—(1) On receipt of notice under sections 4, 5, 6, 7, 8, 9, 10 or an application under sections 11 and 12 or a report under section 13, the Anchal Adhikari shall start a mutation proceeding and after entering it in the mutation case register which shall be maintained in the prescribed form, shall cause such enquiry to be made as may be deemed necessary.

(2) The Anchal Adhikari shall issue a general notice and also give notice to the parties concerned to file objection, if any, within fifteen days of the issue of the notice. On receipt of objection, if any, the Anchal Adhikari shall give reasonable opportunity to the parties concerned to adduce evidence, if any, and of being heard and dispose of the objection and pass such orders as may be deemed necessary.

(3) In cases in which no objections are received the Anchal Adhikari shall dispose them of within one month of the date of expiry of filing objections and in cases in which objections are received, the Anchal Adhikari shall dispose them of in not more than three months from the date of expiry of the period of filing objections.]

SYNOPSIS

1. General 3. Mutation

1. General.—This section was substituted by Bihar Act No. 3 of 1983. This Section prescribes that "on receipt of a notice under Sections 4, 5, 6, 7, 8, 9, 10 or an application under Sections 11 and 12 or a report u/s 13, the Anchal Adhikari shall start a mutation proceeding and after entering it in the mutation case register which shall be maintained in the prescribed form, shall cause such inquiry to be made as may be deemed necessary."³

2. Requisition.—For the purpose of the present Act, the term 'requisition' means a series of inquiries which arise upon an application for mutation filed by the interested party and demand of reports, records and other documents from halka karmchari, mukhia, and other revenue officials.

The Jharkhand High Court observed that the provision of Section 14 of the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973 which provides that in case of requisition made by the party for creating mutation in his favour, an appropriate order would be passed by the Anchal Adhikari (Circle Officer) after inviting objection and deciding the objection, if any, by taking a decision, subject to appeal or revision as provided under Sections 15 and 16 of the Act, 1973.⁴

1. Mahabir Mahito & Ors v State of Jharkhand, 2012(4) JLR 310

2. Subs. by Ibid.

3. Manohar Lal Jain v State of Jharkhand & Others, 2004(3) JCR, 362

4. Md. Sakil Ahmed & Another v State of Jharkhand & Others, (2019) 4 JLR 311

to the State of Jharkhand. The Hon'ble Court observed that the mutation proceeding was disposed of by showing the nature of the land as "gair abad". In the website and this one line reason is not appropriate. The Hon'ble Court directed in following words:

"It needs to refer herein by issuing a direction upon the Secretary, Land and Revenue, Department, Govt. of Jharkhand to issue general direction upon all the Revenue Authorities who have been conferred with the power as contained under Section 14 or 15 or 17 of the Act, 1973 to adjudicate the issue in accordance with law instead of displaying the same on the web-site.

33. The result can be uploaded in the web-site, the result must be based upon the conclusive finding on proper adjudication but as would appear and this Court has got impression that the revenue authority even though has been conferred with the power of the quasi-judicial authorities are not discharging their duties as has been conferred upon them under the statute.

34. In view thereof, the Secretary of the Land Revenue Department, is directed to issue appropriate instructions upon all the revenue authorities of the State of Jharkhand who are dealing with the cases under the provision of Bihar Tenant's Holdings (Maintenance of Records) Act, 1973 to follow the Law strictly and adjudicate the issue in terms of the aforesaid provision."¹

This situation shows the inadequate provision with respect to the digital mode of mutation proceeding. Though the legislature is empowered to make rules under section 29(2) (b) of the Act, which deals with power of making rules with regard to the procedure to be followed in the disposal of mutation proceedings and appeals, but same must be legally sound.²

3. Mutation [See also comments on Sec. 2(m)].—The term 'mutation' may be defined as a significant basic alteration; especially, in property law, the alteration of a land's status.

In a case, the Hon'ble Court observed that Section 14(2) makes it mandatory upon the Circle Officer to issue a general notice and also to issue a notice to the concerned parties to file objections. Thereafter, on receipt of any objections, the Circle Officer is required to give reasonable opportunity to the parties concerned to adduce evidence, if any, and also to give opportunity of being hearing and only thereafter, he can dispose of the objection.³ In this case in which mutation was based on sada hukumnam, the Hon'ble Court held that it is evident that the Circle Officer proceeded to entertain an application which was alien to the statutory provision and acted in a manner which is not contemplated within the statute. Let it be recorded that a Circle Officer is a statutory functionary and each and every act of such a statutory functionary must be within the confines of the statute and any deviation there from must be struck down as being dishonest and illegal. From the provisions of the Act under Sections 14, 15 and 16, it is apparent that an application for mutation has to be filed before the Anchal Adhikari, who shall start the mutation proceeding and shall dispose of the matter at his own level. From Section 15 of the Act it appears that against the said order of the Anchal Adhikari an appeal lies before the Deputy

1. Md. Sakil Ahmed & Another v State of Jharkhand & Others, (2019) 4 JLR 311

2. Ibid.

3. Ibid.

Collector Land Reforms and against an order passed by the Deputy Collector Land Reforms revisions lies before the Collector of the district as per provision of Section 16 of the Act.¹

In a case the Hon'ble Court observed that the "Act for the purpose of maintenance of Government records. The Act does not recognize or confer any title or interest in any property on any person. It only recognizes the person from whom rent is to be realised in respect of lands. It, accordingly, makes provision of Section 14 of the Act to record successions, transfers etc. which effects the State inasmuch as the right of a person from whom the rent is to be realised. Otherwise, it confers no title or interest in any person whatsoever. Section 3 of the Act provides for objection within limited periods to the continuous khatyan once published. Transmutation of names by virtue of purchase or otherwise is not a case which is covered u/s 3 of the Act. It is only covered u/s 14 of the Act. Section 3 of the Act deals with original entries and objections thereto."²

The mutation application is required to be considered and disposed of as per the procedure prescribed under the provisions of the Bihar Tenants Holding (Maintenance of Records) Act, 1973 (hereinafter referred to as 'Act'). The Hon'ble Court observed that u/s 14 of the aforesaid Act at the first instance, the Anchal Adhikari shall issue general notice and also give notice to the parties concerned. The parties shall be given reasonable opportunity to adduce evidence and dispose of the objection if any filed by any of the person objecting to the application. The party aggrieved has remedy of filing a statutory appeal u/s 15 under the Act before the Land Reforms Deputy Collector against the order of the Anchal Adhikari with further remedy of approaching the collector of the District in revision against the appellate order if aggrieved in terms of Section 16 of the Act.³

In another case the land was mutated in favour of petitioners and same, was wrongly recorded in the Consolidation proceeding in the name of State of Bihar. Objections were filed by the petitioners u/s 10(2) of the Consolidation Act and it was duly rectified by the order passed by the Joint Director, Consolidation. Against that order no appeal or revision was preferred by the State of Bihar or any person having any interest. In this view of the matter, the Hon'ble Court held that "the land which has been mutated in the name of the petitioners cannot be said to be the land of the State of Bihar."⁴

The Jharkhand High Court referred a case of Patna High Court and observed that "It is a common ground that when the order of mutation is passed in favour of a person by the Circle Officer. The Deputy Collector is the appellate authority in relation to such an order. Obviously, therefore, the Land Reforms Deputy Collector could not have exercised its original jurisdiction to cancel the *jamabandi* if it was already entered in the name of the petitioner by an order of the Circle Officer, i.e., the authority subordinate to the Land Reforms Deputy Collector. It is now a well-settled principle of law that even as right decision by a wrong form is no decision in the eye of law."⁵

1. Shivnandan Yadav State of Bihar, (2008) 1 PLJR 772

2. Ramji Prasad Singh v State of Bihar, (2008) 3 PLJR 245

3. Kanli Devi & Ors v State of Bihar & ors., (2009) 3 PLJR 554

4. Meena Devi v State of Bihar, (2009) 3 PLJR 354(Pat)

Chapter IV

Appeals, Revision and power to call for Record of any Case

15. Appeals.—(1) An appeal shall lie to the Land Reforms Deputy Collector against the order of the Anchal Adhikari passed under [sub-section (2)] of section 14, if preferred within thirty days of the date of the order appealed against.

SYNOPSIS

1. General.—An appeal, is in the nature of a judicial examination of a decision by a higher Court of a decision of an inferior Court, to rectify any possible error in the order under appeal.² An appeal in legal parlance is held to mean the renewal of a cause from an inferior or subordinate to a superior tribunal or forum in order to test and scrutinize the correctness of the impugned decision.³

The word 'appeal' as appearing in this section is confined only to such appeals as are directly taken against the order passed by the Anchal Adhikari under Section 14(2) of the Act, if preferred within 30 days of the order concerned before the Land Reforms Deputy Collector.

This sub-section prescribes that the order passed by the Anchal Adhikari under section 14(2) is an appealable order. The appeal under this Act can be filed only against the order passed under Section 14(2) of the Act. This sub-section also prescribes 30 days limitation to file an appeal under this section. Mutation proceedings are filed u/s 14 of the Act before the Anchal Adhikari. The provision of appeal is provided u/s 15 of the Act before the Deputy Collector Land Reforms and the said order is final subject to revision u/s 16 of the Act.⁴ In the same case the Hon'ble Court observed that the powers of appeal and revision are statutory in nature and unless they are conferred by the statute, no authority has inherent power of revision or appeal. Under the statutory provision, if power is vested with a particular authority, then that power has to be exercised by that authority and not by any other authority unless by a statutory provision power has been conferred on the other authority by including that authority in the definition clause.

In a case the Jharkhand High Court observed that the original order in connection with mutation is to be passed by the Circle Officer and the Land Reforms Deputy Collector is the appellate authority. The revision lies before the Collector of the District and there is no provision for any second revision or any proceeding before the Commissioner under the aforesaid Act of 1973.⁵

With regard to Condone the delay in filing the appeal, the Jharkhand High Court observed that if "an appeal is preferred before the appellate authority in terms of the provision of Act of 1973, the appellate authority would consider the question of delay sympathetically in the light of the facts noticed herein above."⁶

(2) No order modifying, altering or setting aside any order appealed against shall be passed under this section unless the parties concerned have been given reasonable opportunity of being heard.

1. Subs. by Bihar Act 3 of 1983

2. V.C. Shukla v State Through C.B.I., AIR 1980 SC 962

3. Chautal Workers Co-Operative Transport Society Ltd. V State of Punjab, AIR 1962 Punj 94 at 10

4. Kapildeo Singh v State of Bihar, (2003) 2 PLJR 431

5. Chandrati Devi State of Jharkhand, W P (c) No. 4704 of 2013 Decided on : 07-12-2018

Collector Land Reforms and against an order passed by the Deputy Collector Land Reforms revisions lies before the Collector of the district as per provision of Section 16 of the Act.¹

In a case the Hon'ble Court observed that the "Act for the purpose of maintenance of Government records. The Act does not recognize or confer any title or interest in any property on any person. It only recognizes the person from whom rent is to be realised in respect of lands. It, accordingly, makes provision of Section 14 of the Act to record successions, transfers etc. which effects the State inasmuch as the right of a person from whom the rent is to be realised. Otherwise, it confers no title or interest in any person whatsoever. Section 3 of the Act provides for objection within limited periods to the continuous khatyan once published. Transmutation of names by virtue of purchase or otherwise is not a case which is covered u/s 3 of the Act. It is only covered u/s 14 of the Act. Section 3 of the Act deals with original entries and objections thereto."²

The mutation application is required to be considered and disposed of as per the procedure prescribed under the provisions of the Bihar Tenants Holding (Maintenance of Records) Act, 1973 (hereinafter referred to as 'Act'). The Hon'ble Court observed that u/s 14 of the aforesaid Act at the first instance, the Anchal Adhikari shall issue general notice and also give notice to the parties concerned. The parties shall be given reasonable opportunity to adduce evidence and dispose of the objection if any filed by any of the person objecting to the application. The party aggrieved has remedy of filing a statutory appeal u/s 15 under the Act before the Land Reforms Deputy Collector against the order of the Anchal Adhikari with further remedy of approaching the collector of the District in revision against the appellate order if aggrieved in terms of Section 16 of the Act.³

In another case the land was mutated in favour of petitioners and same, was wrongly recorded in the Consolidation proceeding in the name of State of Bihar. Objections were filed by the petitioners u/s 10(2) of the Consolidation Act and it was duly rectified by the order passed by the Joint Director, Consolidation. Against that order no appeal or revision was preferred by the State of Bihar or any person having any interest. In this view of the matter, the Hon'ble Court held that "the land which has been mutated in the name of the petitioners cannot be said to be the land of the State of Bihar."⁴

The Jharkhand High Court referred a case of Patna High Court and observed that "It is a common ground that when the order of mutation is passed in favour of a person by the Circle Officer. The Deputy Collector is the appellate authority in relation to such an order. Obviously, therefore, the Land Reforms Deputy Collector could not have exercised its original jurisdiction to cancel the *jamabandi* if it was already entered in the name of the petitioner by an order of the Circle Officer, i.e., the authority subordinate to the Land Reforms Deputy Collector. It is now a well-settled principle of law that even as right decision by a wrong form is no decision in the eye of law."⁵

1. Shivnandan Yadav State of Bihar, (2008) 1 PLJR 772

2. Ramji Prasad Singh v State of Bihar, (2008) 3 PLJR 245

3. Kanti Devi & Ors v State of Bihar & ors., (2009) 3 PLJR 554

4. Meena Devi v State of Bihar, (2009) 3 PLJR 354(Pat)

Chapter IV

Appeals, Revision and power to call for Record of any Case

15. Appeals.—(1) An appeal shall lie to the Land Reforms Deputy Collector against the order of the Anchal Adhikari passed under [sub-section (2)] of section 14, if preferred within thirty days of the date of the order appealed against.

SYNOPSIS

1. General.—An appeal, is in the nature of a judicial examination of a decision by a higher Court of a decision of an inferior Court, to rectify any possible error in the order under appeal.² An appeal in legal parlance is held to mean the renewal of a cause from an inferior or subordinate to a superior tribunal or forum in order to test and scrutinize the correctness of the impugned decision.³

The word 'appeal' as appearing in this section is confined only to such appeals as are directly taken against the order passed by the Anchal Adhikari under Section 14(2) of the Act, if preferred within 30 days of the order concerned before the Land Reforms Deputy Collector.

This sub-section prescribes that the order passed by the Anchal Adhikari under section 14(2) is an appealable order. The appeal under this Act can be filed only against the order passed under Section 14(2) of the Act. This sub-section also prescribes 30 days limitation to file an appeal under this section. Mutation proceedings are filed u/s 14 of the Act before the Anchal Adhikari. The provision of appeal is provided u/s 15 of the Act before the Deputy Collector Land Reforms and the said order is final subject to revision u/s 16 of the Act.⁴ In the same case the Hon'ble Court observed that the powers of appeal and revision are statutory in nature and unless they are conferred by the statute, no authority has inherent power of revision or appeal. Under the statutory provision, if power is vested with a particular authority, then that power has to be exercised by that authority and not by any other authority unless by a statutory provision power has been conferred on the other authority by including that authority in the definition clause.

In a case the Jharkhand High Court observed that the original order in connection with mutation is to be passed by the Circle Officer and the Land Reforms Deputy Collector is the appellate authority. The revision lies before the Collector of the District and there is no provision for any second revision or any proceeding before the Commissioner under the aforesaid Act of 1973.⁵

With regard to Condone the delay in filing the appeal, the Jharkhand High Court observed that if "an appeal is preferred before the appellate authority in terms of the provision of Act of 1973, the appellate authority would consider the question of delay sympathetically in the light of the facts noticed herein above."⁶

(2) No order modifying, altering or setting aside any order appealed against shall be passed under this section unless the parties concerned have been given reasonable opportunity of being heard.

1. Subs. by Bihar Act 3 of 1983

2. V.C. Shukla v State Through C.B.I., AIR 1980 SC 962

3. Chautai Workers Co-Operative Transport Society Ltd. v State of Punjab, AIR 1962 Punj 94 at 10

4. Kapildeo Singh v State of Bihar, (2003) 2 PLJR 431

5. Chandrati Devi State of Jharkhand, W P (c) No. 4704 of 2013 Decided on : 07-12-2018

This sub-section prescribes that no order under this section can be modified, alter or set aside unless the parties concerned have been given a reasonable opportunity of being heard. The inclusion of the term 'reasonable opportunity of being heard' is the outcome of the principle of natural justice or *jus natural*. In the context of present section principle of *audi alteram partem* which means 'hear the other side' is relevant. This maxim includes two elements: (i) Notice; and (ii) Hearing under the present section, the Land Reforms Deputy Collector is required to issue a notice to show cause against the proposed action and seek his explanation. It is a *sine quo non* of the right of fair hearing. Any order passed without giving notice is against the principles of natural justice and is void *ab initio*.¹

In a case the Jharkhand High Court observed and set aside the order of the Land Reforms, Deputy Collector, who has passed the impugned order without giving an opportunity of hearing to the petitioners and has no authority under law to cancel the *jamabandi* running in the name of the petitioners under the provisions of Bihar Tenant's Holding (Maintenance of Record) Act, 1973.²

The Jharkhand High Court observed in a case that application in connection with mutation/payment of rent/ issuance of rent receipts has to be filed before the Circle Officer and has to be disposed of by the said authority. The appellate authority is Land Reforms Deputy Collector and the revisional authority is the Collector of the district under the aforesaid Act of 1973.³

In another case the Jharkhand High Court held that there is forum for appeal and revision provided under Sections 15 and 16 of the Act respectively hence writ petition is not maintainable.⁴ The Jharkhand High Court set aside the order of the Additional Collector who heard an appeal and passed under the Act with observation that the Additional Collector has no jurisdiction to entertain the appeal under the Act.⁵ In a case the Additional Collector directed for correction of *jamabandi* opened without giving an opportunity to hear opposite side. The Hon'ble Court set aside the impugned order as passed without jurisdiction and violative of the principles of natural justice.⁶

In a case the Hon'ble Patna High Court observed and held⁷ that even though entry of name in revenue records neither create nor destroy any right, title or interest of any person in relation to any property, it does create a cloud on his right to enjoyment as against the third party. This cloud acts to his prejudice and to his detriment. He has an expectation to continue to be recorded as such and deprivation of that expectation itself without hearing would be enough prejudice. This aspect of the matter has been considered by the Apex Court in the case of *S.L. Kapoor vs. Jagmohan & Ors.*⁸ in detail and the said decision covers and supports the submission

1. Municipal Board, Pushkar v State Transport Authority, AIR 1965 SC 458; 1963 Supp (2) SCR 373

2. Narayan Prasad Khedia v State of Jharkhand, (2019) 1 JCR 159

3. Chitranjan Das Mahto v State of Jharkhand, (2019) 1 JCR 393

4. Shakuntala Devi v State of Jharkhand, (2017) 4 JBCJ 250; (2017) 3 JLJR 687

5. Harivarsh Choudhary v State of Jharkhand, (2020) 1 JLJR 197

6. Braj Kishore Pathak v State of Bihar, (2006) 2 BBCJ 302 (Pat).

7. Kripa Narayan Singh v State, (2007) 3 PLJR 278 (Pat).

8. AIR 1981 SC 136; (1980) 4 SCC 379; (1981) 1 SCR 746

a name can be deleted from revenue records showing a person to be the tenant, the person in law is to be noticed and given a chance of hearing. Denial of that right is a prejudice sufficient to hold that the order having been passed in violation of principle of natural justice was an order which was void *ab initio* and non est. Thus on the face of it the order of the Anchal Adhikari cannot be supported as it is void *ab initio*.

(3) Subject to the provisions of section 16, the order of the Land Reforms Deputy Collector on appeal shall be final.

SYNOPSIS

This sub-section prescribes that the order of the Land Reforms Deputy Collector shall be final subject to the provisions of section 16 which provide Revision by Collector. This sub-section was substituted by Bihar Act 3 of 1983. Additional Collector has not been vested with power under section 16 of the Act. Hence the order passed by the appellate authority can be quashed only in exercise of revisional jurisdiction. The Hon'ble Patna High Court held that the order passed by the DCLR can be treated as final, if it is not challenged by filing revision before appropriate forum.²

16. Revision.—The Collector of the district may, on an application made to him in this behalf or for the purpose of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by any authority or officer call for and examine the record of any case pending before or disposed of by such authority or officer and pass such order as he thinks fit.

Provided that the Collector shall not entertain any application from any person, aggrieved by any order, unless it is made within thirty days from the date of the order.

Provided further that no order modifying, altering, or setting aside, any order made by such authority or officer shall be passed by the Collector unless the parties concerned have been given a reasonable opportunity of being heard.

SYNOPSIS

1. General

2. Limitation

3. Any Order

4. Second Proviso

1. General.—A bare reading of the provision of Section 16 of the Act shows that the word used in Section 16 is not the Collector as defined in Section 2(c) of the Act but it provides that the revision will lie before the Collector of the district. The legislature with the clear intention has provided this power to be exercised by the Collector of the district itself and by no other authority.³ The Hon'ble Court held that the revision will lie only before the Collector of the district.⁴ Same view has been expressed in another case.⁵ In *Shankar Shukla vs. State and Others*,⁶ wherein it has been held that the power u/s 16 of the Act can be exercised only by the Collector of the District as mentioned in the section itself. Same view was taken in *Arun Kumar Sinha and Another v. Suresh Prasad and Others*.⁷

1. Subs. by Bihar Act 3 of 1983.

2. Sadanand Yadav v State of Bihar, (2008) 1 BLJ 185 (Pat).

3. Kapildas Singh v State of Bihar, (2003) 2 PLJR 431

4. Ibid

5. Shivnandan Yadav v State of Bihar & Others, (2006) 1 BBCJ 244; (2006) 1 PLJR 772

6. (2000) 3 PLJR 839

7. (1997) 2 PLJR 996

In another case Hon'ble Patna High Court observed that u/s 2(a) of the Act the word "Collector" also includes the Additional Collector and the power vested to the Collector under the Act can be exercised also by the Additional Collector. So far the language of Section 16 is concerned, it has specifically been mentioned that the Collector of the district will exercise jurisdiction u/s 16 of the Act. When the word Collector has been specified u/s 16 as the Collector of the District in that case the Additional Collector cannot exercise jurisdiction u/s 16 of the Act and any order which has been passed by the Additional Collector as the revisional authority is illegal, without jurisdiction and fit to be quashed.¹

In a case the Jharkhand High Court considered a question that whether zamabandi running in favour of the petitioner for more than a decade could be cancelled at the instance of the respondents who claimed their title over the property on the basis of purchase under revisional jurisdiction? The Hon'ble Court observed and held that "In such circumstances the revisional authority was not justified in passing impugned order for cancellation of zamabandi running in the name of the petitioner. At best, revisional authority could have asked the respondents to go to the civil Court for adjudication of their title and possession. It is well settled that zamabandi running in the name of particular person for several years can not be cancelled at the instance of the claimant in summary proceeding. The proper course for the claimant is to move to civil Court of competent jurisdiction for proper relief."²

The Jharkhand High Court held and observed in another case that revisional power can only be exercised by the Collector of the district.³

In another case the Jharkhand High Court set aside the order of the Additional Collector by holding that Additional Collector was never empowered to exercise the power of revision under Section 16 of the Act.⁴ Same view has been expressed in *Ratanlal Mahto v State of Jharkhand & Ors.*⁵

*Harihar Singh's case*⁶ is a direct authority for the proposition that there is no authority given to the Collector under the Bihar Land Reforms (now read Jharkhand Land Reforms) Act to cancel a *Jamabandi* made in favour of a settler from the ex-intermediary as also for the proposition that the Anchal Adhikari and the Karamchari were competent to make necessary entries in the tenants' register and open *Jamabandi* and fix rent in relation to such a settled land in favour of the settler.⁷

Hon'ble Patna High Court held⁸ "It is a common ground that when the order of mutation is passed in favour of a person by the Circle Officer. The Deputy Collector is the appellate authority in relation to such an order. Obviously, therefore, the Land Reforms Deputy Collector could not have exercised its original jurisdiction to cancel the *Jamabandi* if it was already entered in the name of the petitioner by an order of the Circle Officer, i.e., the authority subordinate to the Land Reforms Deputy Collector. It is now a well-settled principle of law that even as right decision by a wrong form is no decision in the eye of law."

1. *Yogesh Chaturvedi v State of Bihar & Others*, (2005) 2 PLJR 629

2. *Dilip Kumar Mahto v State of Bihar and Others*, CWJC No. 75 of 1999 (R) Decided on : 16. 1. 2001

3. *Abdul Majid v State of Jharkhand*, (2017) 4 JBCJ 624 : (2017) 4 PLJR 317

4. *Neela Devi v State of Jharkhand*, (2018) 3 JCR 67

5. (2018) 2 JCR 600

6. 1978 BBCJ (HC) 323.

7. *Khilru Gope v Land Reforms Deputy Collector, Jamul*, (1983)

8. *State of Bihar v. B. A. Prasad Choudhary*, (1983) 1 PLJR 629

In a case mutation proceeding commenced much before the coming into force of the present Act of 1973. The Hon'ble Court held in accordance with the executive instruction which were in force at that time, the revisional order passed by the Additional Collector and not by the Collector of the district provided under the Act, cannot at least be completely without jurisdiction.¹

In another matter the Petitioner challenges the revisional order primarily on the ground of jurisdiction. It is submitted that the power of revision u/s 16 of the Act has been conferred on the Collector of the District and that is capable of only one meaning and that does not include Additional Collector or a Deputy Collector etc. Hon'ble Court observed that "the distinction between the Collector under the Act, that is to say, as defined in the definition clause of the Act and the Collector of the district is well established and there is no scope of any controversy on that score."² This section confers revisional jurisdiction only upon the Collector of the District and not to the Additional Collector or any other authority.³ The Hon'ble Court remitted back the impugned order to the collector for disposing of the appeal⁴ on the ground that same was passed without jurisdiction.

2. Limitation.—The first proviso to this section prescribes period of limitation for filing revision application before the Collector against any order passed under this Act or passed under the corresponding Rules. This period is thirty days from the date of the order.

3. Any Order.—The expression 'any order' used in the opening of section and in the first proviso of the section of the Act indicates that all orders made by the Circle Officer and Land Reforms Deputy Collector passed under the Act. 'Any order' does not include interlocutory order or order by which proceedings are initiated. The term 'any order' comprehends appealable as well as non-appealable orders.⁵ 'An order' includes the order passed under section 3 of the Act also.

Second Proviso.—It is well established that the normal function of a proviso is to except something out of the enactment or to qualify something enacted therei which but for the proviso would be within the purview of the enactment.⁶ The second proviso prescribes that the Collector shall not pass any order for modification, alteration and set aside any order under this section unless the parties concerned have been given a reasonable opportunity of being heard. It is the duty of the courts of justice to try to get the real intention of the legislature. Therefore the inclusion of the phrase 'reasonable opportunity of being heard' makes it mandatory and directory both the the Collector should follow the principle of natural justice to decide an issue under this section.

17. ⁷[x x x]

1. *Ghanshyam Mandal v State of Bihar*, (2003) 1 PLJR 460 (Pat)

2. *Most Babuni Devi v State of Bihar*, (1997) 2 PLJR 404 (Pat)

3. *Dulari Devi v State of Bihar & Others*, (2005) 2 PLJR 688 (Pat)

4. *Indradeo Yadav v State of Bihar*, (2003) 3 PLJR 974 (Pat)

5. *Sankar Menon v Gowrikutty Amma*, AIR 1978, Ker 211, 214

6. *Nagar Palika Nigam v Krishna Upaj Mandi Samiti*, AIR 2009 SC 187 para 6: (2008) 12 SCC 364

Correction of continuous Khatian and Tenants' Ledger Register

18. Correction of continuous khatian and Tenants' Ledger Register.—After the expiry of the period of appeal fixed under clause (iii) of sub-section (4) of section 15 of revision under section 16 and in case an appeal or revision has been preferred after the disposal of such appeal or revision, the Anchal Adhikari shall cause to be made necessary correction in the prescribed manner in the Continuous Khatian and Tenants' Ledger Register; and, forward copies of the corrected entries thereof to the Sub-divisional Officer and the Collector who shall get the copies of the said registers corrected accordingly.

SYNOPSIS

1. General

1. General.—This section prescribes the limitation for the correction in Continuous Khatian and Tenant's Ledger Register. This section confers statutory duty upon the Circle Officer to correct the entry in Continuous Khatian and in the Tenant's Ledger Register as per the order—

i. Passed by the Land Reforms Deputy Collector under clause (iii) of Section 15 (4); and

ii. Passed by the Collector under section 16 of the Act.

2. Prescribed Manner

2. Prescribed Manner.—The term 'prescribed manner' means the manner prescribed under Rule 36 of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976. It prescribes that after expiry of period of appeal under section 15 or revision under section 16 and in case where appeal or revision has been filed after decision of appeal or revision, the Circle Officer, if necessary, shall get necessary correction made in red ink in the entries of continuous khatian and Tenant's Ledger and shall put his signature near the corrected entry and shall put his dated signature below it. But in the digital format of continuous khatian and tenant's Ledger Register, there is no such column. Instead of making correction with red ink and signature below it, there is a provision of correction slip only. Now, it is also desirable that the Circle Officer will forward the corrected entries made in the registers to the Sub Divisional Officer and the Collector.

19. Presumption of correctness of entries in Continuous Khatian and Tenants' Ledger Register.—Every entry in the Continuous Khatian and Tenants' Ledger Register finally published under clause (i) of sub-section (4) of section 3—

- (i) shall be an evidence of the matter referred to in such entry, and
- (ii) shall be presumed to be corrected until it is proved by evidence to be incorrect in the following proceedings—
 - (a) in a proceeding in a Civil Court of competent jurisdiction, or
 - (b) in a proceeding under Chapter X of the Bihar Tenancy Act, 1885 (Act VIII of 1885), or Chapter XII, of the Chotanagpur Tenancy Act, 1908 (Act VI of 1908) or under the Santhal Parganas Settlement Regulations, 1872 (Regulation 3 of 1872) or the Bihar Consolidation of Holdings and Prevention of Fragmentation Act,

1956 (Bihar Act 22 of 1956) in any area where the State Government has made an order directing that a survey be made and a record of rights be prepared in respect of the lands in that area, and in pursuance of such an order survey and settlement operation is already in progress.

SYNOPSIS

This section presumes the correctness of entries made in the continuous khatian and Tenant's Ledger Register on consideration of territorial nexus according to the tenancy laws applicable in the State.

The Jharkhand High Court observed that Section 19 says that every entry in the Continuous Khatian and Tenants' Ledger Register finally published under clause (iii) of sub-section (4) of Section 3 shall be an evidence of the matter referred to in such entry, and as per sub-clause (ii), shall be presumed to be corrected until it is proved by evidence to be incorrect in the proceedings referred in clauses (a) and (b) of this Section which includes, proceeding in a Civil Court of competent jurisdiction as well as in other proceedings under various provisions of Bihar Tenancy Act, 1885, Chhotanagpur Tenancy Act, 1908, Santhal Paragana Settlement Regulations, 1872 and the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.¹

Chapter VI

Supply of Khata Pustika to Tenants

20. Supply of Khata Pustika to tenants on payment of fee.—(1) It shall be obligatory upon every tenant whose name is entered in the Continuous Khatian and the Tenants' Ledger Register prepared under section 3 of the Act to obtain a Khata Pustika in respect of his holding in a village which shall be provided to him by the Anchal Adhikari on payment of such fee as may be prescribed, within the time prescribed by the Anchal Adhikari.

(2) The Khata Pustika shall contain the following particulars and have provision for making necessary entries relating to such particulars in future—

- (i) relevant extracts of the Continuous Khatian and the Tenant's Ledger Register in respect of the lands held by the tenant,
- (ii) demand and realisation of rent and cesses,
- (iii) loans advanced by Government or other financial institutions together with re-payment made, and
- (iv) events of partition, succession and transfer of land.

(3) The Khata Pustika shall be produced by the tenant before the Anchal Adhikari for updating every year in accordance with time schedule between 15th April and 30th June and the Anchal Adhikari, shall after updating the same, return it to the tenant within seven days from the date it is produced before him:

Provided that the Khata Pustika shall, on application at any other time before the Anchal Adhikari and on payment of prescribed fee by the tenant, be corrected in accordance with the latest entries in the continuous Khatian and the Tenant's Ledger Register.)

1. Mahabir Mahto & Ors v State of Jharkhand & Ors, (2012) 4 JLR 210

2. Subs. by Bihar Act 3 of 1983.

SYNOPSIS

1. Khata Pustika
2. Particulars of Khata Pustika
3. Sub-section 3

1. Khata Pustika (or Tenant Booklet).—This section was substituted by Bihar Act 3 of 1983. It prescribes that it is the duty of the tenant whose name is entered in continuous *khatian* and the Tenant's Ledger Register prepared under section 3 of the Act to procure khata pustika in respect of his holding. A booklet containing ownership records with other details on the basis of Register II and the records of right prepared by the survey and settlement operation supported by spot verification is called "Khata-Pustika". It is one of the major works of the Revenue Administration to hand over "Khata-Pustika" to the *raiya*s as early as possible. The khata pustika shall be in two parts. In first part details of land of every khata of concerned *raiya* shall be entered on the basis of continuous *khatian*. In second part, details of demand and collection of rent, payable by the tenant shall be noted. [See Rule 37(4) of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976.]

Under Section 20(1) Tenant booklet shall be in Form No. 20 as prescribed under Rule 37 of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976. In absence of digital format this Form No. 20 will be applicable.

2. Particulars of Khata Pustika.—Sub-section (2) of this section prescribes that khata pustika shall contain following particulars:

- i. relevant extracts of the continuous *khatian* in respect of the holding of the tenant;
- ii. relevant extracts of the Tenant's Ledger Register in respect of the holding of the tenant;
- iii. demand of rent and cesses;
- iv. realization of rent and cesses;
- v. loans advanced by Government or other financial institution together with re-payment made: In this context it will be relevant to point out that no such column has been created by the legislature in which loans advanced by the Government or financial institution together with re-payment may be entered. Even in digital format, no such column has been created. Moreover, this Act is silent about the purpose and mode of Government loan may be taken by the tenant. But here loan means
 - a. loan taken for the purpose of construction of house from the Government and other financial institution;
 - b. Agricultural loan; and
 - c. Other loans which a tenant can take on the basis of land and it includes mortgage also as prescribed under the CNT Act, 1908 and SPT (Supplementary Provisions) Act, 1949.
- vi. a. Events of partition;
- b. Events of succession
- c. Events of transfer of land

3. Sub-section (3).—This sub-section confers statutory duty upon the tenant to produce khata pustika before the Circle Officer for updating every year in accordance with time schedule between 15th April and 30th June. The Circle Officer will return khata pustika to the tenant within seven days from the date it is produced before him. But the proviso to this sub-section prescribes that the tenant may submit khata pustika along with an application for updation on payment of prescribed fee. Circle officer will enter latest entries in continuous *khatian* and the tenant's ledger register.

Chapter VII**Miscellaneous**

21. Certified copies and information.—Subject to such rules and on payment of such fee as the State Government may from time to time prescribe in this behalf informations and certified extract from and certified copies of the Continuous Khata and the Tenants' Ledger Register shall be given to persons applying for the same the prescribed Form.

SYNOPSIS

This section prescribes that information, certified extract and certified copy of continuous *khatian* and Tenant's Ledger Register shall be given after payment of fee prescribed by Government from time to time and on the rates mentioned in Record Manual. [See Rule 38 of the Bihar Tenant's Holdings (Maintenance of Records) Rules, 1976]

22. Power to prescribe fee for mutation.—(1) The State Government prescribe proper fee for application for mutation in the continuous *khatian* and Tenant's Ledger Register, which fee shall be paid by affixing court fee stamp on the application for mutation.

SYNOPSIS

This section empowers the State Government to prescribe fee for application of mutation in the continuous *khatian* and Tenant's Ledger Register. This section prescribes that such fee shall be paid by affixing court-fee stamp on the application for mutation. But now, the mode of payment of fee changed due to online filing of mutation. Now e-payment is required.

In a case the revenue authority refused to mutate of land purchased by Petitioner through registered sale-deed only on the ground that the sale deeds registered outside the State of Bihar in a Presidency Town as per provisions in Sec 30(2) of the Indian Registration Act, 1908. The Hon'ble Court allowed the Petitioner's prayer for mutation over the lands purchased by him on the condition that Petitioner as agreed, shall pay the differences in the stamp duty. And directed the Circle Officer to consult the registration authorities and make a demand with regard to difference in stamp duty from the Petitioner.¹

23. Registering Authority not to register any document unless the Khata Pustika is produced.—(1) After the commencement of the Bihar Tenants' Holdings (Maintenance of Records) (Amendment) Act, 1983 no Registering Authority

...by way of sale, exchange, mortgage, lease, partition, gift, agreement or otherwise of a holding or part thereof unless the Khata Pustika in respect of the holding concerned is produced by the transferor before the Registering Authority along with the instrument of transfer.

(2) The Registering authority shall return the Khata Pustika to the transferor the same day after making necessary entries therein.

24. Penalty.—If any person requires to file application under section 11 or 12, wilfully or intentionally omits to give such notice in the prescribed manner, he shall be liable to be punished by the Collector, with a fine not exceeding five times the amount of the fee, which would otherwise have been payable under section 22 or when no fee is leviable with fine not exceeding such amount as the State Government may prescribe.

SYNOPSIS

The term 'person' means persons claiming interest who files an application for mutation before the Circle Officer. This section prescribes that a person who wilfully or intentionally omits to give notice in prescribed manner shall be liable to be punished by the Collector. Under this section only Collector is empower to impose penalty.

25. Authorities under this Act to have power of Civil Court.—While making enquiries and conducting proceeding under this Act, the Collector, the Land Reforms Deputy Collector, the Anchal Adhikari ¹[x x x] shall have the same powers in matter of admission of evidence, summoning and enforcing the attendance of any person and examining him on oaths, compelling the production of documents and award of costs, as are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908).

SYNOPSIS

General.—This section prescribes that the Collector, the Land Reforms Deputy Collector and the Circle Officer, all holds the power of civil court in following matters—

1. admission of evidence
2. issue summon to the interested parties
3. enforcing the attendance of the interested parties
4. examination of witness on oath
5. production of documents; and
6. award of the cost.

26. Inquiries and proceedings to be judicial proceedings.—All inquiries and proceeding under this Act before ²[x x x] Collector and Land Reforms Deputy Collector, the Anchal Adhikari ³[x x x] shall be deemed to be Judicial Proceedings for the purpose of sections 193, 196 and 228 of the Indian Penal Code, 1860 (Act XLV of 1860).

SYNOPSIS

General.—This section prescribes that all enquiries and proceedings under this Act before the—

1. Collector;
2. Land Reforms Deputy Collector; and
3. Circle Officer

1. Omitted by Bihar Act 3 of 1983.

2. Words "and Sarpanch" omitted by ibid.

3. Word "Commissioner" omitted by ibid.

and 228 of the IPC.

27. Court fee.—Every application, memorandum of appeal or application for revision under this Act shall bear Court fee stamp of such value as may be prescribed.

SYNOPSIS

Now, court fee for—

1. Application before Circle Officer for mutation, under section 3
2. Memorandum of appeal under section 15 before the Land Reforms Deputy Collector; and
3. Revision application before the Collector under section 16;
4. Application under section 21 of the Act and all other application to be filed under this Act

should be paid through e-stamp as only online e-application are maintainable.

28. General direction, control and superintendence of the Collector etc.—The Land Reforms Deputy Collector, and the Anchal Adhikari ¹[x x x] shall in performance of their duties and in the exercise of their powers under this Act, be under the general direction, control and superintendence of the Collector of the district, the Commissioner and the Board of Revenue.

SYNOPSIS

This section prescribes that the Land Reforms Deputy Collector and the Circle officer will perform their duties exercise their powers under the Act under the general direction, control and superintendence of—

- a. Collector of the District,
- b. Commissioner; and
- c. The Board of Revenue.

These general directions may be executive instructions and notifications issued by the Government in this behalf.

29. Power of State Government to make rules.—(1) The State Government may make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely—

- (a) the mode of service of any order or notice issued under the Act;
- (b) the procedure to be followed in the disposal of mutation proceedings and appeals;
- (c) the manner of correction of the Continuous Khata, the Tenants Ledger Register, and the Khata Pustika;
- (d) the value of Court fee stamps which every application, memorandum of appeal or application for revision under this Act, shall bear, and
- (e) any other matter which is to be, or may be required to be prescribed.

¹ Omitted by Bihar Act 3 of 1983.

(3) Every rule under this section shall be laid, as soon as may be, after it is laid before each House of State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before expiry of the session in which it is so laid or the session immediately following both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SYNOPSIS

This section confers powers on State Government to make rules which are consistent to the provisions of this Act and which carry out the purposes of this Act. Under this section, the State Government issued a notification dated 29.7.20, Gyapank 1857/0 by the Department of Revenue, Registration and Land Reforms of the Govt. of Jharkhand to carry out the purposes of the Act in digital format.

130. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require by order, do anything or direct anything to be done not inconsistent with the provisions of this Act which appears to be necessary for the purpose of removing the difficulty.

SYNOPSIS

This section empowers the State Government to pass an order(s), directions which are consistent with the provisions of this Act and appears to be necessary for the purpose of removing the difficulty.

31. Act not to prevail over other laws.—The provisions of this Act shall be in addition to and not in derogation of any of the provisions contained in any other law for the time being in force.

SYNOPSIS

In a Letters Patent Appeal, the Hon'ble Patna High Court held that the provisions of the Consolidation Act has an overriding effect over the provisions of 1973 Act and the orders passed by the competent statutory authorities under the Consolidation Act, cannot be nullified or set aside by any order passed by any authority in a collateral proceeding arising out of 1973 Act.²

1. Subs. by Bihar Act 3 of 1983.

2. Ram Bahadur Choudhary v State of Bihar. (2010) 1 PLJR 5

Bihar Tenants' Holdings (Maintenance of Records) (Amendment) Act, 1982 (Extracts)

[Bihar Act 3 of 1983]

An Act to amend the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973.

Be it enacted by the Legislature of the State of Bihar in the Thirty Third Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Bihar Tenants' Holdings (Maintenance of Records) (Amendment) Act, 1982.

(2) It extends to the whole of the State of Bihar.

18. Repeal and saving.—(1) The Bihar Tenants' Holding (Maintenance of Record) (Amendment) Ordinance, 1982 (Bihar Ordinance 62 of 1982) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act, as if this Act were in force on the day on which such thing or action was done or taken.

1. This Act received the assent on 18.10.1982 and was published in the Bihar Gazette (ex-ord.) date

The Bihar Tenants' Holding (Maintenance of Records) Rules, 1976

S.O. 1617, dated 18th October, 1976.—In exercise of the powers conferred by Section 29 of the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973 (Act 28 of 1975), the Governor of Bihar is pleased to make the following rules, namely—

Chapter I

Introduction

1. Short title and commencement.—(1) These rules may be called the Bihar Tenants' Holding (Maintenance of Record) Rules, 1976.

(2) They shall come into force in the areas of the State in which and from the date on which the Act is made applicable.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context—

- (a) "This Act" means the Bihar Tenants' Holding (Maintenance of Records) Act, 1973 (Bihar Act XXVIII of 1975);
- (b) "Form" means a form set out in the Schedule of these rules;
- (c) "Section" means a section of the Act;
- (d) all words and expressions used in these rules and not defined in the rules but defined in the Act, shall respectively have the same meaning as assigned to them in the Act.

Chapter II

Process of personal service of notice or summons

3. Mode of service of notice or order.—(1) Unless otherwise provided in the Act or prescribed in these rules any notice or summons required to be served under the provisions of the Act shall be served by delivering, tendering a copy thereof, duly signed and sealed to the person on whom it is to be served or to his duly authorised agent through registered post with acknowledgment due.

(2) The posting of the notice or order shall be sufficient proof of the service of such notice or order on the person concerned.

(3) Where the person to be served with such notice or order under the Act is a minor or person of unsound mind, the service shall be in aforesaid manner on the guardian of such minor or person of unsound mind, as the case may be.

Chapter III

Continuous Khatian and Tenants' Ledger

4. Preparation of registers and their maintenance.—Anchal Adhikari shall maintain Continuous Khatian and Tenants' Ledger under sub-section (1) of Section 3. Anchal Adhikari shall keep maintainable Continuous Khatian and Tenants' Ledger in Forms 1 and 2 as prescribed in the Schedule of the rules.

Village Map under Section 3 by the Anchal Adhikari.—(1) In order to prepare and maintain the Continuous Khatian, Tenants' Ledger and Village Map up-to-date, the Karamchari shall inspect every plot of each village of his Halka by going to the spot.

(2) **Copy of Village Map for correction.**—The Karamchari will not show any change in last survey map of the map supplied after completion of consolidation of holdings. He will ordinarily trace the map to show the changes found at the time of inspection, but if the map has been printed, he will obtain a printed copy of the map. He will use this map to show the changes till it is found workable. When it becomes unusable due to large number of changes incorporated in it or due to excessive use, then the Karamchari, after obtaining approval from the Circle Inspector will prepare a new map on its basis and will show the ridges of the plots as found on the spot and will not show those ridges which have disappeared. The Karamchari will deposit the old map with the Circle Inspector and then the Circle Inspector will put his signature on the new map after checking it in token of his verification.

(3) **Procedure for correction map.**—(i) During his each tour of inspection, the Karamchari shall verify each plot with the map and after necessary measurement, he will make a note of all the changes in the configuration of plots and also other changes, if any. In the field it shall be shown in pencil but later, it shall be inked up in red. If any plot is found divided in 2 or more parts then he shall note a separate 'Bata' number for each such parts in which he shall note the main plot number above the line and the number of sub-plot below the line. In case the sub-plots are under the cultivating possession of the same tenants, held under the same status, no separate numbering shall be made. In such cases the plots shall be shown by broken lines. As and when the sub-plots are amalgamated and assume the shape of last final survey plots or consolidation plot, such 'Bata Number' shall be cancelled and the original plot number shall again be noted.

(ii) If it is deemed necessary to make a detailed survey of a village to make necessary correction in the map, the Karamchari shall report to the Circle Inspector for use of necessary instruments and other necessary help. This could be done before the 21st October of the year in which detailed survey has been found necessary. During such detailed survey, procedures adopted in major settlement operation shall be followed.

Note.—To Collector of the district may postpone annual verification of flats and consequent changes in the map of the part of the village subjected to changes due to riverine action, if he is satisfied that full observance of technical rules of survey is difficult on account of large scale changes in such cases, new map, Khesra and Khatian will be prepared every five years.

(4) **Date of finalisation of map.**—(i) Correction of map shall be finalised by the 30th April and all the changes shall be inked up.

(ii) In villages where the configuration and nature of plots change very frequently and quickly, the Collector may exempt changes from being shown in ink.

(5) **Preparation and maintenance of Continuous Khatian and Tenants' Ledger.**—

(i) The Anchal Adhikari will obtain the finally published record of rights of Revisional Survey Settlement operation in respect of each village of the anchal. For the villages

In which Consolidation Schemes have been completed and confirmed and tenants have been delivered the certificate of transfer, the Anchal Adhikari will obtain from the Deputy Director, Consolidation, the confirmed record of rights. The Anchal Adhikari will obtain from the Collector, copy of record of rights of the last survey and settlement operation where no revisional survey has been made. The Anchal Adhikari will get copy prepared from the available record of right in respect of the village of his anchal and hand over the same to the Karamchari in respect of villages falling in their Halkas. On its basis the preliminary continuous Khatian (Form 1) and Tenants' Ledger (Form 2) will be prepared.

(ii) **Preparation of Khesra Register.**—On the basis of the Khesra Register, Continuous Khatian and Tenants' Ledger shall be annually amended. This shall be prepared in Form 3. Before the Karamchari goes on his inspection tour he shall fill up columns 1 to 6 and 13 to 14 of Form 3 and other columns of the form shall be filled up during his inspection tour.

(iii) The Karamchari shall be responsible for the authenticity of entries. For this he shall make enquiries from the persons concerned and shall also hold spot enquiry to obtain the correct information of the fact.

(iv) Khesra Register shall be completed by 31st January every year. This shall be bounded in volumes of 150 sheet each. The Karamchari shall cross the vacant columns of the Khesra Register after noting the required information. This register shall remain with the Karamchari for one year and then shall be deposited with the Circle Inspector on or before the 31st March of the following year.

(v) Every village shall have a Khesra Register of its own and its entries shall be the basis of entries in Continuous Khatian and Tenants' Ledger.

(vi) Every Khesra (plot) shall have separate column which shall be shown by drawing a line across the register. If Khesra is in two or more parts, separate entry shall be made for each part of the Khesra.

For example, if plot no. 27 is in three parts and these are in possession of three different tenants, plot no. 27/1 shall be entered where principal plot no. 27 is entered and 27/2 and 27/3 shall be entered at the end of the last plot number in the Khesra Register. At the same time there will be a reference in column 1 where plot no. 27/1 is entered that other sub-plot nos. 27/2 and 27/3 has been so entered.

(7) If a tenant has amalgamated two or more plots and has removed the ridges separating such plots, the entries in respect of such joint plot shall be made against the first component plot number. In such cases the area of each component plot shall be noted in column 3 of the first component plot and a note shall be made in the remarks column of every such Khesra that it is amalgamated with the particular plot. All the component plot number with their respective area are to be noted in the remarks column. Such entries shall never be made if the principal L.S. Plot no. is restored by amalgamation of component sub-plots. In such circumstances it will be presumed that division of the plot had never taken place. If the plots of more than one tenants have been amalgamated or if the lands of the same tenants but of different status have been amalgamated then entries shall be made separately for each plot.

Example.—(1) When Karamchari finds that plot nos. 29, 30 and 37 are in cultivating possession of only one tenant and the plots have the same status and are amalgamated, he shall make all entries against plot no. 29 and in the column meant for area, the area of all the three component plots will be noted separately as also the total area. At the same time in the remarks column of plot nos. 30 and 37, he shall also enter "amalgamated with plot no. 29". In the remarks column relating to plot no. 29 he shall enter plot no. 30 area and plot no. 37, area amalgamated with this plot.

(2) If the Karamchari finds that sub-plots bearing nos. 27/1, 27/2 and 27/3 which are of the same status and under the possession of the same tenants, have again changed either during survey or consolidation operation into plot no. 27 as it stood originally, the entry shall be made in the manner as if there was no division of plot no. 27. In such cases no entry is required to be made in the remarks column.

(9) **Alluvial or diluvial action of rivers.**—If by the alluvial or other action of a river or accretion of lands has occurred to the village the serial number of the plot will go on increasing and new numbers shall be assigned for them. If by the diluvial action of the river, the land or village has diminished, an entry shall be made in the remarks column against the affected plots to the effect that area of this plot has been eroded.

(10) **Entries in the Area Column.**—The entries in the Area Column shall be made in acres and decimals.

(11) In the Khata Column the number allotted by the survey or consolidation Khatian shall be entered, as it stands.

(12) Karamchari shall not make change in khata number or other entries of his own accord, but on the orders of competent authorities, he shall make changes in re-link in the appropriate columns and shall mention in order the remarks column of the plots.

(13) If there are more tenants than one in any khata, names of all such tenant shall be entered against the first plot of the Khesra, in the column assigned for name of the tenants. In all subsequent plots, after the name of the first tenants, he will mention, etc. according to first plot (of the khata).

Explanations.—(1) Tenant does not include lessees or purchasers of fruits or flowers. They shall be shown in the remarks column with a brief account of the lease.

(2) If the khata tenant has died, the Karamchari shall first note 'dead' in the remarks column. Then he shall enter his name and the date of death. He shall enter the name or names of such person or persons who are found in possession of the heres of the deceased in the remarks column but shall mention such details. Records Maintenance Form 4. For making such entry the Karamchari shall enquire about the death of the tenant, all the legal heirs, their names and address and about any dispute regarding them and shall fill up the columns 1 to 8 of the aforesaid Form.

(3) If the Karamchari finds that the khata tenant is not in possession due to reasons other than death and none is in possession over the same, he shall enter briefly in the remarks column the reasons of its remaining fallow like surrender, abando

is found in possession over the plot, the Karamchari shall not enter it in the Khesra Register but observe the rules prescribed in paras, mentioned below.

(5) (i) If the khata tenant has allowed any person to assist as a partner or Sanjhi, in cultivation of his entire agricultural lands or has got his agricultural works done by his servants or relations there shall be no entry in the khesra.

(ii) If any person cultivates, any land of any khata against which the tenant's name is not entered, the Karamchari shall not make any entry instead he shall mention the necessary details in Record Maintenance Form 5.

(iii) If any person other than the khatian tenant claims to have cultivated any plot on the strength of his rights, Karamchari shall not make any entry in the khesra instead; shall mention the details in Yaddast in the Record Maintenance Form 5.

(14) If any tenant uses his land for purposes other than horticulture or animal husbandry, it shall be noted in the remarks column of the relevant khesra.

(15) The Yaddast Register of the Karamchari shall be maintained in Form 5. The page numbers from 1-100 of this Register shall be printed. If during partial possession of any person is found on any plot of which the tenant column is blank or possession of any person other than the person whose name is recorded in the possession column is found, the Karamchari shall enquire regarding the possession and shall mention the facts, in brief in column 6 of Yaddast in Form 5. At the same time he shall also enter the serial number of the plots and the Yaddast in his diary. In no case, the name of the person found in possession or his claim or the nature of dispute shall be entered in the diary.

(16) (i) On the completion of every partial the Karamchari shall initial all pages of the Yaddast and shall enter the total number of entries in the Yaddast at the top in the column specified for this purpose.

(ii) After the completion of partial of a village, the Karamchari shall within ten days, detach the pages of the relevant Yaddast from the Yaddast booklet and hand them over to his Circle Inspector. The Karamchari shall obtain the signature of the Circle Inspector at the time of acknowledging the receipt shall mention the date on which he would be visiting the village for verification of the portal made by the Karamchari.

(iii) The Karamchari shall inform all the khata tenants including the persons noted in the Yaddast regarding the date of visit of the Circle Inspector and shall request them to be present during the verification by the Circle Inspector. He shall also notify the visit of the Circle Inspector on the Notice Board of the Gram Panchayat. He shall obtain certificate from the Mukhiya of the Gram Panchayat on the duplicate copy of the notice to the effect that the Karamchari has duly published the programme of the Circle Inspector.

On reaching the village the Circle Inspector shall take this duplicate copy of the notice and shall attach it with the Yaddast.

(iv) Entries relating to every crop shall be closed with the completion of the portal of the village by the Karamchari.

(v) At the time of handing over the Yaddast to the Circle Inspector, the Karamchari shall personally hand over the list thereof.

(vi) This list to be put up before the Circle Inspector. (vii) Immediately after the Portal, the Karamchari shall submit in duplicate statement showing the accretion or decretion in the land of tenants due to alluvial or diluvial action of river. The Circle Inspector shall verify all the entries by personal inspection and submit to the Anchal Adhikari for necessary action.

(viii) After the receipt of orders given in connection with the changes and the reports concerning sale and purchase submitted by the Karamchari there shall be no amendment in khesra. These shall be entered in the column specified in the concerned columns of the Khesra Register of the succeeding years.

(17) Waste land, forest, bushes, pastures, 'Kharor, bamboos, etc. shall be entered as unculturable lands, parti as new parti (1) new parti (2) new parti (3), old parti (1), old parti (2) and culturable waste shall be entered according to the number of years for which the land has remained fallow.

(18) *Changes in the nature of land.*—The Karamchari shall note the changes in the nature of land on a separate piece of paper and shall bring it to the knowledge of the Circle Inspector, especially, the orchard, etc. The type of soil shall not be entered in the khesra.

(19) *Partial by the Circle Inspector.*—(i) He shall check 20 percent of the crop bearing khesra and 10 percent of the Khesras without crop.

(ii) Before he starts checking, the Circle Inspector shall look into the map and Khesra Register and shall pick up those block where maximum changes have taken place and he shall keep in mind that same block should not come in checking of each year or each crop.

(iii) The Circle Inspector shall also ensure that the Karamchari has made wide publicity of the C.I.S. programme. He shall obtain the attendance of maximum number of raiyats, and shall announce to them those 'Khesra' which shall be inspected by him, shall also request them to accompany him to the spot of verification. On reaching the plots possessed by other than the recorded tenants he will ascertain the nature of possession, period of possession and documents supporting the claim. He shall verify the facts from the record of tenant or tenants if they are present, persons having possession, Mukhiya or other respectable villagers. If he is satisfied that the possession of the person is correct and this possession is not on the basis of partnership service or relationship with the recorded tenant he shall enter in the remarks column of the khesra concerned, the name, parentage, address and nature of possession of the person possessing it and shall also put his signature with date. If such entries shall be necessary in respect of many plots of that particular person, the Karamchari shall write full details in first khesra and shall enter "according to khesra no. in succeeding khesras.

(iv) On the basis of this, he shall correct the concerned column of the continuous khatian and he shall sign with date. The Karamchari shall prepare extracts of entries done by the Circle Inspector, in continuous khatian and shall give it to khatian raiyats and persons, order for Khata within 10 days from the order of Circle Inspector and obtain receipt from them in his diary. If such persons are not available in the village, the Karamchari on his next headquarters date, shall return the extracts prepared for

them along with their address to the Circle Inspector, within a week of receipt in the office, the Circle Inspector will send the extracts to the persons concerned by ordinary post under certificate of posting.

(v) The Circle Inspector shall keep the list of entries made in the remarks column in records maintenance Form 6.

(vi) The Circle Inspector will send these Yaddasts to the Anchal Adhikari who will keep them in the concerned file.

(vii) If the Karamchari and Circle Inspector do not comply with the above rules, the entries made in continuous Khatian and Khesra Registers shall not be treated to have been validly prepared.

(20) **Orders in undisputed succession matters.**—(i) At the time of checking, the Circle Inspector shall very carefully look into the entries made by the Karamchari regarding the list of undisputed succession matters and shall confirm these from raiyats in general. He shall send his programme before reaching the village so that Mukhtya, etc., may remain present. If it is confirmed that the question of succession is undisputed the Circle Inspector will record his order on the form prepared by the Karamchari and shall put his signature with date, side by side, after making correction in the Continuous Khatian in his presence, he shall sign thereon.

(ii) If any body objects to the writing of names of the successors recorded by the Karamchari, the Circle Inspector shall get a new report in Form 13 (2). He shall give his report thereon. He shall send it to the Anchal Adhikari. The Anchal Adhikari shall hear the concerned parties after giving notice to them and shall give his decision according to which amendment will be made in Continuous Khatian.

(iii) The Circle Inspector will note in his diary the number and necessary details of the undisputed succession cases. He will also note the number of such cases in which objections were made at the time of his verification and were treated as disputed cases.

5-A. Rights of under raiyats.—Only such persons shall be recognised as under raiyats under the Act who are deemed to be under raiyats according to the different tenancy laws enforced in the State of Bihar and the Karamchari while recording their rights shall follow the same procedures as have been prescribed for recording the rights of the raiyats. The Karamchari shall record the rent payable by the under raiyats in accordance with the provisions of the Tenancy Act applicable in the area in which under raiyats pay rent either in cash or in kind.

6. Draft publication of Continuous Khatian and Tenant's Ledger.—(1) Under section 3(4), the Draft Continuous Khatian and Tenant's Ledger shall be prepared for Draft publication at the interval of 5 years, on the basis of Khesra Register.

(2) All changes made prior to the publication period shall remain entered in the Draft Continuous Khatian and Tenant's Ledger.

(3) The Anchal Adhikari shall check up the entries with that of the orders passed by the competent officers in respect of them and in token thereof shall put his dated signature on every page of the Continuous Khatian and Tenant's Ledger

before the date of Draft Publication and shall give information to the Collector, Additional Collector, D.D.O., B.D.O., Local Bhoodan Yagna Committee, Secretary, Bhoodan Yagna Committee, Executive Engineer, P.W.D., Irrigation, Electricity Board, P.H.E.D., Administrator, District Board, Divisional Forest Officer, Divisional Superintendent, Railways and Mukhtiyas of Gram Panchayats.

(5) The records shall be made available to raiyats and interested persons for perusal at easily accessible place in the office of the Anchal Adhikari for full office hours on all working days.

7. The objector shall file objection petition against the entries and omissions in the records in the prescribed Record Maintenance Form 8 in two copies of the notice in Record Maintenance Form 9 for sending to the parties concerned before Anchal Adhikari within the prescribed period. The Anchal Adhikari on receipt of objection petitions will sign it with date of receipt and shall get it entered in the register made in Form 10 of that particular village and will give serial number to each petition.

8. The Anchal Adhikari shall inform the concerned parties by sending their notice at least 7 days before the date of hearing of the objection. The notice will be given in Record Maintenance Form 9.

9. On the date fixed, the Anchal Adhikari, after hearing the concerned parties shall note his decision in order sheet. If he thinks it necessary to make local enquiry he shall inform the parties the same day and after completion of the local enquiry on the fixed date, he shall note down his orders and if correction of records is deemed necessary he shall get it done after getting the reference of his order noted in the registers concerned.

10. Fair copies for final publication will be prepared from the Draft Publication Continuous Khatian and Tenant's Ledger as amended in the manner prescribed above.

11. General notice in Form 11 to the tenants of the village concerned will be served 15 days before the date of commencement of final publication and the Anchal Adhikari shall keep it published for 30 days in his office.

12. If a person points out any error or omission in the entries of the record under publication in the final publication, clerk shall note it on a mistake list Form and the Anchal Adhikari shall pass his order there upon and shall correct the record and sign it. There shall be no hearing or dispute during final publication.

13. Soon after the expiry of the period of final publication the Anchal Adhikari shall examine the record thoroughly and shall satisfy himself that necessary corrections have been made in the light of his orders.

14. After the above check the certificate mentioned below along with facsimile of Anchal Adhikari's signature shall be stamped on each page of the Continuous Khatian and Tenant's Ledger.

Continuous Khatian/Tenant's Ledger Register, Finally framed & published on under Section 3(4) (ii) of the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973. Signed on on the certificate of publication. Name of place of Anchal Adhikari office seal.

Anchal Adhikari

Registration Officer shall send information of Transfer

Maintenance of Records Form 14 of delivery of possession of decree holder or auction purchaser or of final decree of partition or mortgage.

17. Under Section 6, Certificate Officer shall send information of delivery of possession to auction purchaser to the Anchal Adhikari in Maintenance of Records Form 15.

18. Under Section 7, Collector shall send information of acquisition of land under Land Acquisition Act, 1894 to the Anchal Adhikari in Maintenance of Records Form 16.

19. Under Section 8(i) Collector shall send information in Maintenance of Record Form 11 of final orders passed under Section 6, sub-section (1), clause (v) of ¹Bihar Public Land Encroachment Act, 1956 (Act 14 of 1956), to the Anchal Adhikari.

20. Under Section 8(ii) Collector shall send information to the Anchal Adhikari in Maintenance of Records Form 18, of land vested in State or settlement of Government land under ²Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act 12 of 1961),

21. Under Section 8 (n) Collector shall send information in Maintenance of Records Form 19 of land acquired and land taken possession after irrigation purpose under Bihar and Orissa Act 5 of 1922.

22. Under Section 8 (iv) Collector shall send information in Maintenance of Records Form 20 under ³Bihar Privileged Persons Homestead Tenancy Act, 1947.

23. Under Section 8(v) Collector shall send information in Maintenance of Records Form 21 of registration of land under Kosi Area (Registration of Land) Act, 1971.

24. Under Section 8 (vi) Collector shall send information in Maintenance of Records Form 22 to the Anchal Adhikari.

25. Under Section 8 (vii) information shall be sent in the same form in which information has been sent under section 8(v). In column 2, Bihar Tenancy Act shall be recorded in place of Kosi Area Act.

26. Under Section 8(viii) information shall be sent in the same form in which information has been sent under section 8 (v). In column 3, name and full address of the person who has been given permanent tenancy shall be recorded. Remaining columns will be according to that form.

27. Under Section 9 information of acquisition of land shall be given to the Anchal Adhikari in Maintenance of Records Form 23.

28. Under Section 10, Bhoodan Yagna Committee shall give information of settlement of land to the Anchal Adhikari in Maintenance of Records Form 24.

29. Under Section 11 the raiyat acquiring *adhibhogi* right shall send information to the Anchal Adhikari in Maintenance of Records Form 25.

30. Under Section 12, the applicant shall apply in Maintenance of Records Form 26.

31. Under Section 13, Mukhiya, Circle Inspector, Karamchari shall give report in the Maintenance of Records Form 27.

1. Now read Jharkhand Public Land Encroachment Act, 2000.

2. Now read Jharkhand Land Reforms Act.

3. Now read Jharkhand Privileged Persons Homestead Tenancy Act, 2000.

Chapter IV

Procedure of Mutation

32. Under Section 14 (1) Mutation Register shall be maintained in Maintenance of Records Form 28.

33. Under Section 14 (2) Sarpanch shall give notice of date of hearing to the parties in Maintenance of Records Forms 29 (1) and 29 (2) and shall give general notice in Maintenance of Records Form 22 (3).

34. Under Section 14 (2) Sarpanch shall get the notice served to the parties by the Gram Sewak. On the notice to the general raiyats he shall obtain signature of atleast five persons of different parts of the village and of different families. A copy of the notice to the parties and to general raiyat shall be exhibited on the notice board of Panchayat Office and on any important place of the concerned village. The notice shall be issued at least 15 days before the date of hearing.

35. Under Section 14 (3), the Sarpanch shall hear both the parties on the date and at the place fixed. He shall first briefly record the statement of witnesses of the applicant or he shall get the same recorded by Panchayat Sewak. He shall examine the papers of the applicant and make a note of necessary matters about his claim. After that he shall briefly record the statement of opposite party and make a note of essential matter about his claim from the paper produced by him. He shall briefly record the evidence of other tenants present there who may volunteer to give evidence. He shall make local inspection to ascertain position and make inquiry from the 'Raiyat' of vicinity to know the truth. He shall mention or get mentioned briefly the substance of work done on each date on the order sheet of the record. After completing enquiry he shall send his report in writing to the Anchal Adhikari along with the record.

The Anchal Adhikari after giving notice to the parties and general public shall hear both the parties and the 'Raiyat' concerned and briefly record their statement and facts from the papers produced. He shall hold local enquiry where necessary, after giving notice to the parties and general public. After that he shall give his decision in writing.

Chapter V

36. **Correction in continuous khatian and Tenant's Ledger Section 18.—** After expiry of period of appeal prescribed in Section 3, sub-section (4) Clause (3) or Section 15 or revision under Section 16 and in case where appeal or revision has been filed after decision of appeal or revision the Anchal Adhikari, if necessary, shall get necessary correction made in red ink, in the entries of Continuous Khatian and Tenants' Ledger and shall put his signature near the corrected entry and shall put his dated signature below it. Thus the Anchal Adhikari shall get two copies of corrected entries prepared and shall send one copy to S. D. O. and the other copy to Collector for making correction in their copies.

Chapter VI

37. (1) Under Section 20 (1) Tenant Booklet (Khata Pustika) shall be supplied in ¹[Abhidhara Khata Pustika Forms.

1. Subs. by S.O. 913 dated 22.12.1990.

After Login click here to apply mutation

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राजस्व, निवर्तन एवं भूमि सुधार विभाग

Email ID : us@gmail.com
Password : 1234567890
Address : Ranchi
Town/City : Ranchi
District : Ranchi
State : Jharkhand
Pincode : 812202

Online apply for mutation and Land Possession certificate:

विवरण:

1. पहले आप अपना नाम चुनें
2. पहले आप चुने हुए जिले के अनुसार क्षेत्र का चुनें
3. यदि आप पहले का मुद्दा रखना चाहते हैं तो "View recent applied mutation" पर क्लिक करें
4. यदि आप पहले का मुद्दा रखना चाहते हैं तो "View applied Certificate" पर क्लिक करें
5. यदि आप नया मुद्दा रखना चाहते हैं तो "Apply new mutation" पर क्लिक करें, 6. यदि आप नया भूमि अधिग्रहण प्रमाण पत्र चाहते हैं तो "Apply for Land Possession Certificate" पर क्लिक करें

District

Palamau

Palamau, Chhapar

Circle

View draft/applied mutation

Apply new mutation

View applied Amenity Application

Apply for Amenity

Click here to apply mutation

Fill Applicant Details

मुख्य पृष्ठ

राजस्व, निवर्तन एवं भूमि सुधार विभाग

मुख्य पृष्ठ

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District

State

Pin Code

Email Id

Mobile No

Mutation Type

By Sale

BY Sale

Address

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District

State

Pin Code

Email Id

Mobile No

Mutation Type

By Sale

BY Sale

Save as Draft & N

Click To Next

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राजस्थान सरकार
राजस्थान, दिल्ली एवं भूमि सुधार विभाग
Online Mutation

District: Palamau Circle: Palamau, Chhainpur

Applicant Details | Buyer Details | Seller Details | Plot Details | Upload Document

Buyer details

Name	Gurdian Name	Relation	Caste	Gender	Mobile	Address
Anil Kumar	Gurdian Name	पति	—	पुरुष	987654321	Kokar, Ranchi
						Add More

निर्देशिका:

1. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
2. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
3. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
4. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
5. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।

Fill Seller Details

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राजस्थान सरकार
राजस्थान, दिल्ली एवं भूमि सुधार विभाग
Online Mutation Forms

Applicant Details | Buyer Details | Seller Details | Plot Details | Upload Document

Seller details

List of Vendor(s)

Name	Gurdian Name	Relation	Caste	Gender	Mobile	Address
Anil Kumar	Gurdian Name	—	—	पुरुष	987654321	Kokar, Ranchi
						Add More

निर्देशिका:

1. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
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5. यदि कोई व्यक्ति अपने नाम नहीं देता है, तो उसे अपने नाम से भरना चाहिए।
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Fill Plot Details

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SOP 3

SOP 4

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राजस्थान सरकार

राजस्थान सरकार एवं भूमि सुधार विभाग

All * fields are mandatory

District: * Palamuru Sub Division: *
Circle: * Palamuru-Chandrapur Hq. *
Block: * 0021-पलामु Trans Name: *

Specific Information for Mutation

Plot No	Plot no	Transacted Area1	Transacted Area2	Chakrad North	Chakrad South	Chakrad East	Chakrad West
21	95	0	1	North	South	East	West

विवरण

1. अनामिक

2. अनामिक

3. अनामिक

4. अनामिक

Mutation Type Sale Upload Document List

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राजस्थान सरकार

राजस्थान सरकार एवं भूमि सुधार विभाग

Application Details: Buyer Details / Seller Details / Plot Details / Upload Document

Upload Document Details

Document Type

By Sale

Document Type	Document No	Date	Amount	Court Name / Court Authority	Debit Office	Debit Office
Registration Deed	444444	09/07/2020	77	ranchi	Patna	Office

Choose File June1989.pdf

1. निदेशक दस्तावेज की प्रतिलिपि।

2. G.O. के द्वारा जारी किए गए दस्तावेजों का प्रतिलिपि की प्रतिलिपि।

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3. निदेशक दस्तावेज की प्रतिलिपि।

4. Power of Attorney दस्तावेज के Power of Attorney की प्रतिलिपि।

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भारत सरकार

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Signature

1. Name of the person who has provided the information

2. Signature of the person

Mutation Type Partition Upload Document List

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CASES PENDING UP TO 2 DAYS

Sl. No.	Case No.	Applicant Name	Date of Application	Mutation Type	View	Process
8595	14 / 2020 - 2021	Amit Kumar	06 Jul 2020	By Sale	View	Process
8598	17 / 2020 - 2021	Amit Kumar	09 Jul 2020	By Sale	View	Process

CASES PENDING ABOVE 2 DAYS

Sl. No.	Case No.	Applicant Name	Date of Application	Mutation Type	Mutation Type	Pending Days	View
No Application is Pending							

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1. केता का नाम, खरीदार के पिता/पति का नाम, जति, सम्बन्ध, पता निवेदन के अनुसार सही है या नहीं।	☐	☐
2. विक्रेता का नाम, बेचने वाले के पिता/पति का नाम, जति, सम्बन्ध, पता निवेदन के अनुसार सही है या नहीं।	☐	☐
3. खाता, प्लॉट, रकबा निवेदन के अनुसार सही है या नहीं।	☐	☐
4. अर्जिस्तन पंजी 2 में विक्रेता के नाम से क्या बंदी है या नहीं।	☐	☐
5. विक्रेता के नाम से अर्जिस्तन लगन का भुगतान हो रहा है या नहीं।	☐	☐
6. क्या यह प्रतीतिष्ठित सूची में है (Through NSDRS)	☐	☐
7. क्या इसी भूमि का वर्तमान से अधिक क्या बंदी निवेदन में कायम है।	☐	☐

CIRCLE OFFICER REPORTS

1. केता का नाम, खरीदार के पिता/पति का नाम, जति, सम्बन्ध, पता निवेदन के अनुसार सही है या नहीं।	☐	☐
2. विक्रेता का नाम, बेचने वाले के पिता/पति का नाम, जति, सम्बन्ध, पता निवेदन के अनुसार सही है या नहीं।	☐	☐
3. खाता, प्लॉट, रकबा निवेदन के अनुसार सही है या नहीं।	☐	☐
4. अर्जिस्तन पंजी 2 में विक्रेता के नाम से क्या बंदी है या नहीं।	☐	☐
5. विक्रेता के नाम से अर्जिस्तन लगन का भुगतान हो रहा है या नहीं।	☐	☐
6. क्या यह प्रतीतिष्ठित सूची में है (Through NSDRS)	☐	☐
7. क्या इसी भूमि का वर्तमान से अधिक क्या बंदी निवेदन में कायम है।	☐	☐

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अंचल अधिकारी का कार्यालय
चैनपुर, पलामू
सर्वसाधारण सूचना

नामान्तरण मुकदमा संख्या --> 17 R27/ 2020 - 2021 चैनपुर for
Application No 17

विषय: मौजा परसिया थाना नं 0021 के

खाता नम्बर	प्लॉट संख्या	रकबा
21	95	0 एकड़, 1 डिसमील, 0 हेक्टर

जमीन के नामान्तरण हेतु आवेदन पत्र के सम्बन्ध में।

बजरिए नोटिस सर्वसाधारण को सूचित किया जाता है कि आवेदक आवेदिका

Amit Kumar Father hbrhj Ranchi Kokar, ranchi Ranchi

जिला पलामू ने उक्त भूखण्ड के नामान्तरण हेतु आवेदन पत्र दाखिल किया है।

यदि इस नामान्तरण दाद संख्या 17 R27/ 2020 - 2021 से किसी को किसी प्रकार आपत्ति की हो तो आपत्ति आवेदन पत्र दिनांक 24-July-2020 तक अंचल उपनिरीक्षक के समक्ष प्रस्तुत करें। अन्यथा ऐसा समझा जाएगा की किसी को किसी प्रकार की कोई आपत्ति नहीं है एवं तदनुरूप आदेश पारित किया जाएगा।

यह सूचना आज दिनांक 09-July-2020 को मेरे हस्ताक्षर एवं कार्यालय की मुहर से निर्गत की गई।



अंचल अधिकारी का कार्यालय
चैनपुर, पलामू
क्रेता की सूचना

नामान्तरण मुकदमा संख्या --> 17 R27/ 2020 - 2021 चैनपुर for
Application No 17

विषय: मौजा परसिया थाना नं 0021 के

खाता नम्बर	प्लॉट संख्या	रकबा	Areal
21	95	0 एकड़, 1 डिसमील, 0 हेक्टर	0

जमीन के नामान्तरण हेतु आवेदन पत्र के सम्बन्ध में।

बजरिए नोटिस क्रेता को सूचित किया जाता है कि आवेदक आवेदिका

Amit Kumar Father hbrhj Ranchi Kokar, ranchi Ranchi

जिला पलामू ने उक्त भूखण्ड के नामान्तरण हेतु आवेदन पत्र दाखिल किया है।

यदि आप अपने पक्ष में कोई अन्य दस्तावेज समर्पित करना चाहते हैं तो सम्बंधित राजस्व उपनिरीक्षक के समक्ष दिनांक 24-July-2020 के अंदर उपलब्ध करायेंगे अन्यथा यह समझा जाएगा की आपको इस सन्दर्भ में कुछ नहीं कहना है तदनुरूप आदेश पारित किया जाएगा।

यह सूचना आज दिनांक 09-July-2020 को मेरे हस्ताक्षर एवं कार्यालय की मुहर से निर्गत की गई।

अंचल अधिकारी
चैनपुर

भू-संवर्धन विभाग पत्र संख्या

अबल अधिकायी का कार्यालय
बैराग, जामशेदपुर
बिकेता को सूचना

गणान्वयन मुकदमा संख्या -> 17 R27/2020 - 2021 बैराग for
 Application No 17

विषय: मौला परसिया थाना नं 0021 के

जारी नम्बर	कार्य संख्या	रकबा
21	95	0 एकड़, 1 डिमाईल, 06 सेंटर

बलीन के गणान्वयन हेतु आवेदन पर के संलग्न हैं।

बालिय गौडिस बिकेता को सूचित किया जाता है कि आवेदक आवेदिका

Armit Kumar Father hbrty Ranchi Kokar, ranchi Ranchi

बिना थाना में उक्त मुखउ के गणान्वयन हेतु आवेदन पर दाखिल किया है।

आपके द्वारा दिनांक 09-July-2020 को दाखिल-खारिज हेतु वापर किए गये के

आधार पर ऑनलाइन आवेदन पर वाद संख्या 17 R27/2020 - 2021 में कोर्तवाही

पारस्य कर दी गई है यदि आप अपने पक्ष में कोई अन्य दस्तावेज समर्पित करना चाहते

हैं तो संबंधित स्तर पर उपनिर्देश के समक्ष दिनांक 24-July-2020 के अंदर उपलब्ध

करावें। अस्थायी पक्ष समझा जाएगा की आपकी इस सूचना में कुछ गलती कर रहा है।

सदनात्मक आदेश पारित किया जाएगा।

यह सूचना अंतिम दिनांक 09-July-2020 को भी दस्तावेज पर कार्यालय की

पुस्तक से निर्गत की गई।

If any other document needs then CO sends back the case
 to applicant through SMS link, applicant will login through
 OTP and upload the document.

Petitioner Login with OPT

1. If you are a petitioner, you can login to the portal using your Email ID and Password.

2. If you are a petitioner, you can login to the portal using your Email ID and Password.

3. If you are a petitioner, you can login to the portal using your Email ID and Password.

4. If you are a petitioner, you can login to the portal using your Email ID and Password.

5. If you are a petitioner, you can login to the portal using your Email ID and Password.

6. If you are a petitioner, you can login to the portal using your Email ID and Password.

7. If you are a petitioner, you can login to the portal using your Email ID and Password.

8. If you are a petitioner, you can login to the portal using your Email ID and Password.

9. If you are a petitioner, you can login to the portal using your Email ID and Password.

10. If you are a petitioner, you can login to the portal using your Email ID and Password.

Petitioner upload document screen

[illegible]

The remote names could not be retrieved: 'misdiagnosed' and 'onion'. In

After CO generate the notice case will forward to KC login

[illegible]

KC Login pending cases reminder

[illegible]

Shark and Mutation Laws

Online Mutation Forms

187

साराणी संकेत संख्या संकेत संख्या

OPERATIONS

CASES FOR VERIFICATION (11)

☒ FORWARD TO CI (1)

☒ REQUEST FOR DOCUMENTS BY CI

☒ RENT DETAILS APPROVED

☒ LOAN ACQUISITION/SETTLEMENT

☒ REG-I PAGE SETTING

☒ RENT VERIFICATION

☒ BLOCK RECEIPT REPORT

☒ AMEND APPLICATION

☒ DOWNLOAD

☒ RAISE TICKET

Operations

Forward to CI

Upload file if needed Choose File JuneMPR.pdf

Submit Report

Information **Upload Report** **Objection** **Track** **View Comparison Calc** **Reset**

After submit Report, KC will forward the case to CI

साराणी संकेत संख्या संकेत संख्या

OPERATIONS

CASES FOR VERIFICATION (11)

☒ FORWARD TO CI (1)

☒ REQUEST FOR DOCUMENTS BY CI

☒ RENT DETAILS APPROVED

☒ LOAN ACQUISITION/SETTLEMENT

☒ REG-I PAGE SETTING

☒ RENT VERIFICATION

☒ BLOCK RECEIPT REPORT

☒ AMEND APPLICATION

☒ DOWNLOAD

☒ RAISE TICKET

Operations

Forward to CI

Upload file if needed Choose File JuneMPR.pdf

Submit Report

Information **Upload Report** **Objection** **Track** **View Comparison Calc** **Reset**

Select	Serial No.	Case No./Rev.	Applicant Name	Date of Application	Application Type	Registration No.	Details	Download File
☐	5590	17/2020-2021	Pratibha	2020-09-13 14:08	REG-I	2222	View	Download File
☒	5596	17/2020-2021	Pratibha	2020-09-21 15:42	REG-I	2222	View	Download File

Forward to CI

CI Login pending Cases reminder

PENDING

8 आपत्ति रहित, 1 आपत्ति सहित CASES है जिनको समय सिमा के अंदर नहीं भेजा गया।

Online Mutation Forms

After Verify CI will submit the report



भारत

राष्ट्रीय भू-सूचना प्रणाली

☐ DISREGARD

☐ OVERVIEW

☒ CASE VERIFICATION

☒ NATIONAL COLLECTION CASE

☒ NATIONAL PO CASE

☒ REQUEST ONCE AGAIN

☒ LAND ACQUISITION STATUS

☐ NATIONAL PO CASE

☐ MISSING REPORT

☐ DATA ENTRY STATUS

☐ LAND REGISTRATION

☐ REGISTER / SEARCH

☐ STATUS REPORT

☐ REPORT PROGRESS

LAND SCHEDULE

Sl. No.	Case No.	Case Name	Case Type	Case Status	Case Date	Case Location	Case Owner	Case Agent	Case Remarks
1	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021

Details

Case No. 11/2020-2021

Case Name 11/2020-2021

Case Type 11/2020-2021

Case Status 11/2020-2021

Case Date 11/2020-2021

Case Location 11/2020-2021

Case Owner 11/2020-2021

Case Agent 11/2020-2021

Case Remarks 11/2020-2021

Submitted Report

Submitted Report 11/2020-2021

Upload Document if needed

After submit report, CI will forward to CO



भारत

राष्ट्रीय भू-सूचना प्रणाली

☐ DISREGARD

☐ OVERVIEW

☒ CASE VERIFICATION

☒ NATIONAL COLLECTION CASE

☒ NATIONAL PO CASE

☒ REQUEST ONCE AGAIN

☒ LAND ACQUISITION STATUS

☐ NATIONAL PO CASE

☐ MISSING REPORT

☐ DATA ENTRY STATUS

☐ LAND REGISTRATION

☐ REGISTER / SEARCH

☐ STATUS REPORT

☐ REPORT PROGRESS

LAND SCHEDULE

Sl. No.	Case No.	Case Name	Case Type	Case Status	Case Date	Case Location	Case Owner	Case Agent	Case Remarks
1	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021	11/2020-2021

Details

Case No. 11/2020-2021

Case Name 11/2020-2021

Case Type 11/2020-2021

Case Status 11/2020-2021

Case Date 11/2020-2021

Case Location 11/2020-2021

Case Owner 11/2020-2021

Case Agent 11/2020-2021

Case Remarks 11/2020-2021

Submitted Report

Submitted Report 11/2020-2021

Upload Document if needed

三、

Jharkhand Mutation Laws

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Online Mutation Forms

[illegible]



संस्कृत विभाग
राज्य एवं भूमि सुधार विभाग

संस्थापक संस्कृत

CRB/P/2024/1 2023-24-4



[illegible][illegible]

Case Back in K&A Or CI

Remove Max. 100 Character
Please send document

समानाङ्कसंस्कृत

Click Here

Upload

ॐ शान्ति

100

Order sheet Digitally signed by CO

RPTCO1320444444 10-Jul-2020

तिथि

Jul 10 2020

आदेश

2020-

नामान्तरण मुकदमा संख्या ->

17 R27/ 2021 /चैनपुर

अभिलेख आज प्रस्तुत किया गया। क्षेत्रिय कर्मचारी ने अंचल निरीक्षक के माध्यम से प्रतिवेदन समर्पित किया। प्राप्त प्रतिवेदनानुसार आवेदित जमीन मौज्जा परसिया धाना चैनपुर

खाता	प्लॉट	रकबा
21	95	0 एकड़, 1 डिसमील, 0 हेक्टर

का बिक्रेता

विक्रेता का नाम	रिश्ता	अभिभावक का नाम
Amit Kumar	—	Gurdian Name

हे जिन्होंने निबंधित बिक्री, बिक्री के वाला संख्या/शपथ पत्र 4444444 दिनांक Jul 9 2020 के द्वारा आवेदक को बिक्री किए हैं। उक्त जमीन का खतियानी / जमाबंद रियत

रियत का नाम	रिश्ता	अभिभावक का नाम
भगेश्वर दुबे	पिता	तपसी दुबे

वर्तमान जमीन पर आवेदक का दखल है। सर्वसाधारण सूचना का तामिला प्रतिवेदन प्राप्त हुआ। किसी ने कोई आपत्ती नहीं की है। क्षेत्रिय कर्मचारी / अं/नि. ने आवेदित भूमि का नामान्तरण आवेदक के नाम से करने हेतु अनुमति किया है।

अतः वार्षिक लगान 10 रुपये अलावे सेस के साथ नामान्तरण स्वीकृत किया जाता है।

शुद्धि पत्र हस्ताक्षरित कर निर्गत किया जाता है।। ह0 कर्मचारी पंजी ॥ में आवश्यक संशोधन के पश्चात एक प्रति कार्यालय में वापस करें।

Digitally Signed by Tarun

अंचलाधिकारी चैनपुर

After Order sheet Digitally signed CO will update Register II

After Order sheet Digitally signed CO will update Register II

[illegible]

Said No.	Case No.	Applicant Name	Date Of Application	Airline Type	Pending Days	View	Uploaded File	Correction Info
298	17/2020-2021	Shankar	29/01/2020	Private				

Said by Case No.

ॐ

झारखंड सरकार
राजस्व एवं भूमि सुधार विभाग

भागीदार नुस्खा

CS/SP/73/24568

2024-25

10

[illegible]

राज्य अर्धवारी प्रश्ना.02 को आवश्यक कार्यासाठी पाठे सुचना प्रदानांतत
 नव एक कपडूर जमिन प्रति हे
 पाठ प्रयत्न केवळ प्रार्थ को जमकाती के लिए हे
 प्रयत्न केवळ प्रार्थ को जमकाती के लिए हे

झारखण्ड सरकार राजस्व, निबंधन एवं भूमि सुधार विभाग। संख्या-06/Jharbhoomi-nic-in सॉफ्टवेयर संशोधन- 125/2020-1857, दिनांक 29.7.2020.

आदेश

इस राज्य के सभी अंचलों के उपलब्ध सभी खतियानों एवं पंजी -II को डिजिटাইजेशन कर लिया गया है। सभी निबंधन कार्यालयों को सभी अंचल कार्यालयों से जोड़ा (Integration) गया है। ऑनलाईन दाखिल-खारिज एवं ऑनलाईन लगान भुगतान की व्यवस्था वर्ष 2013-14 से 2017-18 तक चरणबद्ध तरीके से लागू है। ऑफलाईन दाखिल-खारिज की व्यवस्था पूर्ण रूप से बंद कर दिया गया है। सभी अंचलों में ऑनलाईन लगान भुगतान को भी व्यवस्था लागू है। मानकी, मुण्डा एवं ग्राम प्रधान वाले क्षेत्रों में उनके परंपरागत महत्व को ध्यान में रखते हुए उन्हें पूर्व की तरह ऑफलाईन लगान वसूली हेतु प्राधिकृत किया गया है। उनके द्वारा ऑफलाईन वसूली गई राशि को अंचल कार्यालय के माध्यम से ऑनलाईन-अद्यतन कराया जाता है ताकि दिये गये लगान भुगतान को ऑनलाईन देखा जा सके।

ऑनलाईन दाखिल-खारिज एवं लगान भुगतान तथा खतियान, पंजी-II को ऑनलाईन देखने एवं डाउनलोड कर निःशुल्क प्राप्त करने की सुविधा jharbhoomi.nic.in नामक विभागीय वेबसाइट के माध्यम से उपलब्ध है। भू-नक्शा को jharbhunaksha.nic.in के माध्यम से देखा एवं डाउनलोड कर निःशुल्क प्राप्त किया जा सकता है। कार्य करने के दौरान उत्पन्न हो रही समस्याओं के निराकरण हेतु किसी भी वेबसाइट/सॉफ्टवेयर में निरंतर सुधार की आवश्यकता होती है एवं तदनुसार उसे अपडेट किया जाता है।

मूल खतियान एवं पंजी-II के डिजिटাইजेशन में हुई टंकण त्रुटियों को निराकरण हेतु पोर्टल को सभी दिनों के लिए खोला गया है। आवेदन प्राप्त होने पर तदनुसार त्रुटियों में सुधार निरंतर किया जा रहा है। सुधार करते समय अंचलाधिकारियों को इस बात को विशेष रूप से ध्यान रखना है कि किसी भी कीमत पर मूल खतियान एवं मूल पंजी-II से हटकर किये गये डिजिटাইजेशन में किसी भी प्रकार का सुधार नहीं किया जायेगा, अन्यथा इसके लिए वे पूर्णतः दोषी होंगे एवं तदनुसार उनके विरुद्ध अनुशासनात्मक कार्रवाई की जायेगी।

ऑनलाईन व्यवस्था लागू किये जाने के उपरान्त क्षेत्रीय पदाधिकारियों द्वारा उत्पन्न हो रही विभिन्न प्रकार की कठिनाईयों को ओर ध्यान आकृष्ट कराया जाता रहा है। उक्त समस्याओं के निराकरण हेतु एवं इसका अधिक-से-अधिक लाभ आम जनता को पहुंचाने के दृष्टिकोण से इस सॉफ्टवेयर में कई प्रकार के सुधार किये गये हैं। इन सुधारों से पूर्ण उम्मीद है कि आम जनता को कार्यालयों का चक्कर कम से कम लगाना पड़ेगा एवं उनका कार्य सहज एवं सुगम तरीके से ससमय संपन्न हो सकेगा। इस नई व्यवस्था को लागू करने से दाखिल - खारिज एवं अपील की प्रक्रिया पूर्व से अधिक पारदर्शी, तार्किक एवं विवादरहित होगा।

इस आदेश के साथ पूर्व की व्यवस्था एवं नई व्यवस्था तथा प्रक्रियाओं एवं समय-सीमा को एक तुलनात्मक विवरणी अनुलग्नक-1 के रूप में संलग्न है, जिसका अनुपालन किया जाना अनिवार्य होगा।

यह आदेश तात्कालिक प्रभाव से लागू रहेगा। इस पर माननीय विभागीय (मुख्य) मंत्री का अनुमोदन प्राप्त है।

अनुलग्नक-यथोक्त।

अनुलग्नक-1

ऑनलाईन दाखिल-खारिज से संबंधित पूर्व की व्यवस्था एवं किये गये सुधार की विवरणी

क्र.	पूर्व की व्यवस्था	नई व्यवस्था
1.	ऑनलाईन आवेदन के समय दाखिल-खारिज का प्रकार (Types) एवं अपलोड किये जानेवाले आवश्यक दस्तावेजों की सूची	दाखिल-खारिज के प्रकार (Types) एवं आवेदन के साथ संबंधित दस्तावेज का निर्धारण किया गया है। निम्नलिखित प्रकार के दाखिल-खारिज हेतु ऑनलाईन आवेदन के समय अपलोड किये जानेवाले दस्तावेजों की सूची निम्नवत है:- दाखिल-खारिज का प्रकार आवेदन के साथ अपलोड किये जानेवाले दस्तावेज
	(1) विक्रय से संबंधित निर्बंधित Deed द्वारा	निबंधन कार्यालयों एवं अंचल कार्यालयों के Integration के पूर्व के मामलों के लिए (i) निर्बंधित दस्तावेज की प्रति। (ii) CNT से अच्छाईत मामलों में भूमि सुधार उप समाह्वी द्वारा निर्गत अनुमति की प्रति। (iii) विक्रेता के पंजी-II का स्वयं रैयत नहीं रहने की स्थिति में वंशावली एवं लिंक डीडी की प्रति एवं Notary Public द्वारा निर्गत शपथ पत्र। (iv) Power of Attorney द्वारा निर्बंधित दस्तावेज में Power of Attorney की प्रति। (v) अन्यथा, यदि कोई आवश्यक हो तो।
	(2) Succession Mutation	(i) जमीन से संबंधित दस्तावेज। (ii) वंशावली का Notary Public द्वारा निर्गत शपथ पत्र। (iii) पंजी-II के रैयत का मृत्यु प्रमाण पत्र अथवा स्वधोषणा पत्र जो राजस्व प्रधान/मुखिया से सत्यापित हो। (iv) लगान-रसीद की प्रति (यदि उपलब्ध हो तो)। (v) संबंधित राजस्व ग्राम प्रधान/मुखिया द्वारा सत्यापित प्रतिवेदन। (vi) अन्यथा, यदि कोई आवश्यक हो तो।
	(3) पारिवारिक बँटवारा द्वारा दाखिल खारिज	(i) आपसी पारिवारिक बँटवारा का Notary Public द्वारा निर्गत शपथ पत्र। (ii) माननीय न्यायालय द्वारा Partition suit में पारि आदेश की प्रति (यदि लागू हो तो)। (iii) निर्बंधित बँटवारा के दस्तावेज की प्रति (यदि लागू हो तो)। (iv) संबंधित राजस्व ग्राम प्रधान / मुखिया द्वारा सत्यापित प्रतिवेदन।

		(4) Mutation by Gift	(i) Gift Deed की प्रति (ii) अन्यान्य, यदि कोई आवश्यक हो तो।
		(5) Mutation by Will	(i) सक्षम माननीय न्यायालय द्वारा Probate Case में पारित आदेश की प्रति (ii) अन्यान्य, यदि कोई आवश्यक हो तो।
2.	ऑनलाइन आवेदन कम्प्यूटर ऑपरेटर के लॉग-इन में प्राप्त हो रहा था।	अंचल अधिकारी के लॉग-इन में प्राप्त होगा।	
3.	आवेदन प्राप्त होने के उपरांत की प्रक्रिया एवं समय-सीमा स्पष्ट रूप से निर्धारित नहीं थी।	(i) अंचल अधिकारी ऑनलाइन आवेदन प्राप्त अथवा निबंधन कार्यालय से प्राप्त सूचना के अधिकतम दो (02) दिनों के अंदर अंचल कार्यालय के बाखिल-खारिज के प्रभारी सहायक/लिपिक के लॉग-इन में भेजेंगे। (ii) सहायक/ लिपिक आवेदन एवं अपलोड किये गये दस्तावेजों की प्रथम दृष्टया जांच कर दस्तावेजों के संबंध में दिये गये हाँ/नहीं कॉलम में मार्क करने के उपरांत अधिकतम तीन (03) दिनों के अंदर अंचल अधिकारी को भेजेंगे। (iii) अंचल अधिकारी भी सभी दस्तावेजों की जांच करेंगे एवं दस्तावेजों के संबंध में दिये गये हाँ/नहीं कॉलम में मार्क करने के उपरांत यदि अंचल अधिकारी ऐसा समझते हैं कि आवेदन अपलोड करते समय अपलोड किये गये दस्तावेजों के अतिरिक्त अन्य किसी दस्तावेज की भी आवश्यकता है तो समय निर्धारित करते हुए दस्तावेज समर्पित करने हेतु आवेदक के लॉग-इन में ऑनलाइन वापस कर सकेंगे आवेदक निर्धारित समय के अंतर्गत वांछित दस्तावेज अपने लॉग-इन से अंचल अधिकारी के लॉग-इन में भेजेंगे। (iv) यदि अंचल अधिकारी आवेदन एवं अपलोड किये गये दस्तावेजों से संतुष्ट हैं तो दोनों पक्षों को एवं सर्वसाधारण के लिए ऑनलाइन नोटिस निर्गत करेंगे। सर्वसाधारण के लिए निर्गत नोटिस को डाउनलोड कर संबंधित हल्का/पंचायत कार्यालय में राजस्व उप निरीक्षक द्वारा प्रदर्शित किया जायेगा। दोनों पक्षों को नोटिस sms/email द्वारा भेजा जायेगा। (v) दोनों पक्षों को दस्तावेज अपलोड करने की सुविधा उपलब्ध होगी। (vi) अंचल अधिकारी जांचोपरान्त इसे राजस्व उप निरीक्षक के लॉग-इन में अधिकतम दो (2) दिनों के अंदर भेजेंगे। राजस्व उप निरीक्षक दस्तावेजों के संबंध में हाँ/ना को सर्वप्रथम मार्क करेंगे एवं आपत्ति रहित मामलों में अधिकतम दस (10) दिनों के अंदर एवं आपत्ति सहित मामलों में अधिकतम बीस (20) दिनों के अंदर अभिलेखों की जांच कर एवं स्थल निरीक्षण कर अपना प्रतिवेदन स्पष्ट मंतव्य के साथ अंचल निरीक्षक के लॉग-इन में भेजेंगे। राजस्व उप निरीक्षक को अपना विस्तृत प्रतिवेदन	

		ऑनलाइन समर्पित करने हेतु शब्द-सीमा नहीं रखा गया है एवं आवश्यकतानुसार दस्तावेज अपलोड करने की भी सुविधा दी गई है।
		(vii) अंचल निरीक्षक दस्तावेजों के संबंध में हाँ/ना को सर्वप्रथम मार्क करेंगे एवं आपत्ति रहित मामलों में अधिकतम पाँच (5) दिनों के अंदर एवं आपत्ति सहित मामलों में अधिकतम दस (10) दिनों के अंदर राजस्व उप निरीक्षक द्वारा समर्पित प्रतिवेदन/मंतव्य की जांच कर एवं भौतिक सत्यापन कर अपना प्रतिवेदन/मंतव्य अंचल अधिकारी के लॉग-इन में भेजेंगे। अंचल निरीक्षक को भी आवश्यकतानुसार दस्तावेज अपलोड करने की भी सुविधा दी गई है। इनके लिए भी शब्द-सीमा नहीं रखा गया है।
		(viii) अंचल अधिकारी, राजस्व उप निरीक्षक एवं अंचल निरीक्षक द्वारा समर्पित प्रतिवेदन/मंतव्य की समीक्षा करेंगे एवं यदि ऐसा समझते हैं कि किसी बिन्दु पर पुनः प्रतिवेदन/मंतव्य की आवश्यकता है तो उक्त बिन्दु का उल्लेख करते हुए अंचल निरीक्षक के लॉग-इन में पुनः भेजेंगे। अंचल निरीक्षक दो दिनों के अंदर उक्त बिन्दु पर अपना प्रतिवेदन/मंतव्य अंचल अधिकारी के लॉग-इन में भेजेंगे अंचल अधिकारी यदि किसी अन्य बिन्दु पर पुनः प्रतिवेदन/मंतव्य की आवश्यकता महसूस नहीं करते हैं तो आदेश पारित करेंगे।
		(ix) अंचल निरीक्षक से उक्त बिन्दु पर प्रतिवेदन/मंतव्य प्राप्त होने पर अंचल अधिकारी उसकी समीक्षा करेंगे तथा आदेश पारित करेंगे। आदेश में आवेदन के स्वीकृत अथवा अस्वीकृत किये जाने के लिए स्पष्ट आधार/कारण का उल्लेख करेंगे। आदेश में इस आशय का भी उल्लेख करेंगे कि यदि कोई पक्ष इस आदेश से असंतुष्ट है तो वे इस आदेश के विरुद्ध सक्षम न्यायालय में अपील दायर कर सकते हैं। सेवा का अधिकार अधिनियम के अंतर्गत आपत्ति रहित मामलों में अधिकतम 30 दिनों के अंदर एवं आपत्ति सहित मामलों में अधिकतम 90 दिनों के अंदर आदेश पारित करना अनिवार्य है जिसमें correction slip निर्गत करने की अवधि भी सन्निहित है। अतः आपत्ति रहित मामले में अधिकतम 28 दिनों के अंदर एवं आपत्ति सहित मामलों में अधिकतम 88 दिनों के अंदर आदेश पारित करना है। यदि किसी विशेष परिस्थिति में निर्धारित अवधि के अंतर्गत आदेश पारित करना संभव नहीं हो पाता है तो निर्धारित अवधि के बाद पारित किये जानेवाले आदेश में विलंब का कारण अनिवार्य रूप से अंकित करेंगे अंचल अधिकारी द्वारा पारित किये जानेवाले आदेश के लिए भी कोई शब्द-सीमा नहीं होगी।
		(x) उपर्युक्त आदेश के अनुरूप आदेश निर्गत करने के दो दिनों के अंदर correction slip निर्गत किया जाना है। correction slip का प्रारूप स्वतः generate होगा जिसकी जांच करने हेतु अंचल अधिकारी को एक अवसर रहेगा जांचोपरान्त किसी प्रकार की अशुद्धि यथा नाम-रकबा आदि

		में पाये जाने पर उसे एकबार Edit करने का अवसर रहेगा। संतुष्ट होने पर Approve बटन दबाने पर correction slip generate हो जायेगा। आदेश एवं correction slip की प्रति कोई भी पक्ष डाउनलोड कर निःशुल्क प्राप्त कर सकेंगे।
		(xi) दाखिल-खारिज के बाद में अंचल अधिकारी द्वारा एक बार आदेश पारित करने के बाद किसी भी परिस्थिति में उनके द्वारा पुनः उक्त भूमि के दाखिल-खारिज हेतु किसी प्रकार की कोई कार्यवाही नहीं की जायेगी।
		(xii) स्थानांतरण/पदस्थापन होने की स्थिति में अंचल अधिकारी अपना सहायक/कर्मि, राजस्व उप निरीक्षक एवं अंचल निरीक्षक का नाम, मोबाईल नं० आदि Edit कर सकेंगे तथा दूसरे पक्ष एवं अधिवक्ता (यदि किसी पक्ष द्वारा इनकी सेवा ली गई हो) का मोबाईल नं०/ई-मेल आई.डी. भी अपलोड कर सकेंगे।
4.	भूमि सुधार उप समाहर्ता के न्यायालय में ऑनलाइन अपील दायर करने की व्यवस्था नहीं थी।	(i) भूमि सुधार उप समाहर्ता के न्यायालय में ऑनलाइन अपील दायर करने की व्यवस्था की गई है।
		(ii) अंचल अधिकारी के द्वारा दाखिल-खारिज आवेदन को अस्वीकृत किये जाने की स्थिति में अधिकतम दो (02) दिनों के अंदर अंचल अधिकारी के लॉग-इन से भूमि सुधार उप समाहर्ता के लॉग-इन में पारित आदेश की प्रति भेजी जायेगी। अंचल अधिकारी के आदेश को विरुद्ध कोई भी पक्ष सीधे भी ऑनलाइन अपील आवेदन दायर कर सकेंगे। यदि अंचल अधिकारी को कभी भी यह पता चले कि अंचल अधिकारी के द्वारा पारित आदेश गलत है तो अंचल अधिकारी भी उक्त आदेश के विरुद्ध भूमि सुधार उप समाहर्ता के न्यायालय में ऑनलाइन अपील दायर कर सकेंगे।
		(iii) भूमि सुधार उप समाहर्ता इसे अपील मानते हुए कार्यवाही प्रारंभ करेंगे भूमि सुधार उप समाहर्ता अधिकतम तीन (03) दिनों के अंदर प्रभारी सहायक/लिपिक के लॉग-इन में भेजेंगे।
		(iv) प्रभारी सहायक/लिपिक अधिकतम तीन दिनों के अंदर अभिलेखों की जाँच करेंगे एवं हाँ/नहीं को मार्क करेंगे तथा भूमि सुधार उप समाहर्ता के लॉग-इन में वापस करेंगे।
		(v) भूमि सुधार उप समाहर्ता हाँ/नहीं को मार्क करेंगे एवं यदि ऐसा समझते हैं कि आवेदक द्वारा दायर किये गये अपील एवं उसके साथ अपलोड किये गये दस्तावेज में कोई कमी है तो वे समय निर्धारित करते हुए आवेदक के लॉग-इन में वापस करेंगे जिसकी सूचना आवेदक एवं अधिवक्ता (यदि किसी पक्ष के द्वारा इनकी सेवा ली गई हो) को sms/email के माध्यम से भेजा जायेगा। अपीलकर्ता निर्धारित समय के अंतर्गत वांछित दस्तावेज अपने लॉग-इन से भूमि सुधार उप समाहर्ता के लॉग-इन में भेजेंगे।

		(vi) भूमि सुधार उप समाहर्ता यदि दायर किये गये आवेदन एवं अपलोड किये गये अभिलेख से संतुष्ट हैं तो संबंधित दोनों पक्षों एवं अंचल अधिकारी को ऑनलाइन नोटिस निर्गत करेंगे नोटिस की सूचना sms/email के माध्यम से दोनों पक्षों, अंचल अधिकारी एवं संबंधित अधिवक्ता (यदि इनकी सेवा किसी पक्ष के द्वारा प्राप्त की गई हो) को दी जायेगी।
		(vii) सभी पक्ष अपना पक्ष लिखित रूप में (Written Statement) संबंधित दस्तावेजों के साथ नोटिस में दिये गये अवधि के अंतर्गत ऑनलाइन अपलोड करेंगे। इस स्तर पर कोई भी दस्तावेज अपलोड करने की सुविधा सभी पक्षों को उपलब्ध होगी।
		(viii) यदि कोई भी पक्ष उपर्युक्त कंडिका (vii) में दिये गये निर्देशों के अनुपालन के बाद अपना पक्ष स्वयं अथवा अधिवक्ता के माध्यम से प्रत्यक्ष रूप से रखने की आवश्यकता महसूस करते हैं तो वे अपने लॉग-इन से तिथि निर्धारित करने हेतु ऑनलाइन अनुरोध करेंगे। भूमि सुधार उप समाहर्ता तिथि निर्धारित कर सुनवाई हेतु ऑनलाइन नोटिस निर्गत करेंगे।
		(ix) भूमि सुधार उप समाहर्ता सभी पक्षों के द्वारा समर्पित दस्तावेजों के समीक्षोपरान्त एवं यदि किसी पक्ष द्वारा प्रत्यक्ष रूप से उपस्थित होकर स्वयं अथवा अधिवक्ता के माध्यम से अपना पक्ष रखा गया हो तो बहस के दौरान उठाये गये बिन्दुओं को भी ध्यान में रखते हुए अधिकतम पैतालीस (45) दिनों के अंदर ऑनलाइन आदेश पारित करेंगे।
		(x) भूमि सुधार उप समाहर्ता आदेश की प्रति अंचल अधिकारी एवं अन्य संबंधित पक्षों के लॉग-इन में आदेश पारित होने के अधिकतम दो (02) दिनों के अंदर भेजेंगे।
		(xi) अंचल अधिकारी भूमि सुधार उप समाहर्ता के उक्त आदेश के आलोक में अधिकतम दो (02) दिनों के अंदर ऑनलाइन पंजी-11 में अपेक्षित Entry करेंगे एवं तदनु रूप लगान रसीद निर्गत करने की भी व्यवस्था करेंगे।
		(xii) भूमि सुधार उप समाहर्ता के आदेश को डाउनलोड कर निःशुल्क प्राप्त किया जा सकेगा।
5.	MIS की संपुचित व्यवस्था नहीं थी।	विभिन्न उच्च स्तरों से किसी भी क्षण विभिन्न बिन्दुओं पर प्रतिवेदन की मांग की जाती है। इसको ध्यान में रखते हुए MIS के अंतर्गत निम्नलिखित सूचनाओं की व्यवस्था की गई है:-
		(i) राजस्व उप निरीक्षक, अंचल निरीक्षक, अंचल अधिकारी एवं भूमि सुधार उप समाहर्ता, अनुमंडल पदाधिकारी, अपर समाहर्ता, उपायुक्त, निदेशक, भू-अभिलेख एवं परिमाण तथा प्रमंडलीय आयुक्त को भूमि की विवरणी देखने की सुविधा होगी जिसमें भूमि की प्रकृति एवं उपलब्धता का उल्लेख रहेगा।

	(iii) राजस्व उप निरीक्षक, अंचल निरीक्षक, अंचल अधिकारी एवं भूमि सुधार उप समाहर्ता, अनुमंडल पदाधिकारी, अपर समाहर्ता, निदेशक, भू-अभिलेख एवं परिमाण, उपायुक्त तथा प्रमंडलीय आयुक्त जब भी लॉग- इन होंगे उन्हें निर्धारित अवधि से अधिक अवधि के लंबित मामले pop up के रूप में दिखाई देगा। (iv) आपत्ति रहित मामलों में अधिकतम 30 दिनों से अधिक समय एवं आपत्ति सहित मामलों में अधिकतम 90 दिनों से अधिक समय से लंबित मामलों से संबंधित प्रतिवेदन अंचलवार, जिलावार एवं पूरे राज्य का उपलब्ध रहेगा। (v) ऑनलाईन दाखिल-खारिज, की पूरी प्रक्रिया को प्रमंडलीय आयुक्त, निदेशक, भू-अभिलेख एवं परिमाण, उपायुक्त, अपर समाहर्ता, अनुमंडल पदाधिकारी, भूमि सुधार उप समाहर्ता, अंचल अधिकारी, अंचल निरीक्षक एवं राजस्व उप निरीक्षक देख सकेंगे परन्तु उन्हें किसी प्रकार का Edit का अवसर नहीं होगा। (vi) जमाबंदीवार Rent Demand एवं अद्यतन Rent/Cess Collection दिखाई देगा जिसे हल्कावार, अंचलवार, जिलावार एवं पूरे राज्य के लिए समेकित रूप से देखा जा सकेगा। (vii) एक एकड़ से कम, एक एकड़ एवं उससे अधिक परन्तु दो एकड़ से कम, दो एकड़ एवं उससे अधिक परन्तु तीन एकड़ से कम, तीन एकड़ एवं उससे अधिक परन्तु चार एकड़ से कम चार एकड़ एवं उससे अधिक परन्तु पाँच एकड़ से कम एवं पाँच एकड़ से अधिक भूमि की सूची उपलब्ध रहेगा। (viii) Return-I उपलब्ध रहेगा। (ix) दोहरी/तिहरी जमाबंदी को चिन्हित कर दिखाने की व्यवस्था होगी।
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झारखण्ड सरकार, राजस्व, निबंधन एवं भूमि सुधार विभाग। पत्रांक-5/सं.भू. को० (अवैध हस्तांतरण)-123/2016-2884 (5)/रा०, दिनांक 10.7.2018, प्रेषक, उदय प्रताप, भा.प्र.से., सरकार के संयुक्त सचिव। सेवा में, सभी प्रमंडलीय आयुक्त, सभी उपायुक्त, झारखण्ड।

विषय : दिनांक 03.07.2018 को हुई मंत्रिपरिषद् की बैठक में मद संख्या-18

में अन्यान्य के रूप में लिये गये निर्णय का संसूचन के संबंध में।

निर्देशानुसार उपर्युक्त विषय के संबंध में कहना है कि दिनांक-03.07.2018 को हुई मंत्रिपरिषद् की बैठक की मद संख्या-19 में "अन्यान्य" के रूप में लिये गये निर्णय का पूर्ण उद्धरण संसूचन हेतु प्रधान सचिव मंत्रिमण्डल सचिवालय एवं निगरानी विभाग (समन्वय), झारखण्ड, राँची के पत्रांक-0758, दिनांक 03.07.2018 द्वारा विभाग को प्राप्त हुआ है।

उक्त पत्र की छायाप्रति संलग्न कर प्रेषित करते हुए अनुरोध है कि मंत्रिपरिषद् द्वारा लिये गये उक्त निर्णय के आलोक में नियमानुसार कार्रवाई करने की कृपा की जाय।

झारखण्ड सरकार, मंत्रिमण्डल सचिवालय एवं निगरानी विभाग (समन्वय)। पत्रांक-सी०एस० 01/बैठक (मंत्रि.)-06/2015-0758, दिनांक 3.7.2018, प्रेषक, एस० के० जी० रहाटे, सरकार के प्रधान सचिव। सेवा में, सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची।

विषय : दिनांक 03.07.2018 को हुई मंत्रिपरिषद् की बैठक में मद संख्या-18

में "अन्यान्य" के रूप में लिये गये निर्णय का संसूचन।

दिनांक 03.07.2018 को हुई मंत्रिपरिषद् की बैठक में मद संख्या-18 में अन्यान्य के रूप में लिये गये निर्णय का पूर्ण उदाहरण आपके सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित की जा रही है:-

मंत्रिपरिषद् द्वारा सम्यक् विचारोपरान्त निर्णय लिया गया कि "अवैध/संदेहास्पद जमाबंदी की अभियान चलाकर जाँचोपरान्त रह करने" के संबंध में राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड सरकार द्वारा निर्गत निर्देश पत्रांक-2074/रा०, दिनांक 13.05.2016 के क्रम में अवैध जमाबंदी रद्द करने हेतु खोले गए अभिलेखों पर अंतिम आदेश पारित होने तक पूर्व में निर्गत मैनुवल लगान रसीद के आधार पर ऑनलाईन लगान रसीद निर्गत करने की व्यवस्था सुनिश्चित की जायें। अवैध जमाबंदी के अभिलेखों में पारित अंतिम आदेश से उपरोक्त निर्णय प्रभावित होगा। वैसे भी अन्य मामलों में भी ऑनलाईन लगान रसीद निर्गत करने की व्यवस्था करते हुए रसीद निर्गत किया जाय।

झारखण्ड सरकार, राजस्व, निबंधन एवं भूमि सुधार विभाग। पत्रांक-5/सं.भू. को० (अवैध हस्तांतरण)-123/2016-2621(5)/रा०, दिनांक 20.6.2018, प्रेषक, उदय प्रताप, सरकार के संयुक्त सचिव। सेवा में, उपायुक्त, धनबाद।

विषय : दिनांक 01.01.1946 के पूर्व निबंधित (विक्रय पत्र/पट्टा/हुकुमनामा)

के आधार पर पंजी-II में संधारित गैरमैजरूआ भूमि से संबंधित जमाबंदियों में ऑनलाईन म्यूटेशन एवं ऑनलाईन लगान रसीद निर्गत करने में आ रही समस्याओं के निराकरण के संबंध में।

प्रसंग :-आपका पत्रांक-1457/रा०, दिनांक 06.04.18

निर्देशानुसार विभागीय पत्रांक 2861/रा, दिनांक 08.06.17 द्वारा दिये गये निर्देशों के अनुपालन में आपके द्वारा उपर्युक्त विषयक प्रासंगिक पत्र में निम्नांकित कठिनाईयों के दृष्टांत प्रकाश में लाते हुए मार्गदर्शन की अपेक्षा की गयी है, जिसके मुख्य बिन्दु निम्नांकित हैं:-

1. दिनांक 01.01.1946 के पूर्व तत्कालीन मध्यवर्ती के द्वारा निर्बंधित दस्तावेज के विरुद्ध जमींदार द्वारा बंदोबस्ती के आधार पर निर्गत जमींदारी रसीदें तथा 1955-56 से लगातार निर्गत सरकारी लगान रसीदें केताओं द्वारा प्रस्तुत करना संभव नहीं होना।

2. वर्ष 1925 में हुए कैंड्रेस्टल सर्वे से 20-50 दशक में जमींदार से प्राप्त लगान रसीदें तथा 70-100 वर्ष के लंबी अवधि की भूतपूर्व जमींदारी रसीदें तदोपरान्त 1955-56 से सरकारी लगान रसीदों से संबंधित कामजात का रैयती द्वारा सुरक्षित संधारण नहीं होना।

3. सरकार स्तर से निर्गत लगान रसीदें तथा उसके प्रति पन्ना (Counter Foil) का समुचित रूप से संधारण एवं संधारण सुनिश्चित नहीं रहने के कारण प्रस्तुत लगान रसीदें का सत्यापन संभव नहीं हो पाना।

उपरोक्त कठिनाईयों का समाधान निम्न प्रकार किया जा सकता है:-

1. 01.01.1946 के पूर्व तत्कालीन मध्यवर्तियों द्वारा निर्बंधित दस्तावेज के आधार पर सरकारी भूमि की बंदोबस्ती के आलोक में निर्गत जमींदारी रसीदें तथा 1955-56 से लगातार निर्गत सरकारी लगान रसीदें का तात्पर्य प्रति वर्ष का लगान रसीदें नहीं है। इसका तात्पर्य यह है कि 01.01.1946 के पूर्व से की गयी बंदोबस्ती तथा जमींदारी उन्मूलन के पश्चात् 1955-56 से लगान रसीदें निर्गत नहीं होने की अवधि तक का लगान के भुगतान में कहीं कोई बकाया नहीं हो। छोटानागपुर कांश्तकारी अधिनियम की धारा 81 से 90 के प्रावधानों के आलोक में रैयत द्वारा सरकार को भूमि का लगान भुगतान किया जाना अनिवार्य है, अन्यथा उक्त भूमि पर से रैयत को बेदखल किये जाने का प्रावधान है। यदि 01.01.1946 के पूर्व तथा जमींदारी उन्मूलन के पश्चात् 1955-56 से लगान रसीदें निर्गत नहीं होने की अवधि तक लगान का भुगतान कुछ वर्षों के अंतराल में बकाया सहित किया गया हो, तो भी वह मान्य होगा, बशर्ते कि बंदोबस्ती की तिथि से 1955-56 तक भूतपूर्व जमींदार द्वारा तथा उसके उपरान्त सरकार को रैयत द्वारा एकमुश्त बकाया सहित केवल एक या दो अथवा कुछ रसीदें ही निर्गत न की गयी हो। यह भी उल्लेखनीय है कि उक्त संबंध में आदेश पारित करने वाले सक्षम प्राधिकार (अनुमण्डल पदाधिकारी) की सरकारी भूमि बंदोबस्ती नियमानुसार होने के संबंध में संतुष्टि आवश्यक है।

2. यदि रैयतों द्वारा 1925 में हुए कैंड्रेस्टल सर्वे से जमींदारी उन्मूलन के पश्चात् 1955-56 के पश्चात् निर्गत लगान रसीदें नहीं होने अथवा उसका रैयतों द्वारा सुरक्षित संधारण नहीं होता सभी मामलों में समरूप नहीं हो सकता है। यह हो सकता है कि कुछ रैयतों ने अपनी जमीन की रसीदें तथा अन्य कामजात सुरक्षित न रखा हो, परन्तु अधिकांश रैयत अपनी जमीन की कामजातों को पुश्त-दर-पुश्त हिफाजत के साथ रखा करते हैं।

3. बीते वितीय वर्षों में निर्गत राजस्व रसीदों के Counter Foil का संधारण जिला अभिलेखागार में किया जाना अंशकालिक कार्य है। समाह्वी द्वारा अंशकालिक कार्यों का निरीक्षण करते समय उक्त Counter Foil का निम्नलिखित Register-3A तथा Register-3AA से करते हुए राजस्व वसूली का सत्यापन करना अनिवार्य है। यदि किसी मामले में निर्गत राजस्व रसीदों का Counter Foil उपलब्ध नहीं हो तो रैयतों द्वारा उपलब्ध कराये गये राजस्व रसीदों का Register-3A तथा Register-3AA से सत्यापन किया जा सकता है।

सरकारी अभिलेखागार सरकारी कागजातों/अभिलेखों के सुरक्षित संधारण हेतु बने रहते हैं। यदि उन अभिलेखागारों में कामजातों को सुरक्षित नहीं रखा गया हो तो उसकी जाँच अपेक्षित है तथा तदनुसार कर्मियों के विरुद्ध अनुशासनात्मक कानूनी कार्रवाई अपेक्षित है।

अतः अनुरोध है कि उपर्युक्त बिन्दुओं के आलोक में तथा पत्रांक-2861/राव दिनांक 08.06.17 में दिये गये निर्देशों तथा संगत अधिनियमों में उल्लेखित प्रावधानों के आलोक में नियमानुसार कार्रवाई करते हुए कृत कार्रवाई से विभाग को अवगत कराने की कृपा की जाय।

झारखण्ड सरकार, राजस्व, निबंधन एवं भूमि सुधार विभाग। पत्रांक-5/स.भू. को० (अद्वैत हस्तांतरण) - 123/2016-5239(5)/रा० दिनांक 30.10.2017, प्रेषक, उदय प्रताप, सरकार के संयुक्त सचिवा सेवा में, सभी उपायुक्त, झारखण्ड।

विषय : रैयती भूमि से संबंधित जमाबंदियों में ऑनलाईन म्यूटेशन एवं ऑनलाईन लगान रसीदें निर्गत करने में आ रही समस्याओं के निराकरण के संबंध में।

निर्देशानुसार उपर्युक्त विषय के संबंध में कहना है कि दिनांक 01.01.1946 से पूर्व निर्बंधित विक्रय पत्र/पट्टा/हुकूमनामा के आधार पर पंजी-11 में संघारित गैरमबलूआ भूमि से संबंधित जमाबंदियों में ऑनलाईन म्यूटेशन एवं ऑनलाईन लगान रसीदें निर्गत करने तथा सरकार के सक्षम स्तर से सुयोग्य श्रेणी के भूमिहीन व्यक्तियों को बंदोबस्त भूमि का ऑनलाईन लगान रसीदें निर्गत करने में आ रही समस्याओं के निराकरण करने के संबंध में विभागीय पत्रांक-2247/रा०, दिनांक 05.05.2017 एवं पत्रांक 2861/रा०, दिनांक 8.6.2017 द्वारा विस्तृत दिशा-निर्देश निर्गत हैं।

रैयती भूमि से संबंधित खतियान एवं पंजी-11 की डाटा इन्ट्री में विभाग को कई ऐसे दृष्टांत संज्ञान में आए हैं जिनमें:-

(1) खाता नं., खेसरा अथवा रकबा की त्रुटिपूर्ण प्रविष्टि की गई है ऐसे मामले में पूर्व से ही दाखिल-खारिज वादों की स्वीकृति तदनुसार निर्गत शुद्धि-पत्र (Correction Slip) के आधार पर पंजी-11 में हल्का कर्मचारी द्वारा की गयी प्रविष्टि या तो जानबूझ कर अथवा भूलवश की गयी है। त्रुटिपूर्ण प्रविष्टि के आधार पर की गयी डाटा इन्ट्री भी त्रुटिपूर्ण है, जिसे संशोधित किया जाना अपेक्षित है साथ ही साथ पंजी-11 में शुद्धिपत्र से त्रुटिपूर्ण प्रविष्टि करने वाले राजस्व कर्मचारियों के चिह्नितकरण की कार्रवाई भी अपेक्षित है ताकि उनके विरुद्ध अनुशासनात्मक कार्रवाई की जा सके।

(2) ऐसे भी दृष्टांत विभाग के संज्ञान में आ रहे हैं जिनमें एक ही भूमि का अलग-अलग व्यक्तियों के नाम से पंजी-11 में प्रविष्टि की गयी है तथा लगान रसीदें निर्गत हो रही हैं जिससे भूमि विवाद की संभावना बनी रहती है जिसे लोक-हित में नियंत्रित किया जाना अपेक्षित है।

(3) कहीं-कहीं तो पंजी-11 में रैयतों को धारित खतियान में उल्लेखित भूमि को रकबे से अधिक भूमि का दाखिल-खारिज करते हुए पंजी-11 संघारित किया गया है, जिससे भू-माफियाओं, भू-दलालों को कम पड़े-लिखे/अशिक्षित रैयतों की भूमि को जालसाजी कर दबड़ने का पर्याप्त मौका मिल जाता है। उक्त पर कठोर नियंत्रण जरूरी है।

(4) शहरी क्षेत्रों में एम०एस० प्लॉट के ऑनलाईन लगान रसीदें निर्गत करने में भी आ रही कठिनाईयें

इण्डक्स स शुद्धता का जांचपरात एवं सत्यापनापरात डाटाइज्ड एवं अपलोड किया जाना अपेक्षित है, ताकि एम०एस० प्लॉटों में ऑनलाईन लगान रसीद निर्गत करने की समस्या का निराकरण किया जा सके।

उपयुक्त कठिनाईयों से रैयतों को निजात दिलाने हेतु निम्नांकित कार्रवाई अपेक्षित है:-

- (i) झारखण्ड राज्य के सभी अंचलों में एक अभियान चलाकर पंजी-॥ की वैसी सभी तरह की त्रुटिपूर्ण प्रविष्टि की पहचान एक सप्ताह के अंदर की जाय। जिन मामलों में दाखिल-खारिज/नामांतरण मामलों के निष्पादनोपरांत निर्गत शुद्धिपत्र के आधार पर त्रुटिपूर्ण प्रविष्टि पंजी-॥ में की गयी हो तथा उसके आधार पर डाटा इन्ट्री में पूर्व की पंजी-॥ में गलत प्रविष्टि से त्रुटिपूर्ण डाटा इन्ट्री की गयी हो, जैसे मामलों में अंचल अधिकारी अंचल में उपलब्ध राजस्व अभिलेखों के अवलोकनोपरांत तथा संबंधित पक्षों को सुनकर अधिकतम एक माह के अंदर पंजी-॥ में सही-सही प्रविष्टि करने हेतु स्पष्ट अनुशंसा भूमि सुधार उप समाहर्ता को भेजेंगे। दाखिल-खारिज से संबंधित ऐसे मामलों में भूमि सुधार उप समाहर्ता अंचल अधिकारी के अनुशंसा के आधार पर दाखिल-खारिज अपीलवाद दर्ज कर मामले से संबंधित पक्षों को सुनकर आदेश पारित करेंगे। इस तरह के मामलों का निष्पादन भूमि सुधार उप समाहर्ता अधिकतम एक माह के अंदर करना सुनिश्चित करेंगे। उक्त आदेश को भूमि सुधार उप समाहर्ता अंचल अधिकारी को प्रेषित करेंगे। अंचल अधिकारी के द्वारा एक सप्ताह के अंदर तदनुसार पंजी-॥ संशोधित करते हुए संशोधन के प्रमाण स्वरूप अपना हस्ताक्षर अंकित करेंगे पूर्व में की गयी डाटा इन्ट्री को तदोपरांत संशोधित करेंगे। उक्त संशोधन कार्य हर माह की पहली तारीख से दसवीं तारीख के बीच की अवधि में कार्यालय दिवसों को किया जायेगा।
- (ii) जिन मामलों में गंभीर भूल (Material Error) न हो वैसे मामलों की शुद्धि के संबंध में अंचल अधिकारी राजस्व कर्मचारियों से अंचल निरीक्षक के माध्यम से प्रतिवेदन प्राप्त कर भू-अभिलेख/पंजी-॥ संशोधन की कार्रवाई करेंगे तथा संगत पत्रियों में संशोधन के प्रमाण स्वरूप अपना हस्ताक्षर अंकित करेंगे। ऐसे मामलों में आदेश के उपरांत शुद्धिपत्र निर्गत किया जायेगा, जिसका अनुपालन एक सप्ताह के अंदर हल्का कर्मचारी के द्वारा किया जायेगा।
- (iii) शहरी क्षेत्रों में एम०एस० प्लॉटों के ऑनलाईन लगान रसीद निर्गत करने में आ रही कठिनाईयों के निराकरण हेतु एम०एस० प्लॉटों का प्लॉटों में एम०एस० प्लॉट दर्ज है उसमें आर०एस० प्लॉटों से मिलान कर डिजिटाइज करवाया जाय। जिन मौजों में कुछ अंश आर०एस० प्लॉट का उपलब्ध हो तथा कुछ मौजों में एम०एस० प्लॉट का उपलब्ध हो, वैसे मौजों में आर०एस० अथवा एम०एस० प्लॉट जॉचोपरांत एवं सत्यापनोपरांत खतियान, नक्शा, प्लॉट इण्डेक्स से जॉच करते हुए डिजिटाइज किया जाय एवं अपलोड कराया जाय। उक्त सभी कार्य 15 दिनों में संबंधित अंचल अधिकारियों द्वारा पूर्ण कराया जाय। अंचल अधिकारियों से प्राप्त दस्तावेज के आधार पर NIC द्वारा 15 दिनों में इसे ऑनलाईन कराया जाय।
- (iv) उपयुक्त के संबंध में रैयतों/आवेदकों से उक्त आशय का आवेदन-पत्र प्राप्त होने अथवा नहीं होने की स्थिति में भी अंचल अधिकारी त्रुटिपूर्ण प्रविष्टियों का कठिका- (i) एवं (ii) के अनुसार निराकरण करने हेतु अभिलेख संचारित कर अंचल में उपलब्ध अभिलेखों के

अपराधनापरात एवं समाधानपरात अधिकतम एक माह के अंदर ऑनलाईन पंजी-॥ में सहा प्रविष्टि करने हेतु अपनी स्पष्ट अनुशंसा भूमि सुधार उप समाहर्ता को भेजेंगे एवं तदनुसार पूर्व में उल्लेखित प्रक्रिया के अनुसार हर माह की पहली तारीख से दसवीं तारीख के बीच की अवधि में कार्यालय दिवसों को संशोधन कार्य किया जायेगा।

(v) कठिका-1 एवं 2 में संशोधन से संबंधित शुद्धिपत्रों को तीन स्तरी-जिला स्तर, अनुमण्डल स्तर तथा अंचल स्तर पर रक्षी सचिका में संचारित किया जाएगा तथा उसकी एक प्रति विभाग को प्रेषित किया जायेगा।

(vi) उक्त सभी मामलों का संधारण e-court management system पर किया जायेगा ताकि पारदर्शिता बनी रहे।

अतएव अनुरोध है कि उपरोक्त संबंध में सम्यक कार्रवाई हेतु अपने सभी अधीनस्थों को निर्देशित करते हुए अनुपालन करने की कृपा की जाय तथा उपयुक्त मामलों के निष्पादनार्थ व्यक्तिगत अभिरूचि लेते हुए पाक्षिक समीक्षा की जाय साथ ही दोषी कर्मियों को चिन्हित करते हुए उन पर अनुशासनिक कार्रवाई की जाय, ताकि रैयतों को अनावश्यक परेशानियों एवं भूमि विवाद की आशंका को कम किया जा सके।
सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

झारखण्ड सरकार, राजस्व, निर्बंधन एवं भूमि सुधार विभाग। पत्रांक-5/स.भू. को. (अवेध हस्तांतरण)-123/ 2016-2861(5)/रा०, दिनांक 8.6.2017. प्रेषक, उदय प्रताप, सरकार के संयुक्त सचिव। सेवा में, सभी उपायुक्त, झारखण्ड।

विषय : दिनांक 01.01.1946 के पूर्व, निर्बंधित (विक्रय पत्र/पट्टा / हुकुमनामा) के आधार पर पंजी-॥ में संधारित गैरमजबूआ भूमि से संबंधित जमाबंदियों में ऑनलाईन म्यूटेशन एवं ऑनलाईन लगान रसीद निर्गत करने में आ रही समस्याओं के निराकरण करने के संबंध में।

प्रसंग :- विभागीय त्रापांक-2247/रा०, दिनांक 05.05.2017

निदेशानुसार उपयुक्त विषयक प्रासंगिक पत्र के संबंध में कहना है कि गैरमजबूआ भूमि के ऑनलाईन म्यूटेशन एवं ऑनलाईन लगान रसीद निर्गत करने के दौरान प्रकाश में आ रही समस्याओं के निराकरण हेतु विभाग द्वारा प्रासंगिक पत्र द्वारा लिए गए निर्णय- "वैसे गैरमजबूआ खास भूमि जिसका हस्तांतरण विधिवत 01.01.1946 के पूर्व निर्बंधित दस्तावेज द्वारा हुआ है एवं 1955 से लगातार रसीद निर्गत हो रहा है तथा प्रथम दृष्टया जमाबंदी सही प्रतीत होता हो, वैसे मामलों में ऑनलाईन रसीद निर्गत करने की व्यवस्था की जाय।" उसके बावजूद ऐसी जमाबंदी से रसीद नहीं निर्गत होने की शिकायतें अभी भी विभाग को प्राप्त हो रही हैं।

उपरोक्त के संबंध में स्पष्ट कहना है कि ऐसे मामले जिनमें 1.1.1946 से पूर्व पंजीकृत डीड/इन्स्ट्रुमेंट से गैरमजबूआ मालिक भूमि का अंतरण/बदोबस्ती भूतपूर्व जमींदार द्वारा किया गया हो तथा तदनुसार बदोबस्ती की तिथि से 1956 के पूर्व तक भूतपूर्व जमींदारी रसीद निर्गत होती रही हो एवं तदोपरांत 1956 से लगातार उक्त जमाबंदियों में रसीद निर्गत नहीं करने की अवधि तक सरकारी लगान रसीद निर्गत होती रही हो, साथ ही साथ जिन मामलों में समीक्षा के दौरान यह दृष्टिगोचर हो कि भूतपूर्व जमींदार ने निर्बंधित दस्तावेज से

1:1:1946 के पूर्व जिस रैयत को साथ भूमि की बंदोबस्ती की थी परन्तु उसने 1955-56 के पूर्व भूमि का हस्तांतरण निर्बंधित दस्तावेज से किसी रैयत को कर दिया हो, वैसे मामलों में भू-हस्तांतरण से संबंधित निर्बंधित दस्तावेज, 1955-56 के पूर्व भूमि क्रोताओं के नाम भूतपूर्व जमींदार द्वारा निर्गत जमींदारी रसीदें तथा 1955-56 के बाद क्रोता को लगातार निर्गत सरकारी रसीदें एवं उक्त निर्बंधित दस्तावेज से क्रमानुसार हस्तांतरित दखल-कब्जों का सत्यापन किया जाना अपेक्षित होगा ऐसे मामलों को अंचल अधिकारी एक सप्ताह के अंदर चिह्नित कर लेंगे एवं उपलब्ध निर्बंधित दस्तावेज (विक्रय पत्र/पट्टा/हुकुमनामा) के आधार पर पंजी-II में संधारित संबंधित भूमि की जमाबंदी से सत्यापन करते हुए अनियमित/संविध जमाबंदियों के पहचान के क्रम में खोले गए उक्त जमाबंदी के बाद अभिलेख (Case Record) के आदेश फलक में अपना सुस्पष्ट तार्किक निष्कर्ष (Logical Finding) अंकित करेंगे एवं जमाबंदी का संधारण नियमानुसार नियमित करने योग्य पाये जाने पर उक्त के संबंध में आदेश पारित करते हुए ऐसे जमाबंदियों के विनियमितीकरण का प्रस्ताव अनुशंसा सहित अग्रतर कार्रवाई हेतु भूमि सुधार उप समाहर्ता को भेजेंगे भूमि सुधार उप समाहर्ता ऐसे अभिलेखों के साथ संलग्न दस्तावेजों एवं अंचल अधिकारी की अनुशंसा की समीक्षा करेंगे एवं सत्यक रूप से छान-बीन कर आदेश पारित करते हुए अपनी अनुशंसा अनुमंडल पदाधिकारी को भेजकर उस पर उनका अनुमोदन प्राप्त करेंगे अनुमोदनोपरांत अभिलेख अग्रतर कार्रवाई हेतु अंचल अधिकारी को वापस करेंगे।

उक्त आदेश को आलोक में अंचल अधिकारी नियमित पायी जाने वाली जमाबंदी के प्रमाणीकरण करने हेतु कार्यालय आदेश निर्गत करेंगे। संबंधित पंजी-II के संबंधित पृष्ठ में उल्लेखित प्राधिकार कॉलम में हल्का कर्मचारी/अंचल निरीक्षक के सत्यापनोपरांत अंचल अधिकारी स्वयं पंजी-II के उक्त पृष्ठ का प्रमाणीकरण (Authentication) करेंगे तथा प्रमाणीकरण के बाद ऑनलाइन प्रविष्टि हेतु अनुरोध-पत्र अपर समाहर्ता के माध्यम से NIC को भेजेंगे। NIC से समन्वय स्थापित कर अंचल अधिकारी संबंधित पंजी-II के संबंधित पृष्ठ को विरुद्ध पूर्व में की गयी प्रविष्टि से मिलान/सत्यापन कर उक्त प्रविष्टि को सत्यापित करेंगे। यदि पूर्व में की गयी प्रविष्टि में किसी संशोधन की आवश्यकता हो तो तदनुसार प्रविष्टि की जाएगी। की गयी ऑनलाइन प्रविष्टि की QC1 एवं QC2 को हल्का कर्मचारी से भिन्न दूसरे हल्के के कर्मचारी से QC1 एवं QC2 करते हुए Authenticate करेंगे। ऑनलाइन प्रविष्टि करने वाले कम्प्यूटर ऑपरेटर एवं QC1 एवं QC2 करने वाले हल्का कर्मचारी का पूरा नाम सहित हस्ताक्षर प्राप्त किया जाना आवश्यक होगा, ताकि भविष्य में किसी प्रकार की विसंगति होने पर उनके विरुद्ध कार्रवाई की जा सके। तदनुसार उक्त प्रक्रिया का अनुपालन करते हुए पूर्व में लगान रसीद निर्गत करने पर रोक को हटते हुए ऑनलाइन लगान रसीद निर्गत करेंगे जिसकी सूची चिह्नित प्रपत्र में तीन स्तरों पर (जिला स्तर/अनुमंडल स्तर/अंचल स्तर पर) रक्षी सचिका में संधारित किया जायेगा तथा एक प्रति विभाग को समर्पित किया जायेगा।

2. ऐसे मामले जिसमें सुयोग्य श्रेणी के व्यक्तियों को गैरमजूरआ खास भूमि की सरकारी बंदोबस्ती अनुमंडल पदाधिकारी के स्तर से की गई है, उन मामलों को अंचल अधिकारी अनुमंडल पदाधिकारी से निर्गत पखाना/बंदोबस्ती पट्टा/रेंट रॉल एवं कार्यालय में संधारित सरकारी भूमि बंदोबस्ती वाद, अभिलेख आदि से सम्पूर्ण रूप से जाँच करेंगे एवं सही पाये जाने पर वाद अभिलेख में अपनी अनुशंसा के साथ अभिलेख भूमि सुधार उप समाहर्ता को एक सप्ताह के अंदर भेजेंगे। भूमि सुधार उप समाहर्ता अपने कार्यालय में उपलब्ध सरकारी भूमि की बंदोबस्ती पंजी से मिलान एवं सत्यापनोपरांत उक्त बंदोबस्ती सही पाये जाने पर उक्त आशय का आदेश अभिलेखित करते हुए अनुमंडल पदाधिकारी को अनुशंसा भेजेंगे जिसे अनुमंडल पदाधिकारी तत्ता समीक्षित किया जायेगा। तदोपरांत अभिलेख को अग्रतर कार्रवाई हेतु संबंधित अंचल अधिकारी को

प्रमाणीकरण करेंगे। ऑनलाइन लगान रसीद निर्गत करने हेतु रोष-प्रक्रिया कण्डिका-1 के अनुरूप रहेगी। अतः अनुरोध है कि अपने जिले से संबंधित दिनांक 01-01-1946 के पूर्व निर्बंधित दस्तावेज (विक्रय पत्र/पट्टा/हुकुमनामा) के आधार पर गैरमजूरआ भूमि से संबंधित जमाबंदियों को उक्त कण्डिकाओं के अनुसार प्रमाणीकरणोपरांत निष्पादित करते हुए ऑनलाइन लगान रसीद निर्गत कराना सुनिश्चित करने की कृपा की जाय।

इस पर विभागीय अनुमोदन प्राप्त है।

झारखण्ड सरकार, राजस्व एवं भूमि सुधार विभाग। पत्र संख्या -5/स० म० (रैयती) 11/04-3651/रा०, दिनांक 23.9.2004. प्रेषक, श्री ए.सी. रंजन, आयुक्त एवं सचिवा सेवा में, उपायुक्त, राँची,

विषय : रैयतों/बंदोबस्तदारों को नोटिस निर्गत करने के संबंध में।

उपर्युक्त विषय पर अंचलाधिकारी, कांके द्वारा भेजे गये पत्रांक 396 (1) दिनांक 2.9.2004 का प्रसंग किया जाय। इसकी प्रतिलिपि अधोहस्ताक्षरी को भी दी गई है। इस पत्र के साथ अंचलाधिकारी कांके द्वारा संधिध जमाबंदी की सूची संलग्न की गई है। इसमें 72 वाद अंकित हैं।

2. यह अनुमंडल पदाधिकारी, सदर राँची के पत्रांक 1454/गो० दिनांक 9.8.2004 द्वारा निर्गत निर्देश को अनुपालन में किया गया बताया गया। अनुमंडल पदाधिकारी सदर राँची के उक्त पत्र में निर्देश है कि सदर अनुमंडल, राँची के क्षेत्राधिकार के अन्तर्गत अंचलों में बहुत सारे गैर मजूरआ मालिक और गैर मजूरआ आम की जमाबन्दी चल रही है तथा इस जमीन का रसीद भी काटा जा रहा है इस परिपेक्ष में कहना है कि इन सभी जमीनों के संबंध में जाँच पड़ताल कर तुरंत रसीद काटना बंद कर दें तथा संधिध गैर मजूरआ मालिक एवं गैर मजूरआ आम जमीन को जमाबन्दी रद्द करने हेतु अपना प्रस्ताव सुस्पष्ट मंतव्य के साथ शीघ्र अधोहस्ताक्षरी को भेजना सुनिश्चित करें ताकि इस दिशा में इस स्तर से त्वरित कार्रवाई की जा सके।

3. आप अवगत है कि इसी तरह से एक मामले में अंचलाधिकारी, कांके को झारखण्ड उच्च न्यायालय, राँची में उपस्थित होने का निर्देश दिया गया था। उक्त तिथि को अधोहस्ताक्षरी को भी उच्च न्यायालय उपस्थित होने का निर्देश दिया गया था। तदनुसार दिनांक 2.9.2004 को अधोहस्ताक्षरी भी न्यायालय में उपस्थित हुए थे। न्यायालयने अधोहस्ताक्षरी से जानना चाहा था कि किन प्रावधानों के अंतर्गत अंचलाधिकारी गण इस तरह से नोटिस निर्गत कर रहे हैं। विभाग के स्तर से उन्हें कोई निर्देश दिया गया है या नहीं तथा राजस्व पदाधिकारियों द्वारा जो कार्रवाईयाँ की जा रही है वह अधिनियम नियमावली को अंकित करते हुए की जा रही है या नहीं।

अधोहस्ताक्षरी इन कार्रवाई से अवगत नहीं थे अतः न्यायालय में अनभिज्ञता प्रकट की गई। साथ ही साथ यह स्पष्ट किया गया कि राजस्व पदाधिकारीगण को अधिनियम/नियमावली में निहित प्रावधानों के तहत ही कार्रवाई करना है।

4. अंचलाधिकारी कांके द्वारा अंकित 72 सूची में से 41 (37 छोड़कर) सूची में जमाबन्दी खोले जाने का वर्ष अंकित नहीं है। 42 बयालीस की आगे की सूची में वर्ष अंकित है जिन में वर्ष 1984-85 से 2003-04 का जिक्र है। पुनः क्रमांक 70, 71, 72 में जमाबन्दी खोलने का वर्ष अंकित नहीं है अंचलाधिकारियों की सूची में भूमि की क्रियम भी अंकित नहीं है, इसमें मात्र ग्राम, थाना, खाता, खेसरा

अंचलाधिकारी द्वारा किस किस की

पर कारवाई का यह है और यह कारवाई का किस अधिनियम/नियम/वली का अंतर्गत आदेश पारित किया जा रहा है और यह आदेश पारित करने के लिए उनके पास क्या आधार है। साथ-साथ वे रयत/बंदोबस्तदार से किन-किन कागजातों की अपेक्षा करते हैं। यह स्पष्ट रूप से अपने आदेश में अंकित करना है कि बंदोबस्त/रयत को किन-किन कागजातों (नोटिस) को जमा करना है मात्र कागजात-शब्द अंकित नहीं करना है पदाधिकारी को बंदोबस्त-पट्टा, निर्बंधित बिक्री नामा मुटेशन, लगान रसीद आदि में से किन कागजातों की अपेक्षा करते हैं, यह अंकित किया जाय। आप सहमत होंगे कि रयत ग्रामीण क्षेत्रों में निवास करते हैं। इनमें से अधिकांश में शिक्षा की कमी है। कागजातों का रख-रखाव भी उनके स्तर पर समुचित रूप से नहीं हो पाता है। फलस्वरूप अस्पष्ट नोटिस मिलने से उन्हें स्वभावतः परेशानी होती है और वे कई प्रकार के शोषण का शिकार होते हैं। अतः इन सब बिन्दुओं पर गरीब स्तर पर ध्यान रखा जाना है कि क्षेत्रीय पदाधिकारियों द्वारा किसी भी रयत/बंदोबस्तदार को नोटिस में स्पष्ट रूप से अंकित किया जाय कि किस अधिनियम/नियम/वली के किसी धारा/धाराओं के अंतर्गत उन्हें नोटिस दी जा रही है, यह नोटिस क्यों दी जा रही है और उनसे किन-किन कागजातों की आवश्यकता है। नोटिस में कागजातों का वर्णन किया जाय। नोटिस में अंकित कागजातों से भिन्न कागजातों की मांग रयतों/बंदोबस्तदारों से किया जाना गलत होगा और उनका शोषण होगा। उक्त तथ्यों को दृष्टिगत में रखते हुए कारवाई सुनिश्चित किया जाय अन्यथा अनावश्यक रूप से क्षेत्रीय पदाधिकारियों/विभाग को वैधानिक समस्या का सामना करना पड़ता है।

झारखण्ड सरकार राजस्व एवं भूमि सुधार, विभाग। प्रेषक, श्री ए० सी० रंजन आयुक्त एवं सचिव। सेवा में, सभी उपायुक्त।

विषय : सरकारी भूमि के हस्तान्तरण में वार्षिक लगान आदि के निर्धारण के संबंध में।

उपयुक्त विषय पर वित्त आयुक्त ने निम्नलिखित पृच्छा करने की कृपा की है "राज्य सरकार द्वारा विभिन्न उद्देश्य से व्यक्ति या संस्था के साथ जमीन बन्दोबस्ती की जाती है एवं उपयोगिता के अनुसार वार्षिक लगान भी निर्धारित की जाती है रेलवे मंत्रालय, भारत सरकार को नई रेल लाइन निर्माण हेतु जो जमीन हस्तान्तरण के प्रस्ताव प्राप्त हो रहे हैं, उसमें इसका उल्लेख नहीं है कि वार्षिक लगान किस दर से प्रस्तावित है या रेल मंत्रालय को बेलगान जमीन हस्तान्तरित किये जाने का प्रस्ताव है। आप अवगत हैं कि रेलवे मंत्रालय हस्तान्तरित जमीन पर विभिन्न प्रकार के व्यवसायिक कार्यक्रम चलाये जाते हैं भिन्न-भिन्न उद्देश्य के लिए क्या लगान निर्धारित है, इसकी समीक्षा आप अपने स्तर पर करना चाहेंगे। संभव है कि इसमें राजस्व में काफी वृद्धि होगी, चूँकि झारखण्ड के रेल लाइन से रेलवे मंत्रालय को कोयला, खनिज एवं अन्य सामान का व्यवसायिक आवागमन हो रहा है।"

अनुरोध है कि विभाग को प्रस्ताव भेजते समय इन तथ्यों पर विचार करने का कष्ट दिया जाय।

Final Government Order
Copy of letter no. 3979-L R., dated the 23rd October 1952, from the Additional Secretary to Government of Bihar, Revenue Department (Land Reforms Section), addressed to all the Collectors including the Additional District Magistrate, Saharsa and the Additional Deputy Commissioners of Dhanbad and Chaibassa.

Subject : Delegation of powers and duties to the Circle Officers, Additional Subdivisional Officers, Subdivisional Officers and Additional Collectors in connection with the implementation of the Zamindari Abolition Scheme.

I am directed to say that the question as to what duties should be assigned to the different categories of gazetted staff employed in connection with the Zamindari Abolition Scheme and what powers should be delegated to them has been considered in the light of the existing rules in the Government Estates Manual and the Court of Wards Manual. After a careful examination and consideration of the matter, the State Government have been pleased to decide that the powers to be exercised and the duties to be performed by the different categories of Officers will be as follows:

(1) Circle Officers—

- (a) All the functions and duties of a Khasmahal Officer given in the Government Estates Manual.
- (b) In addition, the Circle Officer may be authorised to sanction mutations in respect of holdings within his jurisdiction.

(2) Additional Subdivisional Officers/L.R. Deputy Collectors—

- (i) they will have the powers to file certificate case;
- (ii) they will have powers to hear mutation appeals from the orders of Circle Officer;
- (iii) they may sanction any alteration in the Rent Rolls (Register 1) as provided in Rule 79 and Chapter II of the Government Estates Manual;

Copy of letter no. E/XV-1031/53 - 1396 L R., dated the 4th March 1954, from the Deputy Secretary to Government of Bihar, Revenue Department (Land Reforms Section), addressed to all Collectors, including Additional District Magistrate, Saharsa, Additional Deputy Commissioners of Dhanbad and Chaibassa.

Subject : Court-fees on applications filed by tenants in connection with management of vested zamindaris.

I am directed to say that references have been received by Government enquiring whether court-fees are chargeable on petitions filed by tenants of vested zamindaris in connection with settlement of waste lands, mutation of names etc.

2. The position has been examined by Government and I am to draw your attention in this connection to the notification no. 2576-IA. 25, dated the 25th December 1921, reproduced on pages 76-84 of the Stamp Manual, in which court fees chargeable on the following categories of application, *inter alia* were remitted under section 35 of Court-Fees Act, 1870—

- (i) application for leave to occupy, under direct engagement with the Government land of which revenue is settled but not permanently, when made by person who do not hold the land at the time of application;
- (ii) applications for loans under the Land Improvement Loans Act, 1883 the Agriculturists Loans Act, 1884;
- (iii) applications presented to officers of land revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed; and
- (iv) application and petitions presented to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector for advice or assistance from the Agriculture Department of the province.

It may be mentioned in this connection that "Land Revenue" becomes synonymous with land rent in cases in which the land is under direct management of Government, e. g. in Khasmahal and vested zamindaris. Therefore, in all such cases court fee should not be realised.

3. The management of the vested zamindaris is to be conducted on the lines of that of the Khasmahal Estates as laid down under the Bihar Government Estates Manual 1953. Section 39 of the Manual lays down the position with regard to fixation of court-fees on mutation applications, filed by the Khasmahal tenants. According to it, no court fee is chargeable on applications filed in respect of mutation of an occupancy holding the only exception is in case of occupancy holding, held at fixed rates. The number of occupancy holdings held at fixed rates, is however, very small in this State.

4. The above cover practically all kinds of applications which the tenants of vested zamindaris may have to file in connection with their affairs concerning the zamindaris work. I am accordingly to say that no application required to be filed by the tenants of vested zamindaris with regard to their day-to-day contact with the authorities in connection with zamindaris matters should be required to bear court fee stamps. If you consider that the applications of any category should under the existing rules, be affixed with the court-fee stamp, a reference may be made to Government with regard thereto.

Copy of letter no. E/XV-1058-677 L.R., dated Patna the 24th January 1959, from the Deputy Secretary to Government of Bihar, Revenue Department to all Collectors.

Subject : Acceptance of Private Panchayati Partitions for the purpose of mutation.

I am directed to say that a question was raised in the Block Development

Private Panchayati Partitions are to be accepted for the purpose of mutations. matter has been examined by Government and they have been advised that muta should not be refused merely because there has been a private partition or a part through a Private Panchayat in a joint property and each sharer wants to be recor in respect of his share which he has got through it. On the other hand mutati should be allowed provided that the partition is genuine and has been accepted b co-sharers concerned.

The receipt of this letter may be acknowledged.

Copy of letter no. E/XV-Ag. 4023/58 - 2009-L.R., dated the 11th March, 1 from the Secretary to Government of Bihar, Revenue Department (Land Refo Section), addressed to all Collectors.

Subject : Disposal of cases instituted for mutation in resp of tenants holdings.

I am directed to invite a reference to the instructions contained in paragra of the "Instructions for guidance of the Circle Officers in Government Estates" at item (B) of the list of duties assigned to the Circle Officers in this department's l no. 3979-L.R., dated the 23rd October 1952 on subject mentioned above, and to that a scrutiny of the monthly statements forwarded by the District Officers indic a general delay in disposal of applications filed for mutations. Government con that adequate attention in this regard is not being paid by the Circle Officers/Ar Adhikari. It is, therefore, desired that instructions should be issued to them to en that 'mutation' cases are attended to promptly and disposed of with the least pos delay. It should be possible to pass the final orders and issue the correction sll uncontested applications within a month and within two to three months in conte applications.

2. Government further desire that a six-monthly inspection should be he the Circle Officer/Anchal Adhikari himself of his own file, any cases pending for three months are given special attention thereafter. The Additional Collectors, divisional Officers, Deputy Collectors Incharge Land Reforms, should also pay sr attention to this work during their normal tours and inspections. Government e that a definite improvement will be brought about in disposal of these cases d the next months.

3. The receipt of this letter may be acknowledged.

Copy of letter no. E/FB-752/59-4823-L.R., dated the 10th/11th June, from the Additional Secretary to Government of Bihar, Revenue Depart (Land Reforms Section) addressed to all Commissioners of divisions.

Subject : Corrections in the names of tenants in Regis (Tenants' Ledger) in the light of Field Bujl enquiries.

I am directed to say that it has been found during Field Bujharat Oper that the existing entries regarding the names of ralyats in Register II are not.

to by the outgoing intermediaries. The question has now arisen as to whether the necessary corrections in the names of the tenants should be made in Register II (Tenants' Ledger) on the basis of the Field Bujharat enquiries without starting mutation proceedings.

2. It is true that during a Survey and Settlement Operations necessary corrections in the names of raiyats are made while preparing the preliminary records during Khanapuri, but Government consider that this procedure would not be quite suitable for Field Bujharat, as the requisite agencies for check and scrutiny have not been provided, as in the case of a Settlement Operation. Government after due consideration have, therefore, decided that in case in which it is found during Field Bujharat that the holding has changed hands on account of inheritance, sale, gift, etc. and the present raiyat is not the same person, whose name stands entered in the Khalian, or in the Jamabandi filed by the outgoing intermediary, the Karamchahi should note this in a statement or *Yadasht* giving details of the changes, which have taken place in respect of each holding and ask for orders of the Anchal Adhikari. All these cases should be checked up at the spot by the Circle Inspector at the time of the verification of Field Bujharat. The Anchal Adhikari will thereafter fix a date and time and a place for inquiries into such cases. Proper notice should be given beforehand of the date, time and place fixed to the persons concerned as well as to the Mukhia of the Gram Kutchery of the village. The Anchal Adhikari will hear the parties concerned and will also consider such evidence as may be adduced from Mukhias and Panches of the Gram Kutchery and after scrutinising each case, will pass necessary orders for the cancellation of the name of the previous recorded raiyat and entry of the name of the present raiyat in respect of the holding concerned, in the Field Bujharat Register II maintained at present by him. A statement showing the mutations allowed should be sent to the Mukhia of the Gram Kutchery for being hung up on the Notice Board.

3. In addition, special mutation cases should also be started as and when applications are received from the interested parties and Landlord Fees, notice are received from Registration Offices. Similar case records will also be necessary in cases where objections are filed against the reports of the Circle Inspector. In all such cases also the Anchal Adhikari will give notice to the parties affected as also to the Mukhia of the Gram Kutchery of the village informing them of the date and place of hearing of the mutation cases and on the date fixed he will hear the parties and also the Mukhia and Panches and pass appropriate orders regarding the mutation to be allowed. The statement showing the mutation allowed in the village should be sent to the Mukhia of the Gram Kutchery for being published on the Notice Board of the Gram Kutchery.

Copy of letter no. E/XV-2010/59-221-LRT, dated Ranchi, the 26th June 1959 from the Deputy Secretary to Government of Bihar, Revenue Department addressed to all Collectors.

Subject : Disposal of cases instituted for mutation in respect of tenants holdings.

I am directed to invite your attention to the instructions conveyed in Revenue Secretary's letter no. 2009-L.R., dated the 11th March, 1959 on the subject noted

above and to say that Government desire that effective steps may be taken to ensure that the pending cases are disposed of within the time limit prescribed therein.

I am further to request you to kindly let Government know whether any inspections has been held by the Circle Officer/Anchal Adhikari himself of his own file and if cases pending over six months are being given special attention thereafter and whether the Additional Collectors, Subdivisional Officers and Land Reforms Deputy Collectors also have been checking up these works during their normal tours and inspections.

Copy of letter no. B/XV-2019/58-6823-L.R., dated Patna, the 12th September, 1959, from the Deputy Secretary to Government of Bihar, Revenue Department (Land Reforms Section) addressed to all Collectors.

Subject : Delegation of powers to Land Reforms Deputy Collectors to hear appeals against orders passed by Circle Officers in mutation cases with regard to tenants' holdings.

I am directed to say that on a reference whether Deputy Collectors incharge Land Reforms should be authorised to hear appeals against orders passed by Circle Officers in mutation cases with regard to tenants' holding within their subdivisions, Government have been pleased to decide that the Deputy Collectors incharge Land Reforms should hear these appeals, but if there be any Project Executive Officer in the Subdivision senior to the Land Reforms Deputy Collector, appeals against an order passed by him in such a case should be heard by the Sub Divisional Officer himself.

I am to request that the aforesaid instructions may be communicated to all the Subdivisional Officers and Land Reforms Deputy Collectors for information and necessary action.

A copy of this letter is being forwarded to all Commissioners of Divisions also for information.

Copy of letter no. E/XXIV - 3029/60-5950 L. R. dated Patna, the 12th July, 1961, from the Secretary to Government of Bihar, Revenue Department, addressed to all Commissioners of Divisions.

Subject : Disposal of mutation cases.

I am directed to say that a review of the mutation cases filed, pending or disposed of by the local officers has shown that the disposal of such cases is generally delayed. From the figures available with Government, it appears that upto quarter ending 31st March, 1961, 8,207 mutation proceedings were pending for more than three months, 2,433 for more than six months and 913 for more than one year. Government have carefully considered the question and have been pleased to decide that the Gram Panchayats should be more effectively associated with the disposal of mutation cases subject to the limitations given below.

2. Mutation proceedings may be broadly divided into two categories—

- (i) Mutation on account of succession;
- (ii) Mutation on account of transfer by sale, gift, etc.

Mutation on account of succession.—The Panchayat Sewak collecting rent should be in a position to give a list of changes noticed during the collection period among the rent payers immediately after the collection season. In areas where the rents are being collected by the Karmacharis, similar list should be obtained by the Anchal Adhikari and furnished to the Gram Panchayat. On the basis of these reports or on his local knowledge, the Sarpanch should start mutation proceeding, issue notices to the parties concerned and also publish a general notice in the village informing the villagers of the date on which the enquiry will be held. On the date so fixed the Sarpanch should proceed to the village, make a brief summary of the evidence tendered by the parties and pass necessary orders. He should clearly indicate in the orders the reasons for his decision and a copy of the order should be forwarded to the Anchal Adhikari who should scrutinise the same and after accepting its correctness, inform the Karmacharis as well as the Mukhia of the purport of the order. Necessary corrections will be made in the office of the Mukhia. If any change is required in the order passed by the Sarpanch, the Anchal Adhikari shall take up the matter with the Sarpanch and modify the order, after giving opportunity to the parties. In such cases the modified order will be communicated to the parties as well as the Karmachari and the Mukhia. An appeal will lie against those orders to the Land Reforms Deputy Collector within one month from the date of orders.

4. A register should be maintained by the Sarpanch in the prescribed form (Register VIII) for which printed form should be supplied by the Anchal Adhikari and this register should be frequently inspected by the Anchal Adhikari as well as superior revenue officers. In cases where there is contest a regular order-sheet will have to be maintained by the Sarpanch to enable the Anchal Adhikari to find out the nature of the evidence before the Sarpanch and requisite order-sheet forms should be supplied by the Anchal Adhikari.

5. **Mutation arising out of transfer by gift, sale, etc.**—These cases are governed by the relevant provisions in Section 26A of the Bihar Tenancy Act and 23A of the Chotanagpur Act. The landlords notices are received by the Collector and these notices have to be sent to the Anchal Adhikari. If a part holding is transferred, the question of apportionment of rent will also arise. These notices should form the basis of mutation. The Anchal Adhikari will institute cases and forward the record to the Sarpanch of the Gram Panchayat concerned. The Sarpanch will issue notice to the parties and publish a general notice in the village informing them of the date on which the enquiry will be held. He will hear the parties and then give his recommendation as to the manner in which the mutation proceedings should be disposed of. Full reasons for the recommendation should be available to enable the Anchal Adhikari to conform the recommendation. If the Anchal Adhikari does not agree with the recommendation, he shall consult the Sarpanch and hear the parties concerned and pass the requisite

6. The orders passed will be communicated to the parties, the Karmachari and the Mukhia to enable them to make necessary corrections in the Halka and the Panchayat registers. A separate register in form VII will be maintained in connection with these records and this register should be frequently inspected by the Anchal Adhikari and other superior officers.

7. **Pending cases.**—Cases which are at present pending for enquiries with the Karmacharis should be withdrawn and action taken as indicated in these orders. It should be distinctly understood that in future mutation petitions or the landlords fee notice should not be sent to the Karmachari for making any enquiry.

8. **Powers of revision.**—The parties are at present allowed to file petitions for revision before the Collector or the Additional Collector and this practice will continue. The Commissioner in his discretion may entertain any petition for revision where such revision may be considered necessary and his order will be treated as final.

9. **Amendment.**—Paragraph 38 of the Government Estate Manual deals with the mutation cases. Steps are being taken to amend paragraph 38 in the light of these instructions pending such amendment. Government desire that early action should be taken to see that the pending mutation cases are disposed of according to these instructions.

10. An acknowledgment of the receipt of the letter is requested.

Copy of letter no. E/XXIV-3028/62 - 6196-L.R., dated Patna, the 3rd August 1962, from the Additional Secretary to Government of Bihar, Revenue Department, addressed to all Collectors.

Subject : Disposal of mutation cases by Gram Panchayats.

I am directed to say that in accordance with instructions contained in Revenue Department letter no. 5950-L.R. dated the 12th July, 1961 the mutation work is now to be done by the Gram Panchayats. Consequently, the duties prescribed for the Khasmahal Officer and Tahsildar in rules 38, 39, 40 and 46 of the Government Estates Manual, 1953 are required to be performed by the Sarpanch, Panchayat Sewak and the Gram Panchayat, as the case may be according to the instructions contained in the aforesaid letter.

A suitable correction slip to the Government Estates Manual will be issued in due course.

Copy of letter no. E/XXIV-305/63-101-L.R., dated Patna, the 4th/7th January, 1963, from the Additional Secretary to Government of Bihar, Revenue Department, addressed to all District Officers.

Subject : Speedy disposal of mutation proceedings.

I am directed to say that instructions were communicated in Revenue Department letter no. 5950-L.R. dated the 12th July, 1962, a copy of which is enclosed.

2. Government view with concern the large number of pending cases relating

up-to-date. A taluqa will not be able to establish his claim in criminal or civil litigation or in getting loan for improvements and Government will have difficulty in finding out the proper persons for payment of compensation in land acquisition case or for filing certificates for coercive recovery of rent. A drive should be launched immediately after the collection season with a view to get the pending cases divided village-wise and with a view to impress on the Sarpanches the necessity of camping in these villages and making local enquiries and sending their reports without any delay.

3. A set of instructions has been drawn up and is enclosed herewith. These instructions should be explained to the Sarpanches with practical illustrations by convening special meetings for this purpose at some convenient time. Requisite guidance should be given by examining the pending records and scrutiny of the monthly returns. The Anchal Adhikari should make it point to inspect the disposal of mutation cases during his inspection of the Panchayats.

4. An acknowledgment of the receipt of the letter is requested.

5. 60 spare copies are enclosed for distribution to sub-Registrars and Sarpanches of your district.

INSTRUCTIONS FOR THE DISPOSAL OF MUTATION CASES

1. It is very essential to keep the record-of-rights up-to-date.

2. *Cases of transfer.*—In cases of transfer by sale, gift or exchange, etc for which registration is compulsory, the Landlord Fee notices are received from the sub-Registrar and the District Officer should ensure that these notices are sent by the sub-Registrars concerned to the Anchals to whom the notices relate. In order to enable the sub-Registrars to do so a list of the Anchals in his jurisdiction should be supplied to each sub-Registrar. Where the sub-Registrar's jurisdiction covers part of any Anchal, a village wise list should be supplied to the sub-Registrar so that he may send the notices to the correct Anchal Adhikaris.

3. *Succession cases.*—When the recorded tenant is dead, the successor in-interest will have to be mutated and for this purpose the successor in-interest may file an application. It can also be ascertained by the Karamchari or the Panchayat. There should be a thorough check up immediately after the collection season and changes of succession which were not reported earlier should be reported by the collecting agency e.g. the Karamchari or the Panchayat.

4. *Anchal records.*—According to the existing instructions cases of succession may be reported to the panchayat and details of the information received should be mentioned in brief and sent to the Anchal Adhikari for recording the same in his register of mutation. The Anchal Adhikari will also enter the details contained in the Landlord Fee notices in the register of mutations. All these mutation cases should be serially numbered and entered in Register VII of Miscellaneous cases (and not in Register XXVII as previously mentioned in the earlier letters). This revised procedure should be brought into effect from 1st April, 1963, and all the pending cases should first be entered in red ink and thereafter the new cases to be started will be entered serially. A Revenue Order-sheet (form no. 562, Schedule XIV) should be attached and the Landlord Fee notices should be sent to the Panchayat for report and a similar order sheet should be kept with regard to succession cases reported by the Panchayat.

Each mutation case will form a separate record. The Landlord Fee notices will be sent to the Sarpanch of the Panchayat concerned for enquiry and report by a fixed date. The case records maintained in the Anchal Office should be put up periodically for this purpose and proper control should be exercised about getting the reports in time. In bad cases e.g. cases pending for over 6 months it will be necessary for the Anchal Adhikari to make a special review during the inspection of the panchayat and give requisite guidance to the Sarpanch.

5. *Panchayat records.*—The Sarpanch will also keep a duplicate of Register VIII in which he will enter all the cases relating to the Landlord Fee notices received from the Anchal Adhikari and he will also enter the cases of succession reported direct to him or through the Anchal Adhikari. He will also start a mutation case with a Revenue Order-Sheet (Form no. 562, Schedule XIV) and he will take steps to make enquiries and send his report within a period of 2 months if the case is uncontested. If there is any contest, he will hear the parties and give his recommendation and send the original case record to the Anchal Adhikari.

6. *Disposal of cases.*—On receipt of the record in the Anchal Office, the Anchal Adhikari will examine the report of the Sarpanch and if he finds that the report is in order, he will confirm the same and make an entry to that effect and return the case record to the Sarpanch. He will also keep an entry in the shadow record maintained in the Anchal of the orders passed.

7. If the Anchal Adhikari differs from the report of the Sarpanch he will fix a date and notice the parties and also inform the Sarpanch of the date fixed for hearing. He will hear the parties and pass suitable orders and communicate the orders to the Sarpanch for entry in his register and to the parties to enable them to file an appeal if necessary.

8. *Reports.*—A monthly report should be obtained from every Panchayat with regard to the number of cases pending, the number instituted during the month and the number of disposed of cases together with details of the pending cases over three months and 6 months and one year. The return should be submitted in the form prescribed in this Department letter no. 4829 L.R., dated the 26th June 1962, copy enclosed.

9. *Forms.*—Each Sarpanch should be supplied with the following forms for dealing with these cases:—

- (i) Miscellaneous cases register (Form VIII).
- (ii) Miscellaneous Revenue Order-sheet (Form no. 562, Schedule XIV).
- (iii) Petition Register (Register 27).
- (iv) Mutation Register (Register VII).

When petitions are received in respect of a case already instituted, these petitions will be entered in Register 27.

10. *Appeals.*—An appeal should be filed against the order of the Anchal Adhikari within a period of 30 days from the date of the order, a revision petition will lie before the Collector or the Additional Collector within a period of 60 days from the date of the appellate order, a second revision petition may be entertained by the Divisional Commissioner within a period of 60 days from the date of the order passed by the Collector or the Additional Collector provided Commissioner is satisfied that there are adequate grounds for entertaining a second revision petition.

11. *Correction of records.*—As soon as the mutation order becomes final, e.g. after any appeal or revision petition has been disposed of, correction slip should be prepared in triplicate and one copy should be maintained in the Anchal Office along with the Anchal record. Another copy should be sent to the panchayat so that it may be attached to the Panchayat record. A third copy should be sent to the Karamchari who should be instructed to correct his record and keep these correction slips in chronological order in a guard file. A compliance report should be obtained by the Anchal Adhikari that his records have been corrected. Similar corrections should also be made with regard to the records maintained in the Anchal and in the Panchayat.

12. *Training.*—It is necessary that the Sub Divisional Officer with the assistance of the Land Reforms Deputy Collector should arrange to give requisite training to the Sarpanches by explaining the various stage in the disposal of mutation proceedings and the manner in which the registers should be maintained. Some practical examples should also be taken in such meetings and the manner in which the records should be dealt with should be clearly explained to the Sarpanches and the manner in which entries should be made in the registers should be illustrated.

Copy of letter no. E/XXIV-301/61 4829-L.R., dated Patna, the 26th June, 1962 from the Additional Secretary to Government of Bihar, Revenue Department, addressed to all Collectors.

Subject: Quarterly Statement showing progress in the disposal of mutation cases.

I am directed to say that as the mutation work has since been transferred to the Gram Panchayats in Revenue Department Circular no. 5950-L.R., dated the 12th July 1961, it is necessary to revise the existing procedure for submission of monthly returns on disposal of mutation cases. Hitherto, monthly returns were being furnished in the proforma prescribed with this Department letter no. 1303-L.R., dated the 19th February, 1959; but Government now desire that instead of monthly ones, quarterly returns on the disposal of mutation cases, by the Gram Panchayat may be forwarded to them in the Revenue/Gram Panchayat Department in the proforma enclosed. The first, 2nd, 3rd and 4th instalments thereof will fall due at the end of every quarter i.e., 1st April, 1st July, 1st October and 1st January respectively. The submission of this return by the various officers will be as follows:—

Quarter	Date of submission	Date of submission	Date of submission
1st Quarter	10th April	20th April	1st May
2nd Quarter	10th July	20th July	1st August
3rd Quarter	10th October	20th October	1st November
4th Quarter	10th January	20th January	1st February

I am accordingly to request that every B. D.O.C. O./A. A. may be directed to obtain the return of disposal of mutation cases from the Gram Panchayats punctually at the end of every quarter and forward the same to—

of the district as a whole after thorough scrutiny and then to forward a district return to Government in the prescribed proforma by the appointed date.

All concerned may be informed and impressed upon to abide by the programme fixed.

Statement showing progress in the disposal of cases for Mutation in respect of tenancies in the vested estates and the Khasmahal in the district of for the quarter ending 19.

1. Number of cases for mutation brought forward as pending from the preceding quarter.
2. Number of cases for mutation instituted during the quarter.
3. Totals of columns 1 and 2.....
4. Number of cases disposed of during the quarter
 - (a) Allowed
 - (b) Rejected.....
 - Total.....
5. Out of mutations allowed (in item 4 (a) above)-
 - (a) Number in respect to which Circle/ Anchal Registers have been corrected/and correction slips issued to Karmacharis.
 - (b) Number in respect of which Halka Registers have been corrected.
 - (c) How many are due to—
 - (i) Sale
 - (ii) Gift
 - (iii) Exchange
 - (iv) Succession
 - (v) Partition
 - (vi) Consolidation
6. Total number of cases left pending at the end of the quarter—
 - (a) Number pending for more than three months.
 - (b) Number pending for more than six months.
 - (c) Number pending for more than a year.
7. Reasons for delay in the disposal of cases which are pending for more than three months.

D.O. no. E/XXIV-3032/63-3573-L.R. dated Patna, the 1st April 1963, by the Land Reforms Commissioner, Bihar, addressed to all Collectors.

Subject : Importance of the speedy disposal of mutation cases.

I am to emphasise that for proper administration of the revenue work it is very essential that there should be an up-to-date record of rights. Settlement operations have been taken up but the records will soon become out of date unless those entries are periodically corrected. The same applies to the information collected during the Field Bujharat.

2. I enclose herewith copies of some important circulars issued by the Revenue Department in this connection—

- (i) Letter no. 2009-L.A., dated the 11th March, 1959;
- (ii) Letter no. 4823-L.R., dated the 11th June, 1959;
- (ii) Letter no. 5950-L.R., dated the 12th July, 1961;
- (iv) Letter no. 101-L.R., dated the 7th January, 1963;

3. The importance of keeping the record of rights up-to-date is very essential both for Government and for the raiyat concerned. When recovery has to be effected through coercive procedure, the certificate debtor has to be named correctly and it will not be possible for the certificate holder to do so unless his record is up-to-date. When the lands are acquired under the Land Acquisition Act it will be necessary to know the person whose interest has been acquired and unless the record is up-to-date it will be difficult to find out the persons entitled to compensation. It is equally essential for the raiyat to have in his possession a record indicating his interest so that he may produce it as evidence in criminal, civil and revenue litigation. Such evidence will also be required when loans under the Land Improvement Loans Act and Agriculturists Loans Act are required.

4. It is unfortunate that some District Officers have not been regular in sending these quarterly returns. It is necessary that the Additional Collector should be made responsible for ensuring punctual and correct submission of the quarterly returns relating to mutation. The defaulting districts should send their quarterly returns without any further delay.

5. A review of the returns received for the period ending the 31st December, 1962 is being sent separately. 83,939 cases were pending at the beginning of the quarter; 44,439 cases were instituted during the quarter; 37,311 cases were disposed of during the quarter and 91,067 cases are pending of which 21,411 are more than 3 months, 11,568 are more than 6 months and 9,093 are more than one year.

6. According to the existing instructions of Government communicated in Revenue Department letter no. 2009-L.R., dated the 11th March, 1959 referred to above uncontested applications should be disposed of within a month and contested applications should be disposed of within two or three months. It is no doubt true that the enquiries were previously made by the Karamcharis but this enquiry should now be entrusted to the Sarpanches in accordance with the directions issued in Revenue Department letter no. 5950-L.R., dated the 12th July, 1961. You are also advised subsequently that all cases pending for more than one year should be withdrawn by the Anchal Adhikari and disposed of by them instead of allowing them to remain pending with the Sarpanches.

the 7th January, 1963 mentioned above that the Sarpanches should be given requisite guidance and help about the manner in which enquiry should be made and effective steps should be taken to see that the progress of disposal is expedited.

8. I am to request you to ensure that the Anchal wise figures are scrutinised in your district by the the Additional Collector and inspections made in respect of such Anchals where the progress is unsatisfactory. A check should be made after three months, whether any effective improvement has been made thereafter. It is very essential that the enormous number of pending cases are taken up for expeditious disposal. It is equally important to ensure that all the changes hitherto unreported are also found out and similar examination made annually immediately after the collection season with a view to see that the changes required are ascertained and the orders passed are communicated both to the Gram Panchayat and to the Karmacharis for making necessary corrections in the records (Register-I.B. and Register II maintained by them).

9. Government will review the progress in the next quarterly return to find out extent to which improvement has been effected in different districts with regard to the progress of disposal of mutation cases.

10. Cases of non-co-operation of the Panchayats should also be brought to the notice of the Director of Gram Panchayats for such action as may be considered necessary.

Copy of letter no. E/RP-103/64-4613-L.R., dated Patna the 7th May 1964, from Land Reforms Commissioner, Bihar, addressed to all Collectors.

Subject : Necessity of keeping the records up-to-date by prompt disposal of mutation cases and suo-moto steps for mutating the records.

It has been brought to the notice of Government that in some cases the records are not mutated even long after the persons have sold their interest. As a result of delay in mutation, the previous owners are being harassed by the collecting agencies for payment of rent, cess and other dues even for the period after the date of sale. The Karamcharis and the Panchayats entrusted with the collection of rents should be in a position to know these facts. Their attention should be drawn to the necessity of reporting all these cases for proper correction of entries. Your attention is drawn in this connection to Government letter no. 101-L.R., dated the 7th January, 1963.

Whenever such petitions of harassment are received the Circle Inspector should invariably make a local enquiry and the Anchal Adhikari should come to a finding whether a Karamchari should be departmentally dealt with for causing harassment through his negligence. Similar action is also indicated in cases where a Panchayat Sewak is involved. It should be distinctly understood that proper supervision should be kept on the field agencies to avoid any harassment in the manner mentioned above and to ensure that the rents are realised from the proper persons.

Copy of letter no. E/La. NI.—1055/66-2097-L.R., dated Patna, the 4th March, 1966, from Land Reforms Commissioner, Bihar addressed to all Collectors.

Subject : Speedy disposal of Mutation cases.

I am to say that the question of speedy disposal of mutation cases has been repeatedly emphasised and a set of instructions was drawn up and enclosed with Revenue Department letter no. 101-L.R., dated the 7th January, 1963. Government are still concerned with a large number of cases pending in different places. It is very essential that the mutation cases should be disposed of quickly.

2. Instructions were issued to send the mutation cases to the Sarpanches of the Panchayats for enquiry and report by a fixed date. Complaints are being received that some of the cases are pending for a long time with the Panchayats. Government, therefore, desire that in all cases pending for more than six months, the Anchal Adhikari should withdraw these cases and ensure speedy disposal by holding camp courts.

3. Such instructions were previously issued during the review of mutation cases and they should now be followed as instructions for general guidance for speedy disposal of mutation cases.

पत्र संख्या ई०/15-ए०/व्यू०-404/61-8885-भू० सू०, पटना, दिनांक 11 जुलाई, 1961, सरकार के सचिव, बिहार सरकार, राजस्व विभाग द्वारा सभी समाहर्ता (गया को छोड़कर) को प्रेषित।

विषय : रैयती होल्डिंग के सम्बन्ध में दायर किये गए दाखिल-खारिज आवेदन-पत्रों का विस्तार।

निदेशानुसार उपर्युक्त विषय पर इस विभाग के पत्रांक 2009 एल० आर, दिनांक 11 मार्च 1959 एवं पत्रांक 221 एल. आर. टी., दिनांक 26वीं जून 1959 में निहित अनुदेशों की ओर आपका ध्यान आकृष्ट करते हुए मुझे कहना है कि दाखिल-खारिज आवेदन पत्रों के विस्तार की प्रगति अभी भी संतोषजनक नहीं है।

इस दिशा में हुए विलम्ब के कारणों पर सरकार ने विचार किया है, और वह चाहती है कि उन मामलों में जहाँ कोई पार्टी अपना कामजी या अन्य सबूत दो-तीन बार मुहलत देने पर भी न दे सके वहाँ उनका केस, उन सबूतों के बिना जिस तरह निबटारा जा सकता हो, निबटा दिया जाय।

अतः आपसे अनुरोध है कि स्थानीय राजस्व पदाधिकारियों को तदनुसार सूचना देकर उन्हें शीघ्रताशीघ्र लम्बित मामलों का निबटारा करने का आदेश दें।

पत्र संख्या ई०/15-2019/9625-भू० सू०, पटना, दिनांक 22वीं सितम्बर 1961, अवर-सचिव बिहार सरकार, राजस्व विभाग द्वारा सभी समाहर्ता को प्रेषित।

विषय : रैयती द्वारा रैयती जमीन सम्बन्धी दाखिल खारिज या तत्सम्बन्धी अपील के आवेदन-पत्रों पर कोर्ट-फीस की माफी।

राजस्व विभाग द्वारा प्रकाशित "Compendium of Government Orders and Circulars on Land Reforms and allied matters" के पृष्ठ 497-498 में उल्लिखित पत्र संख्या 1386-भू० सू०,

कि सरकार ने यह निश्चय किया है कि जिस प्रकार दाखिल-खारिज के मामलों में अंचल पदाधिकारी को कोर्ट में रैयती को कोर्ट-फीस नहीं देनी पड़ती है उसी प्रकार उक्त पदाधिकारी को निर्णय के विरुद्ध अपील करने के आवेदन-पत्र में भी कोर्ट-फीस नहीं ली जायगी।

अनुरोध है कि उपरोक्त सरकारी आदेश राजस्व विभाग के सभी अधीनस्थ पदाधिकारियों को जानकारी में ला दिया जाय।

इस पत्र की एक प्रतिलिपि सभी आयुक्त एवं अपर समाहर्ता को भेजी जा रही है। पचास अतिरिक्त प्रतिलिपियाँ एस० डी० ओ०, एम० आर० डिप्टी कलेक्टर एवं अंचल अधिकारी को भेज देने के लिये सलग्न है।

इसकी प्राप्ति की सूचना दें।

Copy of letter No. 15/Cess-02-180-381 LR, dated 30/31 March, 1982 addressed by Sri R. N. Sinha, Special Secretary Revenue and Land Reforms Department to all Collectors and Deputy Commissioners.

विषय : बिहार कृषि सेस की दर में वृद्धि हेतु बिहार वित्त विधेयक 1982 का अधिनियम।

राजस्व विभागीय वेतार संवाद संख्या 476 दिनांक 13.3.1981 के प्रसंग में मुझे कहना है कि बिहार कृषि विकास सेस अध्यादेश 1982 को निस्त कर्ते हुए बिहार वित्त विधेयक 1982 को अधिनियम किया जा रहा है जिसके फलस्वरूप दिनांक 1.4.1982 से कृषि विकास सेस की दर में वृद्धि की जा रही है। प्रस्तावित अधिनियम जो 1.4.1982 से प्रभावी हो जायगा, का अवतरण सलग्न है।

अतः अनुरोध है कि आप अपने अधीनस्थ सभी पदाधिकारियों को अनुदेश दें कि दिनांक 1.4.1982 से नयी दर से बिहार कृषि विकास सेस वसूली होगी।

***विषय : बिहार की अचल सम्पत्ति से सम्बन्धित लिखितों को बिहार से बाहर तथा कलकत्ता, मद्रास, बम्बई और दिल्ली आदि से निबन्धित कराये जाने पर दाखिल खारिज के सम्बन्ध में।**

निदेशानुसार उपर्युक्त विषय के सम्बन्ध में मुझे कहना है कि रजिस्ट्रेशन (बिहार संशोधन) अधिनियम, 1991, जो बिहार में 8 अगस्त, 1991 से प्रभावी है, के द्वारा रजिस्ट्रीकरण अधिनियम, 1908 की धारा 30 (2) को विलोपित कर दिया गया है, जिसके फलस्वरूप बिहार को सम्पत्ति से सम्बन्धित लिखितों को बिहार से बाहर कलकत्ता, मद्रास, बम्बई और दिल्ली आदि में निबन्धन कराने पर प्रतिबंध लग गया है। इसी प्रकार रजिस्ट्रीकरण अधिनियम, 1908 की धारा 22 के बाद एक उप-धारा "22-क" जोड़ी गयी है जिसके अनुसार राज्य सरकार अधिसूचना द्वारा यह घोषित कर सकती कि कितने दस्तावेज या कितने लोगों के दस्तावेजों का रजिस्ट्रीकरण लोक नीति के विरुद्ध है और ऐसी अधिसूचना निर्गत होते ही रजिस्ट्रीकरण अधिकारी ऐसे दस्तावेजों को रजिस्ट्री करने से इन्कार कर सकते हैं।

2. अधिनियम की धारा 28 के स्थान पर निम्नलिखित धारा प्रतिस्थापित की गयी है, यथा:-

"28. इस खण्ड में अन्यथा उपबन्धित नहीं होने पर धारा 17 की उप-धारा (1) के खण्ड (क), (ख), (ग), (घ) तथा (ङ) तथा धारा 17 की उप-धारा (2), जहाँ तक ऐसे विलेख अचल सम्पत्ति को प्रभावित करते हों, एवं धारा 18 के खण्ड (क), (ख), (ग) (घ) में

या उप-बला के सन्नाधिकार में प्रत्येक में सम्बन्धित बिहार राज्य के अन्तर्गत सम्पूर्ण सम्पत्ति अवस्थित है।

3. सरकार को ऐसी सूचना मिली है कि कुछ व्यक्ति/संस्था उक्त संशोधनों की अवहेलना करते हुए बिहार की भूमि का निबन्धन दूसरे राज्यों में करा रहे हैं जो गैर कानूनी है तथा सरकार को राजस्व की हानि भी हो रही है। सरकार चाहती है कि यह प्रवृत्ति पूरी तरह बन्द की जाय।

4. अतः अनुरोध है कि आप अपने अधीनस्थ सभी अंचलाधिकारी, उप-समाहर्ता, अवर समाहर्ता एवं अन्य राजस्व पदाधिकारियों को यह निर्देश दें कि उपर्युक्त अवैध रजिस्ट्रेशन लिखित के आधार पर दाखिल खारिज करें। [पत्र संख्या 15 ल०-2 नीति-15/92-547 रा०, दिनांक 4.7.1992]

बिहार सरकार, राजस्व एवं भूमि सुधार विभाग पत्र सं० 15/ल०-2 नीति 15/96-555/रा०, दिनांक 17.6.1996, प्रेषक श्री बलदेव सिन्हा, सरकार के अपर सचिव, सेवा में, सभी समाहर्ता/उपायुक्त।

विषय : बिहार की अचल सम्पत्ति से संबंधित लिखितों को बिहार के बाहर तथा कोलकाता, मद्रास, बम्बई और दिल्ली आदि में निर्बाधित कराये जाने पर दाखिल खारिज के सम्बन्ध में।

निदेशानुसार उपर्युक्त विषय के सम्बन्ध में कहना है कि रजिस्ट्रेशन (बिहार संशोधन) अधिनियम, 1991 के अलावा में राजस्व एवं भूमि सुधार विभाग के पत्रांक 15/ल० 2 नीति 15/92-547 रा०, दिनांक 4.7.1992 द्वारा यह निर्देश दिया गया था कि बिहार की सम्पत्ति से संबंधित लिखितों का बिहार के बाहर कोलकाता, मद्रास, बम्बई और दिल्ली आदि में प्रतिबंध लग गया है। जिसके फलस्वरूप बिहार की भूमि की निर्बाधित कुछ व्यक्ति/संस्था उक्त संशोधन की अवहेलना करते हुए बिहार की भूमि का निबन्धन दूसरे राज्यों में करा रहे हैं जो गैर कानूनी है। साथ ही सभी अंचलाधिकारियों को ऐसे कराये गये निबन्धन के आधार पर दाखिल खारिज नहीं करने का निर्देश भी दिया गया था।

2. इस सम्बन्ध में बिहार सरकार के निबन्धन विभाग द्वारा विधि विभाग कर परामर्श, प्राप्त किया गया है जिसके फलस्वरूप, दिनांक 25.3.1991 की तिथि के उपरान्त बिहार राज्य में अवस्थित भूमि सम्पत्ति का अन्तरण प्रेसिडेन्सी शहरों तथा दिल्ली के निबन्धनों के द्वारा किए जाने पर अन्तरणों को मान्यता दी जाती है।

अतएव अनुरोध है कि दिनांक 25.3.1991 की तिथि के उपरान्त ऐसे अन्तरण को साक्ष्य के रूप में मान्यता न देते हुए इसके आधार पर राजस्व नगरपालिका अभिलेखों के नामान्तरण की कार्रवाई न करने का स्पष्ट आदेश अपने अधीनस्थ पदाधिकारियों को अपने स्तर से विरित किया जाय। निबन्धन विभाग की प्रासंगिक पत्रांक 450, दिनांक 24.2.1996 की एक प्रति आवश्यक कार्यवाई हेतु संलग्न है।

बिहार सरकार, राजस्व विभाग संशोधन-5-2-2002 (अंश) 1035(9) रा०, दिनांक 9.12.2002 सेवा में, सभी समाहर्ता।

विषय : बिहार की अचल सम्पत्ति से संबंधित लिखितों को बिहार के बाहर तथा कोलकाता, मद्रास, मुम्बई और दिल्ली आदि में निर्बाधित कराये जाने पर दाखिल खारिज के सम्बन्ध में।

निदेशानुसार उपर्युक्त विषय के विभागीय परिपत्र संख्या-547 रा०, दिनांक 4.7.1992 की ओर ध्यान आकृष्ट करते हुए कहना है कि कथित विभागीय परिपत्र द्वारा बिहार प्रेसिडेन्सी शहरों एवं दूसरे राज्यों में हो रहे निबन्धन को अवैध मानते हुए दाखिल खारिज न करने का निर्देश दिया गया था।

निबन्धन के संबंध में राजस्व क्षति का आकलन हेतु न्याय-निदेश में आवेदिका को राजस्व क्षतिपूर्ति करने का निर्देश दिया गया था। इस प्रकार से हजारों मामले में प्रेसिडेन्सी शहरों में निबन्धन के आधार पर दाखिल खारिज की कार्रवाई अवरुद्ध थी।

सरकार ने सम्यक् रूप से विचारोपरान्त निर्णय लिया है कि बिहार के बाहर प्रेसिडेन्सी शहरों तथा कोलकाता, मुम्बई, दिल्ली, चेन्नई आदि प्रेसिडेन्सी शहरों में राज्य के लिखितों के निबन्धन की दशा में निबन्धन की तिथि को मान्य (अस्पष्ट) प्रत्येक अन्तर की राशि अवर निबन्धक द्वारा वसूल कर तत्संबंधी प्रमाण-पत्र पूर्ण मुद्रांक की वसूली कर ली गई है कि उपरान्त दाखिल खारिज करने हेतु अपने स्तर से सभी अंचलाधिकारी को निर्देश दिया जाय।

बिहार सरकार, राजस्व एवं भूमि सुधार विभाग, पत्रांक-9/दाखिल निर्देश 26/07-413(9), दिनांक 04.07.2008, प्रेषक, डा० सी० अशोक वर्धन, प्रधान सचिव, सेवा में, सभी प्रमंडलीय आयुक्त, सभी समाहर्ता।

विषय : दाखिल खारिज के सम्बन्ध में।

उपर्युक्त विषय के सम्बन्ध में आपका ध्यान आकृष्ट करते हुए कहना है कि दाखिल खारिज के मामले को त्वरित गति से निष्पादन हेतु विभाग द्वारा अनेकों परिपत्र निर्गत किये गए हैं जिसका सक्षिप्त व्यौरा निम्न प्रकार है :

1. विभागीय परिपत्र संख्या 1920 दिनांक 12.07.78 इसके द्वारा निर्देश दिया गया था कि भूदान यज्ञ अधिनियम के तहत सुयोग्य श्रेणी के व्यक्तियों के साथ बंदोबस्ती जमीन का दाखिल खारिज एवं लगान निर्धारण के मामलों का निष्पादन अधिक से अधिक 3 (तीन) माह के अंदर किया जाय।

लगान निर्धारण करते समय सरकारी नीति एवं अनुदेशों का अनुपालन किया जाय। इस सम्बन्ध में विभागीय परिपत्र संख्या 7041 एल०आर० दिनांक 05.10.1955 तथा 6756 एल०आर० दिनांक 20.08.1956 की ओर ध्यान विशेष रूप से आकृष्ट किया जाता है जिसके अनुसार-

(क) वैसी रैयती जमीन जिसका अधिकार, कब्जा भूदानी रैयतों को सौंपने के समय तक दानकर्ता उस पर कृषि कार्य करते चले आ रहे हों, उसका वार्षिक लगान भूदानी रैयतों को उस तिथि से देना होगा जिस तिथि से दानकर्ता से उन्हें जमीन का कब्जा प्राप्त हुआ है, अर्थात् उसके पूर्व की अवधि का लगान दानकर्ता को ही देना है।

(ख) वैसी जमीन जो दान से प्राप्त होने के पूर्व से ही बंजर एवं परती पड़ी हो, का वार्षिक लगान भूदान रैयत से उस समय से लेना है जब से उसी पर कृषि कार्य कर बराबर से रैयत लाभान्वित होते हैं।

2. विभागीय परिपत्र संख्या 1148, दिनांक 16.08.1980 इसके द्वारा शिवांग न्यायालय आयोजित कर सभी लंबित दाखिल खारिज के मामलों का निष्पादन विहित समय सीमा में पूरा करने का निर्देश दिया गया।

दाखिल खारिज मामलों के निष्पादन सम्बन्धी मासिक प्रगति प्रतिवेदन प्रत्येक माह के दूसरे माह में 7 तारीख तक अपने स्तर से निश्चित रूप से भेज दें जिससे इस विभाग को 15 तारीख तक अवरोध प्राप्त हो जाय।

3. विभागीय परिपत्र संख्या 170(9), रा० दिनांक 21.04.2005- इसके द्वारा निर्देश दिया गया कि शिवांग न्यायालय आयोजित कर राजस्व शिवांग आयोजन की तिथि, स्थान एवं समय की जानकारी स्थानीय लोगों के बीच व्यापक प्रचार-प्रसार कर दाखिल खारिज के मामलों का निष्पादन किया जाय तथा प्रत्येक

हल्कों में आयोजित शिविर द्वारा की गयी दाखिल खारिज की सूचना प्रत्येक माह की 5वीं तारीख तक शिविर वार उपलब्ध से अवगत करया जाय।

4. विभागीय परिपत्र संख्या 413(9), रा. दिनांक 05.05.2007 इसके द्वारा दाखिल खारिज की कार्रवाई को सार्थक बनाने हेतु निम्नांकित बिन्दुओं पर कार्रवाई पर बल दिया गया: -

(क) दाखिल खारिज के पश्चात् शुद्धि पत्र तीन प्रतियों में तैयार किया जाय। एक प्रति अंचल कार्यालय में, दूसरी प्रति हल्का कर्मचारी के पास तथा तीसरी प्रति आवेदनकर्ता को दी जाय।

(ख) तत्पश्चात् जमान्दी पंजी में इन्दराज संशोधित किया जाय।

5. विभागीय परिपत्र संख्या 686(9), रा. दिनांक 26.11.2007:- इसके द्वारा दाखिल खारिज के सम्बन्ध में निर्देश दिया गया कि एक ही परिवार के दो या दो से अधिक व्यक्तियों के बीच पारस्परिक सहमति के उपरान्त किये गये बंटवारा के पश्चात् साक्ष्य या वैधता प्रमाण-पत्र प्रस्तुत करने पर दाखिल खारिज के मामलों का निष्पादन शिविर न्यायालय में कर लिया जाय।

6. विभागीय परिपत्र संख्या 208(9) रा. दिनांक 25.03.2008 इसके द्वारा निम्नांकित निर्देश दिए गये:-

(क) दाखिल खारिज आदेश के पश्चात् शुद्धि पत्र तीन प्रतियों में तैयार किया जाय, एक प्रति अंचल कार्यालय में, दूसरी प्रति हल्का कर्मचारी के पास तथा तीसरी प्रति आवेदनकर्ता को दी जाय;

(ख) जमान्दी पंजी में पुराने रैयत के स्थान पर क्रोता का नाम दर्ज कर इन्दराज संशोधित किया जाय।

(ग) वर्तमान वित्तीय वर्ष तक प्रतिवेदित दाखिल खारिज के मामलों का निष्पादन दो माह के अंदर निष्पादित किया जाय (विवादित मामलों को छोड़कर)

(घ) शुद्धि पत्र के साथ-साथ जमान्दी पंजी में खाता, खेसरा, रकबा एवं चौहदी की भी प्रविष्टि की जाय।

(ङ) उपर्युक्त प्रक्रिया के बाद लगान निर्धारित करते हुए माँग सूजन, माँग सूचक का प्रेषण, माँग परिवर्तन सहित सभी आनुषंगिक कार्रवाई की जाय।

7. विभागीय परिपत्र संख्या 305(9) रा. दिनांक 13.05.2008:- इसके द्वारा दाखिल खारिज हेतु पुनः निम्नांकित निर्देश दिये गये हैं:-

(क) शिविर लगाकर दाखिल खारिज के आवेदन प्राप्त किये जाय।

(ख) 15 दिनों बाद उसी शिविर के स्थान पर दुबारा शिविर न्यायालय आयोजित करें।

(ग) अविवादित मामलों का निष्पादन प्रथम शिविर में ही किया जाय।

(घ) विवादित मामलों में एक पक्ष के अंदर जाँच-पड़ताल कर अगले 15 दिनों में दुबारा आयोजित होने वाले शिविर में इसका भी निष्पादन कर दिया जाय।

(ङ) दाखिल खारिज के मामलों में अनावश्यक विलंब होता है तो ग्रन्थिचार के आरोप की प्रारिस्थितिक एवं दस्तावेज साक्ष्य मानकर अनुशासनिक एवं कानूनी कार्रवाई की जाय।

अतः पूर्व में सरकार द्वारा निर्गत उपर्युक्त निर्देशों को अक्षरशः अनुपालन सुनिश्चित किया जाय।

Old Forms

Form 1

Maintenance of records Form of Continuous Khatian to be maintained by the Anchal Adhikari under Section 3(1)

[See Rule 4]

Continuous Khatian

Village Anchal Rev. P.S.
Name of proprietor State of Bihar Police station
..... R. T. No. If Shikmi Khatian the name of the actual tenant along with khata number.

Serial no. in the Khatian	Name of tenant, father's name, caste and residence	Plot no.	Bound day	(Classification)	Nature of Land	Area A.D. Hec.	Possession, nature of possession Shikmi possession etc.
1	2	3	4	5	6	7	8
Rent about plots with kind of rent, its conditions of possession	Assessed reasonable rent if any to the enquiries excluding cess of the A. A.	(1) The period of possession of the non-occupancy raiyat	(2) Procedure for fixation of rent and condition of rent if it increases gradually.	(3) Special conditions if any.	Substance of the order for making changes letter no. and date, name of the officer giving Order.	Remarks	
9	10	11	12	13			

Statement.—If Khata is possessory the name of the raiyat who have got possession on the plot shall be entered in col. 9.

(2) If the possession is through lease, mortgage then the number of registration deed, date of registration and amount of consideration will also be mentioned in col. 9.

(3) The name of Shikmi raiyat will also be mentioned in this column. If the period of possession is less than twelve years then the period of possession will also be mentioned.

(4) If the trees are not in possession of raiyat, the name of the person to whom

MAINTENANCE OF RECORDS FORM No. 2

Register of Tenants Ledger

[See Rule 4]

Form of Tenant Khata Register to be maintained by Anchal Adhikari under Section 3(1)

District Sub-division Anchal Halka
 Tenant's ledger number Village R. T. No. Khata No.
 Police Station Name of tenant Father's name Village
 P.O.

Year	Area		Annual Demand		Rent		Cess	
	Acre	Decimals	Year	Approved for changes	Rupees	Paise	Rupees	Paise
1	2	3	4	5	6	7	8	9

Year	Collection		Receipt No.		Rent		Demand		Collection	
	Total	Demand	Total	Collection	Arrear	Demand	Collection	Current	Demand	Collection
	Demand		Challan No.		Money Order No.		Rupees		Paise	
1	2	3	4	5	6	7	8	9	10	11

Road Cess									
Arrear Demand Collection.					Current Demand Collection				
Rupees		Paise		9	Rupees		Paise		10
11		12			13		14		

Cess				
Education Cess				
Rupees		Paise		11
13		14		

Health Cess																				
Current Demand Collection					Arrear Demand Collection					Current Demand Collection					Remarks					
Rupees		Paise		15	Rupees		Paise		17	Rupees		Paise		19	Rupees		Paise		20	21
16		18			20			21			22				23					

Remarks

MAINTENANCE OF RECORDS FORM No. 3

Khesra Register

[See Rule 5(5)(II)]

Name of the village.....	Haika.....	Anchor.....	P.S.	R.T. No.
iesra No.	Name of Tenant, father's name caste and residence (with shares)	Khata No.	Area Acres Decl.	Boundary Classification of Land
1	2	3	4 5	6 7 8

Agahani	Area under crop.		Area not under crop.		Rent	Explanation Changes made in the entries
	Rabi	Double	Culturable cropped	Unculturable		
9	10	11	12	13	14	15
						16

(1) In column 14 tenancy, under-tenancy, mortgage, vendor, exchange, inheritance, settler, division, sift, Bhoodan, ee, sale, land-acquisition, re-delivery of possession, etc., will be entered.

MAINTENANCE OF RECORDS FORM No. 4

Information about dead tenant

[See Rule 5(13) (Explanation 2)]

Name of the village.....	R. T. No.	Anchor.....	Sub-division (District
Khata No.	Name of Tenant entered in khata	Name of dead tenants	Name of successor, name of father, relation with the dead
1	2	3	4 5 6

are is any dispute then the ort of Karamchari about it, ure of dispute in brief: If out dispute.	Signature of the Karamchari	Order of Circle Inspector his full signature with date	Amended entries of the Khata	Signature of the Karamchari with data after making amendments in the continuous Khata
7	8	9	10	11

MAINTENANCE OF RECORDS FORM NO. 5
Details Relating to Unknown Tenants
[See Rule 5(19) (Explanation 5)]

Mauza Thana No. Anchal Sub-division

District Year of Partial Total nos. of entries in Yaddast

Date of commencement of Partial

Serial no.	Serial no. of the diary and date	Khesra No. and area	Status	Name of the Tenant	Report	Remarks
1	2	3	4	5	6	7

MAINTENANCE OF RECORDS FORM No. 6
List of the entries made in the Khesra Register
[See Rule 5(19) (v)]

Village	Anchal	Whether order regarding entry of names of the persons in possession have been given or not	Description of actions to be taken relating the entries
Khesra no.	Remarks Column.	1	2
1	2	3	4

MAINTENANCE OF RECORDS FORM No. 7

[See Rule 6]

Notice of Draft publication under Section 3(4)

Notice to People of village Anchal District

It is hereby informed that the draft publication of Tenant Khata Register and Continuous Khata of village Revenue thana Anchal will be made from to in the Anchal office. During the above period it shall remain open to all tenants and interested persons for inspection free of cost. During the aforesaid period

objection petition under section 3(4) of the Bihar Tenants Holding (Maintenance of Records) Act, 1973, shall be received relating to the entries in and omission from the records.

Date Ancha, Adhikari

MAINTENANCE OF RECORDS FORM No. 8
[See Rule 7]
Form of objection petition to be filled under section 3(4)

Serial No.	Date	Village	Thana	Thana No.	Stamp

- (1) Objector's name, father's name, caste and address.
- (2) Defendant's name, father's name, caste and address.
- (3) Entries relating to objection.

Khata Khesra Area

(4) Clear details of objection.

(5) Required relief—

Serial number Date Name of the petitioner. Signature of the Petitioner
Date
Receiving Officer

Note.—Portion below the line shall be torn and handed over to the petitioner after making prescribed entries as receipt for receiving the petition.

MAINTENANCE OF RECORDS FORM No. 9

Notice for Hearing Objection

[See Rule 7]

Notice to (Objection), son of
at

vs.

Shri (respondent), son of

at at at (places) you are
Whereas hearing of Objection (copy of which is annexed) has been fixed for fixed, appear personally or by agent with witness in
by informed that you should, on the day and place sort of your claim. In case of your failing to appear at the time fixed, orders will be passed according to law.

Anchal Adhikari

MAINTENANCE OF RECORDS FORM No. 10

[See Rule 7]

Draft publication objection/register under Rule 3(4) of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Village										Thana										Anchal																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
no.	Date	Name of Objector with full address	Name of respondent with full address	Disputed khata and plot no.	Date of hearing	Substance of orders with date	Date of correction according to orders.	Initial of the officer																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												</

MAINTENANCE OF RECORDS FORM No. 11

[See Rule 11]

Notice for final publication under Section 3(4) (iii)

Notice to Tenants of village Anchal

Thana No.

The notice that all objections under Section 3(4) (i) of Bihar Tenants Holding (Maintenance of Records) Act, 1973 having
been disposed of by the Anchal Adhikari and that Continuous Khata and Register of Tenant's Ledger of the village mentioned
have been finally prepared. You are hereby informed that the above mentioned records will remain open for public inspection for 30
days from to In Anchal Office

place

Anchal Adhikari

Date

MAINTENANCE OF RECORDS FORM No. 12

[See Rule 12]

Final Publications

Mistake List

Name of village		Anchal		Thana No.	
Serial No.	Khata No.	Plot No.	Nature of mistake and order	Signature of Compliance clerk	Signature of checking officer
1	2	3	4	5	6

MAINTENANCE OF RECORDS FORM No. 13

[See Rule 15]

Notice for transfer under Section 4 of Bihar Tenants Holding (Maintenance of Records) Act, 1973.

Serial no.	Name of village and thana no.	Name of District Anchal	Sale, Exchange, Mortgage, Patta, Partition, gift or any other deed of transfer with no. and date	Name and parentage, residence of transferor	Name and parentage and residence of transferee	Khata no., Plot no. and Bound-ary of Trans-ferred land	Consider-ation amount	Remarks
1	2	3	4	5	6	7	8	9

To the Anchal Adhikari for necessary action.

Signature of registration officer with seal of the Court.

Registration Officer

MAINTENANCE OF RECORDS FORM No. 14

[See Rule 16]

Notice under Section 5 of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Name of the Court	Case no. with year	Sub-division	Name with full address of the plaintiff	Name with Full address of the Defendants	Full details of the land for which decree has been given, name of the village and thana no., Khata, Khasta no. etc.
1	2	3	4	5	6

Copy to Anchal Adhikari for necessary action.

Contd -14

Name with full address of the decree holder	List of the decree and date	Remarks
6	7	8

Name of the Court
Signature, date and seal of the Court

MAINTENANCE OF RECORDS FORM No. 15

[See Rule 17]

Notice to be issued by the Certificate Officer under Section 6 of the

Bihar Tenants Holding (Maintenance of Records) Act, 1973

Name of Certificate Officer	Place.	Name and full address of certificate debtor	Details of land covered by sale certificate viz. village... Thana no., ... Plot no. etc.	Name, Parentage and full address of the person who is put in possession of land covered by sale certificate	Date of delivery of possession	Remarks
Serial no.	1	2	3	4	5	6
1	2	3	4	5	6	7

To the Anchal Adhikari for necessary action.

Signature, date and seal of the certificate officer

MAINTENANCE OF RECORDS FORM No. 16

[See Rule 18]

Notice to be given under Section 7 of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Name of the Collector/Land Acquisition Officer		Place of Office		
Serial no.	Land Acquisition cases no./year	Details of land acquired viz. Mauza..... Thana No. Khata no. Plot No.	Name, Parentage and address of the person whose land is acquired	Name of person or institution for which land is acquired
1	2	3	4	5
		, Area, boundary		
Date of delivery of possession of acquired		Remarks.		
6		7		

To the Anchal Adhikari for necessary action. Signature, date and seal of L.A.O.

MAINTENANCE OF RECORDS FORM No. 17

[See Rule 19]

Notice to issued by Collector under Section 8(i) of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Serial no.	No. and years of the case under Public Land Encroachment Act.	Date of decision	Village, Khata No, Khesra no, Area, Boundary of encroachment land	Date and substance of final order	Date of removal of encroachment	Remarks
1	2	3	4	5	6	7
To the Anchal Adhikari for necessary action. Collector Date (Seal)						

MAINTENANCE OF RECORDS FORM No. 18

[See Rule 29]

Notice to given by Collector under Section 8(ii) of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Serial no.	Notification No. & date under which land vested in the Government	Village/Thana no./Anchal/Khata no./Area/Khesra no./boundary of the vested land	Name and full address of the original tenant	Date of visiting	Remarks
1	2	3	4	5	6
To the Anchal Adhikari for necessary action. Collector Date (Seal)					

MAINTENANCE OF RECORDS FORM No. 19

[See Rule 21]

Notice to be given by Collector under Section 8(iii) of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Serial no.	Settlement case no./year	Details of land settled	Name and address of the person in whose name the land stood before settlement	Name and address of person who got settlement	Date of settlement	Remarks
1	2	3	4	5	6	7

To the Anchal Adhikari for necessary action.

Signature of Collector

Date

MAINTENANCE OF RECORDS FORM No. 20

[See Rule 21]

Information to be given by Collector under Section 8(iv) of Bihar Tenants Holding (Maintenance of Records) Act, 1973

Office of the Collector

Serial no.	Bihar Privileged Person's Tenancy Act cases no./year	Name of village thana no./Anchal Plot no., area, boundary of the land in respect of which rent has been assessed or transfer of possession has been given	Name and address of the person against whom order is given	Name and full address of the Privileged person	Amount of rent fixed and date of decision	Remarks
1	2	3	4	5	6	7

To the Anchal Adhikari for necessary action.

Date and Signature of Collector

MAINTENANCE OF RECORDS FORM No. 21

[See Rule 23]

Form of notice to be sent by the Collector to the Anchal Adhikari under Section 8(v)

Office of the Collector

Serial no.	Kosel area Act case no./year	Full detail of land restored	Name and full address of the person from whom land is restored	Name and full address of the person/under whom land is restored	Date of restoration	Remarks
1	2	3	4	5	6	7

To the Circle Officer for necessary action.

Signature of Collector

with date (Seal)

MAINTENANCE OF RECORDS FORM No. 22

[See Rule 24]

Form of notice to be sent by the Collector to the Anchal Adhikari under Section 8(v)

Office of the Collector

Serial no.	No. and year of case under Section 50 of Chotanagpur Tenancy Act	Case under Section 53 of Santihai Pargana Tenancy Act	Details of land acquired	Name and address of the person whose land has been acquired	Name and address of the person whose land has been acquired	Name and address of the person for whom land is acquired
1	2	3	4	5	6	7

To the Anchal Adhikari for necessary action.

Collector

Date (Seal)

MAINTENANCE OF RECORDS FORM No. 23

[See Rule 27]

Form for giving information to A.A. by Civil Court under Section 9

Name of the Civil Court

Place

Serial no.	No. and year of Case under section 84 Civil Procedure Code	Name of land owner in whose favour the raiyat holding or its part has been authorised to be acquired	Details of holding or its part which is to be acquired (Village, thana no., Plot no, area boundary)	Name and full address of the person who is required to sell his interest	Date of order of Civil Court	Remarks
------------	--	--	---	--	------------------------------	---------

1 2 3 4 5 6 7

To the Anchal Adhikari for necessary action

Signature of Presiding Officer with date and office seal.....

MAINTENANCE OF RECORDS FORM No. 24

[See Rule 28]

For giving information to Anchal Adhikari by Bhoodan Yagna Committee under Section 10

Serial no.	Details of land settled to Bho- odan tenant	Name and full address of the donor	Date of Danpatra	Date of confirmation of Danpatra by D.C. L.R. Case no. year	Name and address of the person to whom settled	Date of Settlement	Remarks
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1 2 3 4 5 6 7 8

To the Anchal Adhikari for necessary action

Secretary, District Bhoodan Committee

MAINTENANCE OF RECORDS FORM No. 25

[See Rule 29]

Form prescribed for filing application before Anchal Adhikari under Section 25 by an Occupancy tenant.

To, Anchal Adhikari

Sir, Under Mauza..... thana no..... Anchl..... Khata No..... Khesra No..... I, though being an under tenant enjoy the status of an occupancy tenant under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

Therefore, the above mentioned lands may be mutated in my name.

Yours faithfully
Petitioner..... Name of father..... P.O.
Village.....
District.....

MAINTENANCE OF RECORDS FORM No. 26

[See Rule 30]

Form of application under Section 12

To, Anchal Adhikari

Sir, I have acquired an interest in the lands appertaining to Mauza..... Thana no..... Anchal..... noted below by virtue of Private or Court partition/Testamentary/Non-testamentary Succession Transfer/Exchange/Agreement/Settlement/Patta/Mortgage/Gift. This has come into effect from date). In support thereof attested copy of the relevant document is filed herewith.

Yours faithfully
Petitioner..... Name of father..... P.O.
Village.....
District.....

Form of Verification Report under Section 13 by Mukhya/Circle Inspector/Karamchari

[See Rule 31]

To, Anchal Adhikari

Sir, son of has acquired interest by virtue of partition/non-Testamentary/Testamen
Succession in Khesra no. Mauza, Thana, Anchal, I have enquired into the matter and f
found it correct.
Therefore, action for mutation in his favour may be taken up.

Date

Yours faithfully,
Mukhya/Circle Inspector/Karamchari

MAINTENANCE OF RECORDS FORM NO. 28

[See Rule 32]

Form of mutation case register under section 14(1)

Sl. No.	Case no./year	Name of the appli- cant or informant	Khata no. Khesra no. Thana no. Village no.	Date of receipt of information or filing of application	Date of despatch to verification by the Sarpanch
1	2	3	4	5	6
Date of receipt of Report from the Sarpanch or the person who has verified it					
7	8	9	10	11	

MAINTENANCE OF RECORDS FORM NO. 29(1)

[See Rule 33]

Form of notice under Section 14(2) to the opposite party

Sir, son of of village, Thana no. P.S. district,
As Sir, has applied for recording his name over Khesra no. Khata no. Village,
thana no. I shall hold enquiry into it on you are hereby informed to appear on the above
date and the above place with document and witness in support of your claim.
Place
Date

Sarpanch
Gram panchayat

MAINTENANCE OF RECORDS FORM NO. 29(2)

[See Rule 33]

Form of notice under Section 14(2) to the opposite party

Sir, son of of village, Thana no. P.S. district,
As Sir, has applied for recording his name over Khesra no. Khata no. Village,
thana no. I shall hold enquiry into it on you are hereby informed to appear on the above
date and the above place with document and witness in support of your claim.
Place
Date

Sarpanch
Gram panchayat

MAINTENANCE OF RECORDS FORM NO. 29(3)

[See Rule 33]

Form of notice to the general public under Section 14(2)

For publication in Mauza, Thana no. P.S. district, to all who have interest in it.
Whereas Sir, son of of village, Thana no. has applied for recording
his Name for Khesra no. Khata no. of village, Thana no.

I shall enquire into it on at All persons interested and concerned with the above area are
 ed upon to appear on the above date and place with document and witness in support of their claim.

Place
 Date

Sarpanch
 Gram panchayat

MAINTENANCE OF RECORDS FORM No. 30

[See Rule 37]

(Under Section 20)

Adhikari Khata Pustika

PART I

Mauza Anchal Rev. Thana Financial Year 19
 Police Station Thana no. Distt.

Serial no. of Continuous Khatian
 Name of tenant Status
 Father's name
 Caste and residence
 Share

sra no. Boundary Nature of Area Remarks
 land land A.D.
 Signature of Karamchahi

PART II

Halka no. Jamabandi no.

Rent Arrear Current 19 19 19

REALISATION

Financial year 19

1. Rent Arrear / Current

2.

3.

4.

Signature of Officer

EXTRACTS OF KHAS MAHAL MANUAL

CHAPTER III

Rules for the maintenance of records in Government estates
 other than town khasmahals or estates for
 which special rules exist.

35. What records to be maintained.—The record to be maintained under these Rules are as follows:—

- (i) When there has been a record-of-rights the khasra plot index, the 16 inch map and the continuous *khatian* (Register IB). When the estate is proprietary, and also where there are tenure-holders, it is also necessary to maintain the *khewat* of proprietors and the *khewat* of tenure-holders.
- (ii) When there has been no record-of-rights—the *khasra* (if any), the map (if any) and the *jamabandi* register IA.
- (iii) If there has not been a regular survey and there are no field numbers. The corrections described in Rule 49 will be made with reference to boundaries and names of tenants. In such cases a copy of register IA will have to be kept both at the head office and by the Tahsildar, in order to enable the provisions of Rule 36 to be carried out.

36. Procedure for correction after completion of a record-of-rights.—The rules and procedure for making settlements of Government estates are contained in the Bihar Survey and Settlements Manual. The following procedure should be adopted upon completion of a survey and record-of-rights for the systematic correction of estate record:—

In the case of Government estates, a record-of-rights may be prepared either in the course of settlement of a particular estate alone or in the course of general operations for an area in which the estate falls. In either case it is equally incumbent on the Collector to bring his estate records in all respects, and not merely in respect of the rents payable, into agreement with the finally published record at the earliest opportunity. The Collector should obtain from the Settlement Officer, as soon as the records are ready for final publication, if no rent-settlement is to be made, and immediately after final publication, if a rent-settlement has already been made, and immediately after rent-settlement if made after final publication (e.g., in Chota Nagpur), two copies of the *khasra* plot index of the map and of the continuous *khatian*. If there are any tenure holders in the estate, two copies of their *khewats* and of the continuous *khatian* of their tenures will be obtained; and if the estate is proprietary, two copies of the proprietor's *khewat*. If, however, there is no *mufassal* office of the estate, only one copy of all the above mentioned records will be necessary. The Collector should definitely inform the Settlement Officer, in good time, whether he will need one or two copies of the records.

Upon receipt of the records from the Settlement Officer the Officer in charge of Government estates will submit a note specifying the estate records which need correction, with a programme for the systematic carrying out of the work of correction. If possible the work should be completed before the ensuing cold weather.

correction work should be submitted to him. If for any reason the officer in charge consider that an entry should be retained in an estate record which is discrepant from the record of rights he should have a note prepared on the matter. These notes should be consecutively numbered, and preserved as B class papers. Orders on each note will be passed by the Collector or by the Officer in charge in accordance with the instructions laid down by the Collector in this respect.

The only addition that will be made in the continuous *khatian* is the entry of miscellaneous legally payable demands of a non-agricultural character such as banker, *phalkar*, *basouri*, etc. These will be entered in either the "rent" column or the column of remarks according to the space required for such entries, in distinctive ink, and each such entry must be duly initialed.

37. Changes in records.—Apart from alterations due to survey and Settlement the records will also require correction to keep them up to date on account of—

- (1) Transfer of or inheritance to holdings.
- (2) Sub-division or amalgamation of holdings.
- (3) New settlement of unoccupied or additional lands or of purchased holdings.
- (4) Abatement of rent.

38. Staff to ascertain changes.—Notices of transfer under Tenancy Acts should be utilized to correct records. The *khasmahal* staff should also always be on the alert to ascertain changes that entail correction of registers. If the *tahsildar* during the course of any local enquiries or during the local collection of rents finds that the persons in possession of holding are not the recorded tenants or that holding shown in the estate records to be unoccupied, has been occupied or cultivated he shall report the fact to the *Khasmahal* Officer who will at once start a mutation case. The *tahsildar* should also enquire at the time a tenant pays his rent whether he has any mutations to make. If he has, he should be asked to submit an application in the form given below which should be supplied to him free. He may take the form away, if desired to fill it up or ask the *tahsildar* or his *muharrir* to do it for him.

Serial No.	Date of application.	Name of person applying for mutation.	His continuous <i>khatian</i> number or <i>jamabandi</i> number.	Particular of mutation required.	Remarks.
1	2	3	4	5	6

An *amin* or other measurement officer whenever he is sent to a village to make any measurement will also check all abandoned tenancies and plots of waste land and enquire as to alluvion and diluvion in the case of riverian estates and submit a report to the *tahsildar* in regard to any application for unoccupied lands which may be made to him and generally on all matters connected with such lands.

Note.—The term "*tahsildar*" includes *patwar* for the purpose of this rule.

by occupancy *raiya*s, tenure-holders and *raiya*s holding at fixed rates. Mutation involves change in the name of the occupants of the holdings due to—

- (a) succession or inheritance;
- (b) transfer by sale, gift or exchange; and
- (c) partition.

So far as the *Khasmahal* is concerned succession by inheritance does not affect the position of the occupancy *raiya*. In such cases the application should not bear any court-fee stamp. In case of succession to a permanent tenure and a holding at fixed rates a tenant has to deposit with the Collector the usual landlord's registration fee prescribed by the Bihar and the Chota Nagpur Tenancy Acts. This also applies to cases of transfer of occupancy holdings, permanent tenure or holdings at fixed rates. When an occupancy holding is partitioned by an order of a court or otherwise, no fee is chargeable on an application for mutation in such cases. In case of a partition of a permanent tenure or a holding at fixed rates an application for mutation should bear one rupee and fifty paise court fee stamp together with a surcharge of 65 paise only. All applications for mutations should on receipt be entered in Register 27 in which the following two columns should be added before use:—

- (1) Date on which correction of *Khasra* and *Khatian* is made.
- (2) Signature of the officer who authenticates revision.

If on enquiry by the *Tahsildar*, it is found that the application is unopposed no entry need be made in Register 8. But should it be opposed a mutation case should be started and transferred to Register 8. A case should also be started at once and entered in Register 8, if a mutation already allowed is challenged by an applicant.

40. Tahsildar's enquires.—Mutations which involve (i) changes in names only of occupants of tenancies as in cases of succession and inheritance or (ii) transfers by gift, sale or exchange of whole plots which do not require any measurement should be enquired into and reported upon by the *tahsildar* in the form given in Appendix C (2), specifying the *jamabandi* or continuous *khatian* numbers affected. If only some plots of a tenancy are transferred, the numbers of the plots in the *khaskha* and their areas and the effect of the mutation on the rent roll must be fully explained. If a new tenancy has to be opened it must be given a number in continuation of the last tenancy number. An old tenancy will retain its original number.

41. Subdivision of holdings.—Except when an occupancy holding has been the subject of partition by an order of a court or otherwise as provided for in Section 25-A of the Bihar Tenancy Act District and Settlement Officer may at their discretion recognise partition of tenancies in Government estates. The convenience of tenants should always be considered but the undue multiplication of demands of petty sums should be avoided. Where in mutation cases it is necessary to subdivide a field a map of the plots to be altered traced from the *khasmahal* map showing therein clearly in red ink the alterations required should be made by the *tahsildar* or the *amin*, as the case may be, and filed with the record. The new plots formed by subdivision will be given a number having for its numerator the number of the plot of which it originally

formed a part and for its denominator a number in continuation of the last plot number of the village. For example, if the original plot number was 25 and there are 350 plots in the village, the new plot number will be 25/351. Where mutation is due to alluvion or diluvion a new map of the area should be prepared the old settlement lines being marked in distinct colours.

42. Amalgamation of holdings.—In the case of individual tenants paying rent separately for different plots of land, it is an advantage, where the tenant consents, to amalgamate these tenancies into a single tenancy with a single demand; but pressure should not be put on a tenant to consent to such an amalgamation, except when there is an application to sanction a partition of a rent demand. Thus if a *raiya* asks sanction to his purchasing from another *raiya* a field paying a rent of 'eight annas' only, it would be reasonable for the Collector to insist that the field transferred and the 'eight annas' rent shall merge in the purchaser's existing holding and rent, and not be made a separate tenancy.

It should be distinctly understood that these orders do not supersede the rules as to transfer of tenancies or parts of tenancies which have been framed for special tracts, such as the *Santhal Parganas* and the *Kolhan Government estate in Singhbhum*.

43. Abatement of rent.—The rules regarding abatement of rent of Government estates are given in the *Tauzi Manual*. Vacant or unsettled lands may be the lands of abandoned, surrendered, resumed, escheated or purchased holding or they may simply be uncultivated waste. When settled they should be entered in the relevant Registers VIII and IXA concerned in forms given in Appendix B.

44. Reduction of rents in consequence of deterioration.—The Collector may of his own motion, or on the application of the tenant concerned reduce the rent fixed for any tenant in a Government estate on the ground that the soil of the holding has permanently deteriorated through causes beyond the tenant's control, from the time when the rent of the holding was fixed, or that an improvement has failed which was taken into account when the rent of the holding was fixed under a reclamation lease. If the tenant is a tenure-holder, the Collector will not grant any reduction of rent unless the tenure-holder agrees to give a corresponding reduction to his tenants affected, for all of whom the Collector will fix fair rents.

No reduction is to be granted on account of the failure of an improvement which has been permanently exempted from assessment on the ground that it was effected by a *raiya* holding at fixed rates or an occupancy *raiya*.

45. Verification by tahsildars and superior officers.—The *tahsildar* will verify by local inspection all the reports of the *amin* or other officers and submit his recommendations to the officer in charge of Government estates keeping a copy for his office record. The latter or an officer not below the rank of a *Kanungo* will similarly verify not less than 10 per cent of all ordinary mutations reported and all the reports regarding cultivation of unoccupied lands, the officer in charge being himself responsible for testing at least the important ones.

46. Correction of records.—After orders have been passed by the Deputy Collector, or by the Collector in important cases where it is considered necessary to take the Collector's orders or where there is an appeal to the Collector, the head office copies of the *khasra*, map and *khatian*, *khewat* or *jamabandi* register IA, as the case may be, should be corrected under the Deputy Collector's initial, the head of his office being responsible for posting the corrections; a *muharrir* will then fill up maintenance registers VII, VIII and IXA in the Forms given in Appendix B and will send to the *tahsildar* a correction slip indicating the exact nature of the changes to be made in his working copies of the *khasra* and *khatian*, *khewat* or *jamabandi* register IA, as the case may be and the *amin* should correct the map under the signature of the *tahsildar*.

47. Inspection of maintenance registers.—The Collector in the course of his annual inspection is to examine, and the officer in charge of Government estates is to check, the maintenance registers and the result of such examination and check should be reported in the District Annual Land Revenue Administration Report.

48. Diluvion.—Mutations due to diluvion should be shown in registers IA or IB and II. A note should be made regarding diluviated plots or portions of plots in the remarks column of the continuous *khatian* or *jamabandi* register IA, as the case may be.

49. Corrections how made.—Blank forms will be supplied at the end of the continuous *khatian* volume or *jamabandi* register IA. Where the alterations regarding any holding are so numerous that they cannot be shown clearly against the original entry, that entry will be scored out and the entries relating to the holding will be entirely rewritten at the end of the volume, a reference to the new entry being made opposite the original entry thus:—"Cancelled and transferred to *khatian* no. under the order in mutation case no. of 2000....". But where the correction can be made on the page containing the original entry the latter need not be cancelled. The *khatian* will be corrected, and the reference to the mutation case number given on it, *khewats* where necessary, will be corrected in the same manner.

50. Maintenance of khasra and rewriting of khasra and khatians.—The *khasra* will be merely a plot index in the following form:—

Khasra No.	Number of <i>khatian</i> in which entered in—				
	1935	1936	1937	1938	1939

It will be convenient to rewrite entirely the *khatians* and *khasras* after a certain number of year when corrections have become numerous, under the orders of the Collector or Officer in charge of Government estates.

51. Systematic Periodical revision.—The general enquiries prescribed in Rule 38 must be supplemented by a periodical and systematic revision of the records after periodic intervals which should, where practicable, not exceed four or

The exact period will be fixed for each estate by the Collector with the sanction of the Commissioner.

The revision is intended to be both a means of recording mutation of names and still more a means of ascertaining changes which take place in the cultivated area of estates under management whether the property of Government or of recusant proprietors, with a view to the requisite modification of the rent roll either by the assessment of additional rent for new lands brought under cultivation outside the boundaries of holdings and tenures as originally settled or by the writing off of the rents of lands which have diluviated or been thrown out of cultivation.

52. Procedure where farmer agrees to maintain the record.—Where in any Government estate a *malguzar* or farmer has executed a *kabuliat* in which he agrees to maintain or co-operate in maintaining the record a notice should be served on him every five years to report all changes. His report as to changes should be made in the form of the continuous *khatian* or of the *jamabandi* register IA, if there has been no record of rights, and the Government records should be corrected in accordance therewith in the manner prescribed in Rule 49 above after verification by a responsible officer not below the rank of a *Kanungo*.

53. Objects and method of revision.—In estates which are fully developed there is little or no room for extension of cultivation and the revision need not be annual. The chief object of the officers in charge will be to see that lands relinquished by tenants are re-settled and the rents brought on the accounts.

Similarly, where much cultivable waste lands exists, it is important that once a year a competent and reliable subordinate should inspect the estate, map in hand, and note whether changes have occurred or not, through waste lands being brought under cultivation. If the changes are not so great as to render a regular remeasurement of importance, the requisite additions to, or reductions of, rent will be made on the report of the officer without the employment of an *amin*. If, however, the alterations in the cultivated area are large, an *amin* should be deputed to make measurements and the requisite modifications should then be made in the rent-roll. The Officer in charge of Government estates should give particular attention to this matter, and see that the inquiries are regularly made every year and the rent-rolls properly written up. He should himself also occasionally make local inspections. An annual return in respect of all estates will be submitted for the information and orders of the Collector who in turn will submit a return to the Commissioner in such form and for such estates as the Commissioner may prescribe. The Board does not prescribe a particular form of return for general use, since local conditions vary greatly, but the return should ordinarily give the name of each estate, the date of inspection, the name and designation of the inspecting officer, the result of the inspection as regards the changes observed, and the action taken with such additional particulars as may be found advisable.

54. Record of inspection of rent-rolls.—All *tahsildars*, managers, etc. are required to maintain a record of inspections of rent-roll for the purpose of the compilation of the annual return of the results of such inspections.

55. Mutation Returns.—Separate returns showing in abstract the mutations effected and the results of inspection of rent-rolls, respectively, in respect of

Government estate during the preceding financial years should be forwarded by the District Officer punctually by the 1st May each year to the Commissioner of the Division, who will examine and utilize them for preparing Appendices VII and VIII of his Divisional Land Revenue Report which is due to the Board on the 31st *dem*. The forms of these appendices may be utilised for the returns but while the District Officers are required to furnish in the returns the names and other particulars of each estate, the Commissioners of Divisions should show in the appendices the total number only of estates in each district and a consolidated account of all of them.

CHAPTER IV

Account Rules

Part I.—Rules for the guidance of *tahsildars* and other *Khasmahal* Officers employed in the collection of rents in Government estates.

56. List of registers.—A list of registers to be maintained in various offices excluding certain special forms for use in the *Damin-i-koh* Government estate in the *Santhal Parganas* is given in Appendix B (1). The *tahsildar* will hang up in his office, (i) a yearly statement of demands and collections for each of the past 5 years, estate by estate and for his charge as a whole and (ii) a complete list of all his registers and in each register he must paste inside the front cover of each volume the instructions regarding that register.

57. Register I.—Where there has not been survey and record-of-rights, this register will be in the form IA given in Appendix B (2). Where there has been a survey and record-of-rights it will be in form IB the continuous *khatian*. The *tahsildar's* register will ordinarily be a copy of the entries relating to his charge in the register IA or continuous *khatian* of the district or sub-divisional headquarters, but in special cases, and only with the sanction of the Commissioner previously obtained the *tahsildar* may be allowed to use the headquarters or sub-divisional office register.

The *tahsildar* is not permitted to make any alteration or correction in either register IA or the continuous *khatian* except by the general or special order of the *Khasmahal* Deputy Collector. No alteration in the amount of the demand can be made except of an order in the prescribed form from headquarters. Such orders must be kept in due order in a separate file. One whole page, or more if necessary, must be allotted to each holdings, to allow for the entry of mutations. The Collector will prescribe for each estate such a form or order of mutation as he finds to be necessary.

58. Register II.—Instructions for writing up this register are given, below:—

(i) A separate page must be allowed for each tenancy. The area and annual demand as it changes from year to year must be filled in register IA or IB in the space provided at the top. It will not be necessary to open a new register every year, as one page will probably last for three to five years. When it becomes necessary to rewrite the register, this should be done before the beginning of the year for which it is required for collection purposes. References to orders sanctioning abatements of demand, settlements of unoccupied lands, etc. should be entered in the space provided at the top of the page, while the authority for

remission should be noted in column 3. The order of sanction should be produced before inspecting officers in support of such entries in accordance with the instructions laid down by the Collector.

- (ii) The year to which the entries of the tenant's account relate must be written bodily across the page and the entries of that year should be written below it.
- (iii) All demands must be written in red ink including demands in arrears for previous years, the current annual demand, any advance payment in previous years and any addition to the demand made during the course of the year.
- (iv) All payments or remissions must be entered in black ink.
- (v) Payments in respect of arrears must be entered in the columns of the years to which they relate.
- (vi) The total of these credit entries is to be struck only at the end of the year.
- (vii) If there is any balance the amount should be entered in black ink in all the columns below the total of payment.

Note.—The Rules in this Chapter must be complied with exactly, unless, by a written order, which should be kept for the convenience of inspecting officers, in a separate file by the *tahsildar* or by the headquarters office, as the case may be, the Collector has sanctioned a departure from any particular Rule.

59. Register III-A.—In this register are entered all payments made direct by the tenant or his agent to the *tahsildar*, whether before or after the issue of a certificate. A separate volume, or distinct portion of a volume, must be kept for each separate estate. If the number of estates is excessive, an application should be made to the Commissioner for their amalgamation into one or more *tauzi* numbers under Rule 3, Chapter II, section III of the *Tauzi Manual*, 1951.

This register must be written up, and the daily balance remaining in the hand of the *tahsildar* must be entered clearly, at the close of every day. A running total of columns 6, 7, 8 and 9 will be made and carried on throughout the year, the total of the first page being carried to the top of the second page, and so on. In this way the figures for the current year up to date can be ascertained at any time. The last entry in column 14 in any page will be brought forward to the top of the next page.

60. Register III-B.—This register is intended for the entry of rent and cess paid, not to the *tahsildar*, but to the treasury, the certificate-officer or the Sub-divisional Officer. The money which the entries in this register represent, does not pass through the *tahsildar*'s hands, and therefore, columns 11 to 15 of register IIA are not required in this register, and it must be fully entered up each day that transaction relating to it occur.

61. Register IV.—This register, the general cash-book, should show all receipts, payments and remittances of money, except those which are on account of rent, cess and miscellaneous revenue which are included in register III-A. It must be

money transactions of the *tahsildar*, except those entered in register III-A, must be included in it. The daily balance in this register added to that of register III-A is the total amount which should be in the hands of the *tahsildar*.

62. Register V (Treasury pass-book).—This register is kept only by those *tahsildars* who have been empowered by the Collector to use it.

63. Advices of remissions.—When an advice of the remission of rent is received from headquarters it will be kept by the *tahsildar* on a separate file maintained solely for remission advices of the current year in which the advices are arranged according to the date of their receipt. He will acknowledge the receipt on the form sent with the advice list.

64. Advices of issue of certificates.—When an advice of the issue of a certificate of arrears of rent is received from headquarters the *tahsildar* will keep it in a separate file, for the current year, in which the advices will be arranged in the order of their receipt.

65. Form of rent receipt.—The rent receipts in use in Government estates in all the districts except the *Santhal parganas* are printed in the Form given in Appendix C (3). They are in duplicate, in book form, and are made with pen carbon paper. The original or upper receipt is made over to the tenant as his receipt for the payment made by him; the lower one is kept by the *tahsildar* in the book. Each book contains 50 Forms, in duplicate, and each Form is serially numbered in print, with a distinguishing letter A or B, etc. In each year there is one continuous serial number for all the books of the State and the letter indicates the year of printing. These books will be issued only under the orders of the *Khasmahal Officer*. They will be kept with the *Nazir* under lock and key but no book will be issued without the order of the *Khasmahal Officer*. The *Khasmahal Officer* will be responsible for seeing that no unnecessary receipt book is issued to a *tahsildar* and that no receipt books unnecessarily retained by a *tahsildar* after the close of the year.

The *Khasmahal Officer* shall examine personally each book both on issue and on return and satisfy himself that the counterfoils are in order.

When books are returned he shall also see that every blank page of those partly used up is marked "cancelled" with a rubber stamp, right across the body of the page and that those not used at all are destroyed in his presence. The fact of destruction should also be noted in the remarks column of Part III of the register cheque books (*vide* Rule 33, page 100 of the Practice and Procedure Manual, 193 quoting the serial no. and year of the book destroyed).

The *tahsildar* must give receipts for the payments made in the new financial year on the new receipt forms for that year, and not on the old form of the preceding year. Accordingly, he must be careful to obtain the requisite supply of the receipt forms for the new year in good time. When he has prepared his return no. 1 for the whole year and it has been tested after the close of the year by the inspecting officer he must return all his receipt books of that year, whether entirely used up or not, to the *nazir* through the *Khasmahal Officer*. The *Khasmahal Officer* will be responsible for bringing to the notice of the *Khasmahal Officer* if this is not done.

66. Mode of payment of various dues.—Payment may be made on account

other of the following ways:—

- (a) Voluntary payment to the *tahsildar* by cash or money order.
- (b) Voluntary payment direct to the treasury or sub-treasury.
- (c) Voluntary payment by money order to the Sub-divisional Officer of a Sub-division which has no sub-treasury.
- (d) Payment after the issue of certificate to the certificate department.
- (e) Payment after issue of certificate to the process-serving peons.
- (f) Payment after the issue of a certificate to the *tahsildar*.

67. Payment to the *tahsildar*.—When payment is made to the *tahsildar* by cash or money order, he will give receipts for cash in the form of rent receipt but for money order he will merely sign the receipt contained in the money-order form and make it over to the post office. He will at once credit the amount received in register II and register III-A noting the number and date of the receipt granted or of the money order coupon retained by him as the case may be. He will also initial the coupon and keep it in the guard file of challans.

68. Correctness of tenant's account.—When a tenant makes a payment he must be asked whether he admits the correctness of the account. If he does not, a note must be made in register II by the *tahsildar* that the tenant objects to the correctness of the account and reports of all such objections must be submitted to the Deputy Collector in charge of *khasmahals* in such form and at such periods as the Collector may from time to time direct.

For each separate payment the tenant must be given a separate receipt in which the date of the actual payment must be entered.

69. Payment by person other than a recorded tenant.—Where owing to the pendency of a mutation case or application for sub-division or amalgamation, payment is made by a person not a recorded tenant in respect of a holding or tenure and the *tahsildar* cannot for the above reason or some other ground of objection grant a rent receipt in the prescribed form, the payer will be granted a receipt in the form issued by the *nazir* to the process-servers and the amount will be kept in revenue deposit till the final disposal of the application or withdrawal of the objection when the amount will be transferred for the credit to the proper head of accounts and entered in the proper registers. But the payment should be shown in the cash book on the date of receipt.

79. The rent-roll Register I.—When a record-of-rights has not been prepared the rent-roll will be kept in form I-A given in Appendix B(2). In estates for which a record of rights has been prepared it will be kept in form IB, the continuous *Khatian* form of the record. No alteration in the rent-roll can be sanctioned by any authority lower than the officer in charge. The Rules relating to mutations in these registers are prescribed in Chapter III.

80. Re-copying of the rent-roll.—Whenever a new rent-roll of an estate is prepared by copying from the old rent-rolls it must be carefully compared by a Gazetted Officer in respect of every item, and he must attach a certificate to the new rent-roll that he has compared all the entries, and that they are correct. He should

be preserved as on a paper

81. Village note-book.—An officer in charge of Government estate should keep a village note-book in which he should enter all matters of interest regarding individual villages of the estate and the people in them which may come to light from time to time. This will, to some extent, lessen the evil that arises occasionally for want of continuity, and will also be a very useful record of improvements needed. When any such officer hands over charge of his duties the fact that this note-book has been made over to his successor should be reported formally to the Collector.

85. Alteration in the demand in the rent-roll.—Every alteration in the demand in the rent-roll must be verified and initialled with the date, month and year, by the Gazetted Officer in charge and must be communicated to the *Tahsildar* to enable him to correct his copy, the form in which the alteration of the demand of a tenancy should be communicated to him should be prescribed by the Collector. To this form should be attached a receipt to be signed and returned by the *tahsildar* certifying that he has made the necessary corrections of the demand.

86. Index of alterations of the demand.—In order to facilitate the checking of these alterations in the demand they must be entered in a manuscript register in the following form (the entries for each estate being kept together in a separate portion of the register):—

Name of estate				No. of estate				Year	
Number of tenancy in rent-rolls.	Name of village.	Authority giving Order with date of order	Initial of correcting officer and date of making corrections in the rent roll.	Previous demand.	Sanctioned demand.	Increase in demand.	Decrease in demand.	Date from which the new assessment will take effect.	Remarks
1	2	3	4	5	6	7	8	9	10

In this register should be entered new tenancies which may be created, and old tenancies which cease to exist, in addition to tenancies which are merely altered. The difference between the totals for the year of columns 7 and 8 will give the net results of all alterations of the demand of the estate in the year.

Note.—The total changes in the demand of the Government estates should be communicated to the *Tauzi* Department and the Revenue *Munshikhana* by means of a *parwana* in the form prescribed above. The *parwana* should be sent in triplicate, one to be kept and filed by the *Tauzi* Department and the other to be kept and filed by the Revenue *Munshikhana* and the third to be returned with a certificate by each department to the effect that Registers 32 and 40 have been duly corrected.

Appendix-B

Register and Returns

- (1) List of registers to be maintained at headquarters and tahsil offices.
- (2) Register I-A—Jamabandi Register of Rent-roll.
- (3) Register I-B—Continuous Khatian
- (4) Register II—Tenant's Ledger
- (5) Register III-A—Register of collection (Direct payment to the tahsildar).
- (6) Register III-B—Register of collections (Payments not made to the tahsildar).
- (7) Register IV—Cash Book
- (8) Register V—Treasury pass book
- (9) Register VI—Remissions
- (10) Register VII—Mutation Register
- (11) Register VIII—Resettlement Register
- (12) Register IX-A—Register showing settlement of waste lands.
- (13) Register of Land Revenue demand, collection, remission and balance of Damin-i-Koh Khasmahal.
- (14) Register of Miscellaneous demand, collection, remission and balance of Damin-i-Koh Khasmahal.
- (15) Register of Daily collection of Damin-i-Koh Khasmahal.
- (16) (A) to (E) Registers of wells, irrigation embankments etc., bridges, markets, garden, bandhs and tanks.
- (17) Return I—Detailed accounts of estate under direct management.
- (18) Return II—Progress statement of collections.
- (19) Return III—List of defaulters

Appendix-B(1)

List of Registers to be maintained at headquarters and tahsil offices.

[See Rule 56]

Reference to pages of the different Manuals for forms.	Registers to be maintained		Remarks
	Headquarters	Tahsil office	
Bihar Government Estates Manual, 1969	Registers 1-A or 1-B Register of Miscellaneous demands Index Register of alteration of demand.	(1) Register I-A of I-B	(1) Copy only of the entries of estate within the Tahsil
" (pages 65)	...	II	
" (page 6)	...	III-A	
" (pages 68-71)	...	III-B	
" (page 74)	...	IV	
" (page 75)	...	V[2]	
" (page 76)	VI	...	
" (page 76)	VII	...	
" (page 76)	VIII	...	(2) If permitted by the Collector.
" (page 77)	IX-A	...	
" (page 78)	Registers of wells irrigation-embankments, etc., roads, bridges, markets, gardens, Bandhs and tanks.	...	
" (page 79)	8	...	
" (pages 83-85)	9	...	
Bihar and Orissa Register & Return Manual, 1952	26	26	
" (page 17)	26-A	26-A	
" (pages 17-18)	27	...	
" (page 31)	27	...	
" (page 32)	22	...	
" (page 32)	32-A	...	
" (page 32)	33(3)	...	
" (page 32)	45-A	...	
" (page 34)	69-A	...	
" (pages 34-35)	73	...	
" (page 35)	84	...	
" (page 45)	85	...	
" (pages 53-54)	Guard files...	Rent receipt book	
" (pages 56-57)	Registers of Cheque books	Guard files	
" (pages 58-59)	List of Government estates showing history	List of Government estates showing demand and Collection for last 5 years.	
" (pages 59-60)	Village note book	...	
	Khasra plot index	...	
	16 inch map	...	
	1 inch map	16 INCH MAPS.	
	Thana maps	THANA MAPS.	

[See Rule 57]

B. 802 C. 16 D. 9

- (1) 16th October, 1940.
- (2) 15 years from 10th October, 1940.
- (3) 8th of 1940.
- (4) 15th August, 1940.

5. The total of column 8 should be carried forward from page to page for the whole village.

[See Rule 57]

Name of proprietor and no. in proprietary khewat

Name of tenure-holder and no. tenure's khewat, if any.

[illegible]

बिहार काश्तकार जोत (अभिलेख-संधारण) अधिनियम, 1973

[1975 का बिहार अधिनियम सं० 28]¹

बिहार राज्य में रैयतों की जोत के अभिलेखों का अद्यतन संधारण और वृत्तसम्बन्धी विषयों के प्रावधान के लिये अधिनियम।

भारत गणराज्य के चौबीसवें वर्ष में बिहार राज्य के विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

अध्याय-1 आरंभिक

[1983 के संशोधन अधिनियम सं० 3 द्वारा किये गये सख्त संशोधनों के फलस्वरूप बिहार काश्तकार जोत (अभिलेख-संधारण) अधिनियम, 1973 के अधीन दाखिल-खारिज की विहित प्रक्रिया, दाखिल-खारिज हस्तक के अधीन पूर्व की अधिकथित प्रक्रिया से बिल्कुल भिन्न हो गई है। इस अधिनियम के प्रावधानों के जरिए नये अधिकार और दायित्व सृजित किये गये हैं और अधिनियम के अधीन आपत्तियाँ के निराकरण के लिये उपचार के मंच (फोरम) उपबोधित किये गये हैं। दत्तात्रेय नाथ पांडे बनाम बिहार राज्य, 1994 (2) पी०एल०जे०आर 612।

आभासी विधान जैसा होने का कलंक लगाकर किसी संशोधन अधिनियम को तब तक खंडित नहीं किया जा सकता जबतक कि यह साबित न किया जाए कि जिस विधानमंडल ने उसे अधिनियमित किया उसे विधान बनाने की शक्ति नहीं थी। न्यायालय इस आधार पर किसी विधि को अविधिमान्य नहीं घोषित कर सकता कि वह अनुचित नियत से अधिनियमित की गई है। रणजीत प्रसाद श्रीवास्तव बनाम बिहार राज्य, 1996 (1) पी०एल०जे०आर 391]

1. संक्षिप्त नाम, प्रसार और प्रारंभ.—(1) इस अधिनियम को बिहार काश्तकार-जोत (अभिलेख-संधारण) अधिनियम, 1973 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य होगा।

[बिहार सरकार राजस्व एवं भूमि सुधार विभाग, पत्र संख्या 11-भू०सु०अभि०-12/91-407-ता. दिनांक 12-03-1991। प्रेषक-श्री फुलचन्द सिंह, भूमि सुधार आयुक्त एवं सचिव। सेवा में, सभी जिला पदाधिकारी।]

विषय:-बिहार अभिधारी होल्डिंग (अभिलेखों का अनुक्षण) अधिनियम, 1973 (बिहार अधिनियम संख्या 28, 1975) के कार्यान्वयन सम्बन्ध में।

निदेशानुसार उपर्युक्त विषय पर मुझे कहना है कि राज्य के भूमिधारियों को भू-अभिलेखों को अद्यतन संधारित कर भूमि सुधार कार्यक्रमों को प्रभावशाली ढंग से लागू करने के लिए राज्य सरकार ने बिहार अभिधारी होल्डिंग (अभिलेखों का अनुक्षण) अधिनियम, 1973 अधिनियमित किया है। उक्त अधिनियम को धारा-1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार ने निम्नांकित अधिसूचनाओं द्वारा उनके सम्मुख उल्लिखित जिलों के विभिन्न अंचलों में अधिनियम को लागू किया है:-

क्रम सं०	अधिसूचना सं०	दिनांक	जिला का नाम	अंचल का नाम
1	2	3	4	5
1	683	11-5-1978	भूँर्षिया	वनमंछी, घरहस कोठी, धमदाहा, भवानीपुर एवं रूपौली।
2	1049	1-8-1978	सुरेष्ट पूर्वी चंपारण नालन्दा पटना	खड़गपुर। झैंडादाना। बिहार (बिहारशरीफ)। बिहटा।
3	2854	15-9-1988	गया	आमस, गुरुआ, इमामगंज, डुमरिया एवं शेरघाटी। मदनपुर, रफीगंज, एवं देव
4	903	18-7-1989	औरंगाबाद वैशाली	महतार, सहदेईबुर्गा (देसरी), लालगंज, वैशाली, हाजीपुर, विडुपुर, महूआ, गोरोल, जनदाहा, राधोपुर एवं पातेपुर (सभी अंचलों में)।
5	1029	7-9-1989	जहानाबाद	अरबल, करसी, कुर्था, मखदुमपुर, जहानाबाद, काको तथा घोषी।
6	653	5-6-1990	भोजपुर	उदयनगर, बड़हरा, कोईलवर, बिहार, संदेश, पीरी, तपरी, शाहपुर एवं बक्सरा।
7	653	5-6-1990	रोहतास सीतामढ़ी कटिहार किशनगंज समस्तीपुर भागलपुर औरंगाबाद	डिहरी, दानभ एवं कुदसा। रीगा एवं सुरसंड। बरारी एवं मनिहारी। किशनगंज। पूसा। बागहाटा। डाउदनगर एवं हसपुरा।

2. राज्य के अन्य सभी अंचलों में दिनांक 2 अक्टूबर, 1990 से इस अधिनियम को लागू किया गया है, परन्तु इसकी अधिसूचना 8 जनवरी, 1991 के बिहार गजट के असाधारण अंक में एस० ओ० 81 दिनांक 18 जनवरी, 1991 के अधीन प्रकाशित हुई है, अतएव उक्त अधिनियम 18 जनवरी, 1991 से इन अंचलों में लागू समझा जायेगा। अधिसूचना की प्रतिलिपि संलग्न है।

3. उपर्युक्त अधिनियम का मूल उद्देश्य राजस्व अभिलेखों का अद्यतन संधारण तथा भूधारियों को अभिधारी खाता पुस्तिका उपलब्ध कराना है; उपर्युक्त अधिनियम तथा उसके अन्तर्गत निर्मित नियमावली में

4. अंचलाधिकारियों अपने अंचल के प्रत्येक गाँव के रिजिजनल सर्वे चकबन्दी के खतियान की प्रतिलिपि अथवा जहाँ सर्वे नहीं हुआ हो वहाँ के साबिक खतियान की प्रतिलिपि प्राप्त कर हल्का कर्मचारी को देगे तथा हल्का कर्मचारी को आदेश देगे कि गाँव के प्रत्येक खेसरा का निरीक्षण कर एक खेसरा पंजी तैयार करें। प्रारूप चालू खतियान, अभिधारी खाता पंजी, ग्राम नक्शा तथा खेसरा पंजी नियमावली के नियम-5 में वर्णित विधि से तैयार की जायेगी।

6. अभिलेखों के अद्यतन संधारण के लिए आवश्यक प्रपत्रों को मुद्रित कराने की व्यवस्था की जा रही है, परन्तु इन्हें मुद्रित कराकर आपूर्ति कराने में विलम्ब की संभावना है। अतएव आपसे अनुरोध है कि प्रपत्रों की आपूर्ति की प्रतीक्षा न कर अधिनियम को लागू करने के निमित्त आवश्यक कार्रवाईयाँ अधिलम्ब की जाए।

X X

X X

X X

[एस०ओ० 683 दिनांक 11 मई, 1978.—बिहार काश्तकार-जोत (अभिलेख संधारण) अधिनियम, 1973 (1975 का बिहार अधिनियम सं. 28) की 1 धारा की उपधारा (3) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए राज्यपाल, बिहार, ने प्रसादप्रयन्त पूर्णिया जिला के बनमंडी, बाढ़, आरकोडी, धमदाहा, मुकुर और रुपौली अंचलों में उक्त अधिनियम को लागू करने के लिये । ली जून, 1978 की तारीख नियत की है।]

एस०ओ० 903 दिनांक 18 जुलाई, 1989.—बिहार काश्तकार जीत (अमिलेख-संघारण)

को प्रयोग करते हुए सच्यपाल, बिहार, ने प्रसार प्रयत्न, उन जिल्लों/अंचलों के अधिनियम के अधीन पहले अधिसूचना जारी की गयी हैं, अन्य जिल्लों/अंचलों में उक्त अधिनियम को लागू करने के लिये 2 री अक्टूबर, 1990 की तारीख नियत की है।

(क) "अंचल अधिकारी" से अभिप्रेत है राज्य सरकार द्वारा इस तरह नियुक्त किया गया कोई अधिकारी;

(ख) "अञ्चल निरीक्षक" से अभिप्रेत है प्रमंडल-आयुक्त द्वारा इस तरह नियुक्त किया गया कोई अधिकारी;

(ग) "समाहर्ता" के अंतर्गत हैं अपर समाहर्ता, अपर उपायुक्त और इस अधिनियम के अधीन समाहर्ता के किसी या सभी कृत्यों के निर्वहन के लिये राज्य सरकार द्वारा विशेष रूप से सशक्त उप-समाहर्ता से अन्युन स्तर का कोई अन्य अधिकारी;

समीक्षा और निर्णय-विधि

[इस अधिनियम के परिभाषा खंड 2 (ग) में यथा परिभाषित "इस अधिनियम के अधीन समाहर्ता" का वह अर्थ नहीं किया जा सकता जो "जिला के समाहर्ता" का किया जाता है। वि.सी. उप-समाहर्ता को धारा 18 के तहत पुनरीक्षण की शक्ति प्राप्त (उप-समाहर्ता) नहीं कहा जा सकता है। यौ० बबुनी देवी बनाम बिहार राज्य, 1997 (2) पी० एल० जे० आर० 404]

(घ) "आयुक्त" के अंतर्गत है अपर आयुक्त या जिला के समाहर्ता से अन्यून स्तर का कोई अधिकारी जिसे राज्य सरकार इस अधिनियम के अधीन किसी या सभी कृत्यों के निर्वहन के लिये नियुक्त करे;

(ङ) "सिलसिलेवार खतियान" से अभिप्रेत है इस अधिनियम के तहत निर्मित नियमों द्वारा विहित फारम में संचालित खतियान;

(च) "फारम" से अभिप्रेत है इस अधिनियम के अधीन निर्मित नियमों द्वारा विहित फारम;

(छ) "ग्राम पंचायत" से अभिप्रेत है बिहार पंचायत राज अधिनियम, 1947] (1948 का बिहार अधिनियम सं. 7) की धारा 3 के अधीन स्थापित ग्राम पंचायत;

(ज) "जोत" से अभिप्रेत है रयत द्वारा थारित वैसे या वैसे मुखंड, जो एक पृथक काश्तकारी का विषय हो या के विषय हो;

(इ) "कर्मचारी" से अभिप्रेत है कोई अधिकारी जिसे जिला के समाहर्ता ने इस तरह नियुक्त किया है:

(ज) "भूमि सुधार उप-समाहर्ता" से अभिप्रेत है—

(i) अधिकारी जिसे राज्य सरकार ने इस तरह नियुक्त किया है; या

(ii) इस अधिनियम के अधीन भूमि सुधार उप-समाहृत के किसी या सभी कृत्यों के निर्वहन के लिये शासकीय गजट में अधिसूचना के जरिए राज्य सरकार द्वारा संशक्त उप-समाहृत से अन्यून स्तर का कोई अधिकारी;

1. अब ग्राम पंचायत राज अधिनियम, 2006 देखें।

- (ट) "मुखिया" से किसी ग्राम पंचायत का मुखिया अभिप्रेत है;
- (ठ) "दाखिल-खारिज" से अभिप्रेत है इस अधिनियम के अधीन संधारित सिल-सिलेवार खतियान और काश्तकार लेजर रजिस्टर (बही) में प्रविष्टियों में परिवर्तन;
- (ड) "दाखिल-खारिज केस रजिस्टर" से अभिप्रेत है विहित फारम में रजिस्टर;
- (ढ) क्षेत्र, जिनमें—
- (i) बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII);
 - (ii) छोटानागपुर काश्तकारी अधिनियम, 1908 (1908 का बंगाल अधिनियम VI); या
 - (iii) संथाल परगना काश्तकारी (अनुपूरक प्रावधान) अधिनियम, 1949 (1949 का बिहार अधिनियम 14) लागू है;
- में "रैयत" के प्रयोग होने पर उसका वही अर्थ होगा जो उसका अधिनियम में उस क्षेत्र के लिए प्रयोज्य अर्थ दिया गया है;
- (ण) "अधिकार-अभिलेख" से अभिप्रेत है बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII) के अध्याय X या, यथास्थिति, छोटानागपुर काश्तकारी अधिनियम, 1908 (1908 का बंगाल अधिनियम VI) या संथाल परगना बन्दोबस्त विनियम, 1872 (1872 का विनियम सं. 3) के अध्याय XII के अधीन निर्णायक रूप में प्रकाशित अंतिम अधिकार-अभिलेख;
- (त) "राजस्व अधिकारी" से अभिप्रेत है कोई अधिकारी जिसे राज्य सरकार इस अधिनियम के अधीन राजस्व अधिकारी के किसी कृत्य के निर्वहन के लिये नाम से या पदनाम से नियुक्त कर सकेगी, और इसके अंतर्गत अंचल निरीक्षक भी होगा;
- (थ) "रजिस्ट्रीकरण प्राधिकारी" से अभिप्रेत है रजिस्ट्रीकरण अधिनियम, 1908 (1908 का अधिनियम XVI) के अधीन रजिस्ट्रीकरण प्राधिकारी;
- (द) [X X X] [1983 के बिहार अधिनियम सं. 9 द्वारा विलोपित];
- (ध) "अनुमंडलाधिकारी" से अभिप्रेत है किसी जिला के अनुमंडल का सिविल प्रशासन का प्रभारी अधिकारी;
- (न) क्षेत्र, जिनमें—
- (i) बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII);
 - (ii) छोटानागपुर काश्तकारी अधिनियम, 1908 (1908 का बंगाल अधिनियम VI); या
 - (iii) संथाल परगना काश्तकारी (अनुपूरक प्रावधान) अधिनियम, 1949 (1949 का बिहार अधिनियम XIV) लागू है;
- में "काश्तकार" के प्रयोग होने पर उसका वही अर्थ होगा जो उसका अधिनियम में उस क्षेत्र के लिये प्रयोज्य अर्थ दिया गया है, और इसके अंतर्गत वैसा रैयत भी होगा जो किसी अन्य रैयत के अधीन अव्यवहित रूप से या व्यवहित रूप से भूमि धारण करता है और नकद में या वस्तु में उस भूमि के लिये लगान भुगतान करता है अथवा, यदि विशेष संविदा न होती तो, (लगान) के दायित्वाधीन हुआ होता;
- (१) "काश्तकार लेजर रजिस्टर" से नियमों के अधीन विहित रजिस्टर अभिप्रेत है।

अध्याय-II

सिलसिलेवार खतियान और काश्तकार लेजर रजिस्टर तैयार और अनुरक्षित करना।

3. अंचल अधिकारियों द्वारा सिलसिलेवार खतियान, काश्तकार लेजर रजिस्टर और गांव के नक्शे तैयार और अनुरक्षित किया जाना.—(1) किसी क्षेत्र में इस अधिनियम के प्रारंभ होने के तुरंत बाद अंचल अधिकारी यथा-विहित सत्यापन के बाद गांवों के वर्तमान अधिकार-अभिलेखों में प्रविष्टियों के आधार पर अपने क्षेत्राधिकार के भीतर के प्रत्येक गांव का सिलसिलेवार खतियान और काश्तकार लेजर रजिस्टर अपने कार्यालय में तैयार करवावेगा और उन्हें विहित रीति से अनुरक्षित करेगा।

टिप्पणी.—जबतक अधिकार-अभिलेख या नया काश्तकार-लेजर रजिस्टर अंतिम रूप से तैयार नहीं होगा तबतक वर्तमान अधिकार-अभिलेख ही इस धारा के अभिप्राय के अंतर्गत अधिकार-अभिलेख होगा।

(2) सिलसिलेवार खतियान तैयार करते समय अंचल अधिकारी उन दर-रैयतों के अधिकारों को भी अभिलिखित करेगा जिनके अधिकारों को वर्तमान काश्तकारी विधि के अधीन मान्यता दी गई है।

(3) अंचल अधिकारी इस प्रकार तैयार किया गया प्रत्येक सिलसिलेवार खतियान और काश्तकार-लेजर रजिस्टर की एक-एक प्रति अनुमंडलाधिकारी और समाहर्ता को भेजेगा।

(4) (i) अंचल अधिकारी सिलसिलेवार खतियान और काश्तकार-लेजर रजिस्टर के प्रारूप तैयार करवाकर उन्हें कम-से-कम 30 दिन की अवधि तक के लिये विहित रीति से प्रकाशित करावेगा और प्रकाशन की उपर्युक्त अवधि के दौरान उसमें की प्रविष्टियों और त्रुटियों के सम्बन्ध में की गई सभी प्राप्त आपत्तियों पर विचार करेगा।

(ii) अंचल अधिकारी उन आपत्तियों पर, राज्य सरकार द्वारा निर्मित नियमों के अनुसार तथा पक्षकारों को सुनवाई के लिये उचित अवसर प्रदान करने के बाद और वैसी स्थानीय जांच और सत्यापन करने के बाद, जो वह आवश्यक समझे, विचार करके उनका निपटारा करेगा।

(iii) उक्त आपत्तियों को निबटार देने के बाद अंचल अधिकारी अंत में सिलसिलेवार खतियान और काश्तकार-लेजर तैयार करेगा और उन्हें कम-से-कम 30 दिन तक विहित रीति से प्रकाशित करावेगा और इस प्रकार का प्रकाशन इस बात का निर्णायक साक्ष्य होगा कि सिलसिलेवार खतियान और काश्तकार-लेजर रजिस्टर का इस धारा के अधीन सम्यक रूप से प्रकाशन किया गया है।

(iv) खंड (ii) के अधीन पारित किया गया अंचलाधिकारी के आदेश से क्षुब्ध कोई भी व्यक्ति आदेश की तारीख से तीस दिन के भीतर भूमि सुधार उप-समाहर्ता को यहाँ अपील कर सकेगा जो सम्बन्ध पक्षकार को सुनवाई का समुचित अवसर देने के बाद वैसा आदेश पारित करेगा जो वह उचित समझे।

(v) ¹[धारा 16 के प्रावधानों के अधीन रहते हुए, अपील पर भूमि सुधार उप-समाहर्ता का आदेश अंतिम होगा।

समीक्षा और निर्णयन-विधि

[जहाँ दाखिल खारिज हस्तक के अधीन दाखिल खारिज कार्यवाही शुरू की गई थी वहाँ 1973 अधिनियम (1983 के अधिनियम सं. 30 द्वारा यथासंशोधित) की धारा 3 की अपेक्षाओं और अन्य प्रावधानों का अनुपालन नहीं किया जाएगा। धारा 3 के अनुसार अंतिम खतियान का तैयार किया जाना दाखिल-खारिज की शुरुआत के लिये पूर्व शर्त नहीं है। दत्तात्रेय पांडे बनाम बिहार राज्य, 1994 (2) पी० एल०जे०आर 612]

नोटिस दिया जाना।—जब किसी ज़ोत या उसके भाग का विक्रय, बदलेन, बंधक, पट्टा, बंटवारा या दान के जरिए या किसी अन्य प्रकार के अंतरण के जरिए अंतरण-दस्तावेज का रजिस्ट्रीकरण सम्पन्न हो जाएगा, तब रजिस्ट्रीकरण प्राधिकारी उस अंचल अधिकारी को, जिसके क्षेत्राधिकार में वह भूमि स्थित होगी, उक्त रजिस्ट्रीकरण की विहित फारम में नोटिस देगा।

5. सिविल न्यायालयों द्वारा अंचल अधिकारी को, डिग्रीदार या नीलाम-खरीददार का दखल-देहानी की या बंटवारे की अंतिम डिक्री की या पुरोबन्ध की नोटिस दिया जाना।—जब सिविल प्रक्रिया संहिता, 1908 (1908 का अधिनियम V) के अधीन न्यायालय द्वारा नीलाम या विक्रय में डिग्रीदार को या खरीददार को डिक्री के निष्पादन में किसी ज़ोत या उसके भाग की दखल-देहानी की गई है, या जब बंटवारा के लिये अथवा किसी बंधक के पुरोबन्ध के लिये अंतिम डिक्री पारित की गई है, तब डिक्री निष्पादित करनेवाला न्यायालय या बंटवारा या पुरोबन्ध के लिये अंतिम डिक्री पारित करनेवाला न्यायालय, यथास्थिति, इस बात की विहित फारम में नोटिस उस क्षेत्र के अंचल अधिकारी को देगा जिसके क्षेत्राधिकार में उक्त भूमि स्थित है।

6. सर्टिफिकेट अधिकारी द्वारा अंचल अधिकारी को नीलाम-खरीददार की दखल-देहानी की नोटिस दिया जाना।—जब बिहार और उड़ीसा लोक मांग वसूली अधिनियम 1914 (1914 का बिहार और उड़ीसा अधिनियम VI) के अधीन किसी सर्टिफिकेट के निष्पादन में किया गया नीलाम-विक्रय में खरीददार को ज़ोत या उसके भाग पर दखल-देहानी की गई है तो सर्टिफिकेट अधिकारी इस बात की विहित फारम में नोटिस उस क्षेत्र के अंचल अधिकारी को देगा जिसके क्षेत्राधिकार में उक्त भूमि स्थित है।

7. समाहर्ता द्वारा अंचल अधिकारी को भूमि अर्जन अधिनियम, 1894 के अधीन अर्जन की नोटिस दिया जाना।—जहां भूमि अर्जन अधिनियम, 1894 (1894 का अधिनियम सं. 1) के अधीन कोई ज़ोत या उसके भाग अर्जित किया गया है, वहां समाहर्ता या न्यायालय, यथास्थिति, जिसने उस अधिनियम के अधीन पंचाट किया है, इस बात की विहित फारम में नोटिस उस क्षेत्र के अंचल अधिकारी को देगा जिसके क्षेत्राधिकार में उक्त भूमि स्थित है।

8. कतिपय स्थितियों में समाहर्ता द्वारा नोटिस दिया जाना।—समाहर्ता उस क्षेत्र के अंचल अधिकारी को, जिसके अधिकार क्षेत्र में भूमि स्थित है, विहित फारम में नोटिस निम्नांकित विषयों या उनमें से किसी एक विषय की स्थिति में भी देगा, अर्थात्—

- (i) जब समाहर्ता ने बिहार सार्वजनिक भूमि अतिक्रमण अधिनियम, 1958 (1958 का बिहार अधिनियम XV) की धारा 6 की उप-धारा (1) के खंड (बी) के अधीन अंतिम आदेश पारित किया है;
- (ii) जब कोई भूमि बिहार भूमि सुधार (अधिकतम सीमा निर्धारण और अधिशेष भूमि अर्जन) अधिनियम, 1961 (1962 का बिहार अधिनियम 12) के अधीन राज्य सरकार में निहित हुई है अथवा इस तरह की कोई भूमि या सरकारी भूमि समाहर्ता द्वारा बन्दोबस्त की गई है।
- (iii) जब समाहर्ता ने किसी भूमि को सिंचाई के प्रयोजनों के लिये अर्जित किया है और बिहार प्राइवेट सिंचाई निर्माण अधिनियम, 1922 (1922 का बिहार और उड़ीसा अधिनियम 5) के अध्याय VI के उपबन्धों के अधीन उसका कब्जा लिया है;
- (iv) जब समाहर्ता ने बिहार विशेषाधिकार प्राप्त व्यक्ति काश्त भूमि अभिवृत्ति अधिनियम, 1947 (1948 का बिहार अधिनियम IV) के उपबन्धों के अधीन किसी ज़ोत या उसके भाग का

पारित किया है;

- (v) जब कोई ज़ोत या उसका भाग किसी क्षेत्र (रैयत को भूमि का प्रत्यावर्तन) अधिनियम, 1951 (1951 का बिहार अधिनियम XXX) के उपबन्धों के अधीन पूर्ववर्ती रैयत को प्रत्यावर्तित किया गया है;
- (vi) जब छोटानागपुर काश्तकारी अधिनियम 1908 (1908 का बंगाल अधिनियम VI) की धारा 50 या सथाल परगना काश्तकारी (अनुपूरक प्रावधान) अधिनियम (1949 का अधिनियम XIV) की धारा 53 के अधीन कोई ज़ोत या उसका भाग अर्जित किया गया है और आवेदक को कब्जा दिया गया है;
- (vii) जब अपनी किसी काश्तकारी या उसके भाग से अवैध रूप में बंदखल किया गया किसी दर-रैयत को बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII) की धारा 48 के अधीन दखल लौटाया जाता है; या
- (viii) जब बिहार विशेषाधिकार प्राप्त व्यक्ति वासभूमि अभिवृत्ति अधिनियम, 1947 (1948 का बिहार अधिनियम IV) के अधीन किसी ज़ोत में किसी विशेषाधिकार प्राप्त काश्तकार को स्थायी काश्तकारी प्रदत्त की गई है।

¹[इस धारा के अधीन समाहर्ता से अभिप्रेत है प्रासंगिक अधिनियमों के अधीन समाहर्ता।]

9. सिविल न्यायालयों द्वारा 1885 के बिहार अधिनियम VIII के अधीन (भूमि) अर्जनों की नोटिस दिया जाना।—जब भूस्वामी किसी ज़ोत या उसके भाग के अर्जन के लिये प्राधिकृत है और काश्तकार को उसमें अपना हित बेचने के लिये सिविल न्यायालय द्वारा बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII) की धारा 84 के अधीन अपेक्षा की गई है, तब उक्त न्यायालय इस बात की विहित फारम में नोटिस उस क्षेत्र के अंचल अधिकारी को देगा जिसके अधिकार क्षेत्र में उक्त भूमि स्थित है।

10. भूदान यज्ञ समिति द्वारा भूमि के बन्दोबस्त की नोटिस दिया जाना।—जब बिहार भूदान यज्ञ अधिनियम, 1954 (1954 का बिहार अधिनियम XXII) के अधीन बिहार भूदान यज्ञ समिति द्वारा किसी व्यक्ति को कोई भूमि अनुदान की जाती है, तब वह इस बात की विहित फारम में नोटिस उस क्षेत्र के अंचल अधिकारी को देगा जिसके अधिकार क्षेत्र में उक्त भूमि स्थित है।

11. बिहार भूमि सुधार (अधिकतम सीमा निर्धारण और अधिशेष भूमि का अर्जन) अधिनियम, 1961, के अधीन अधिभोगी रैयत की हैसियत प्राप्त किये जाने का दावा करने वाला दर-रैयत चत्तार अंचल अधिकारी के यहाँ आवेदनपत्र दाखिल किया जाना।—बिहार भूमि सुधार (अधिकतम सीमा निर्धारण और अधिशेष भूमि का अर्जन) अधिनियम, 1961 (1962 का बिहार अधिनियम XII) के अधीन अधिभोगी रैयत की हैसियत अर्जित करनेवाला प्रत्येक दर-रैयत अंचल अधिकारी के यहाँ विहित फारम में आवेदन पत्र दाखिल करेगा।

12. आपसी या अदालतन बंटवारा या वसीयती या गैरवसीयती उत्तराधिकार, अंतरण, बदलेन, करार, बन्दोबस्त, पट्टा, बंधक, दान या किसी अन्य साधन के जरिए हित का दावा करनेवाला व्यक्ति द्वारा अंचल अधिकारी के यहाँ आवेदनपत्र दाखिल किया जाना।—किसी क्षेत्र में इस अधिनियम के प्रारंभ होने के बाद, उस क्षेत्र में आपसी या अदालतन बंटवारा या वसीयती या गैरवसीयती

1. अधिनियम 3, 1983 द्वारा अन्तःस्थापित।

2. प्रतिस्थापित तत्रैव।

उत्तराधिकार, अंतरण, बदलाने, करार, बन्दोबस्त, फूटा, बंधक, दाल या किसी अन्य साधन के जरिए किसी ज़ोत या उसके भाग में हित रखनेवाला प्रत्येक व्यक्ति उक्त हित के प्रोद्भूत होने के तीन महीना के अन्दर उस क्षेत्र के अंचल अधिकारी के यहाँ, जिसके क्षेत्राधिकार में उक्त भूमि स्थित है, सिलसिलेवार खतियान और काश्तकार-लेजर रजिस्टर में उस ज़ोत या उसके भाग के सम्बन्ध में अपना नाम दाखिल-खारिज करवाने के लिये विहित फारम में आवेदनपत्र दाखिल करेगा और उक्त आवेदनपत्र की प्राप्ति पर अंचल अधिकारी उस व्यक्ति को रसीद देगा।

13. मुखिया, अंचल निरीक्षक या कर्मचारी द्वारा अंचल अधिकारी को बंटवारे के मामलों या वसीयती या गैर वसीयती उत्तराधिकार या किसी अन्य साधन के जरिए अर्जन की रिपोर्ट किया जाना, अपने क्षेत्राधिकार के भीतर के गाँवों में अपने प्रमण के दौरान मुखिया, अंचल निरीक्षक या कर्मचारी किसी ज़ोत या उसके भाग में बंटवारा, वसीयती या गैरवसीयती उत्तराधिकार या किसी अन्य साधन के जरिए हित के अर्जन के मामलों की जानकारी लेगा और तत्काल उसे विहित फारम में अंचल अधिकारी को प्रस्तुत करेगा।

अध्याय-III

दाखिल-खारिज

14. दाखिल-खारिज मामलों की मांग और निपटारा.—(1) धारा 4, 5, 6, 7, 8, 9, 10 के अधीन नोटिस या धारा 11 और 12 के अधीन आवेदनपत्र या धारा 13 के अधीन रिपोर्ट की प्राप्ति पर अंचल अधिकारी दाखिल-खारिज की कार्यवाही शुरू करेगा और दाखिल-खारिज मामलों के रजिस्टर में, उसे प्रविष्ट करने के बाद, जो विहित फारम में संधारित किया जाएगा, यथावश्यक जांच करावेगा।

(2) अंचल अधिकारी एक आम नोटिस जारी करेगा और सम्बद्ध पक्षकारों को भी नोटिस देगा कि जिस किसी को कोई आपत्ति हो वह नोटिस से पन्द्रह दिन के भीतर आपत्ति दाखिल करे। यदि कोई आपत्ति प्राप्त होगी तो अंचल अधिकारी सम्बद्ध पक्षकारों को साक्ष्य, जो भी हो, पेश करने और सुनने का युक्तियुक्त अवसर देगा, आपत्ति का निपटारा करेगा और यथोचित आदेश पारित करेगा।

(3) जिन मामलों में कोई आपत्ति नहीं प्राप्त होगी उन मामलों को अंचल अधिकारी आपत्ति दाखिल करने की अंतिम तारीख से एक महीना के अन्दर निपटारा करेगा और जिन मामलों में आपत्ति प्राप्त होगी उन मामलों को अंचल अधिकारी आपत्ति दाखिल करने की अंतिम तारीख से अधिक-से अधिक तीन महीना के अन्दर निपटारा करेगा।

अध्याय-IV

अपील, पुनरीक्षण और किसी मामले का अभिलेख मंगवाने की शक्ति।

15. अपील.—(1) धारा 14 की उपधारा (2) के अधीन अंचल अधिकारी द्वारा पारित आदेश के विरुद्ध अपील भूमि सुधार उप-समाहर्ता के यहाँ होगी संशय होगी यदि आदेश पारित होने की तारीख से तीस दिन के अन्दर अपील की जाएगी।

(2) इस धारा के अधीन अपील किसी आदेश को उपांतरित, परिवर्तित या अपास्त करने का आदेश तब तक नहीं पारित किया जाएगा जब तक कि सम्बद्ध पक्षकारों को सुनवाई का यथोचित अवसर नहीं दिया गया हो।

(3) धारा 16 के प्रावधानों के अधीन, अपील पर भूमि सुधार उप-समाहर्ता का आदेश अंतिम होगा।

1. अधिनियम 3, 1983 द्वारा प्रतिपादित।

समीक्षा और निर्णय-विधि

[धारा 15 केवल धारा 14(2) के अधीन पारित आदेश के विरुद्ध अपील का प्रावधान व धारा 15(3), यदि कोई पुनरीक्षण के लिये मामला पेश किया जाए तो, पुनरीक्षण के परिणाम के अन्तर्गत, अपील-प्राधिकारी के आदेश को अंतिमता प्रदान करती है। दत्तानेय नाथ पांडे बनाम बिहार राज्य (2) पी० एल० जे० आर० 612]

16. पुनरीक्षण.—जिला का कलेक्टर इस विधि में प्रस्तुत किया गया किसी आवेदनपत्र पर प्राधिकारी या अधिकारी द्वारा इस अधिनियम या इसके अधीन निमित्त नियमों के तहत किया गया किस्म की वैधता या औचित्य के सम्बन्ध में अपना समाधान करने के प्रयोजनार्थ उक्त प्राधिकारी या अधिकारी यहाँ लिखित या निबटाया गया किसी मामले का अभिलेख मंगाने का अधिकार रखेगा और वैसा आदेश कर सकेगा जो वह उचित समझे।

परंतु, कलेक्टर किसी आदेश से व्यथित किसी व्यक्ति से कोई आवेदनपत्र तब तक ग्रहण नहीं करेगा जब तक कि आदेश की तारीख से तीस दिन के भीतर आवेदनपत्र नहीं दिया गया हो।

परंतु यह और कि कलेक्टर उक्त प्राधिकारी या अधिकारी द्वारा किया गया किसी आदेश को परिवर्तित या अपास्त करने का कोई आदेश तब तक नहीं पारित करेगा जब तक कि सम्बद्ध पक्ष सुनवाई का यथोचित अवसर नहीं दिया गया हो।

समीक्षा और निर्णय-विधि

[धारा 16 के अधीन निरीक्षण की शक्ति कलेक्टर को प्रदान की गई है, अधिनियम के कलेक्टर (समाहर्ता) को नहीं। यदि जिला के अपर समाहर्ता ने उप-समाहर्ता के आदेश के विरुद्ध प्रहण किया है तो वह (ग्रहणादेश) अपास्त करने लायक है क्योंकि अधिकारिता-विहीन है। ध. अधीन प्रदत्त की गई पुनरीक्षण की शक्ति का प्रयोग जिला का कलेक्टर करेगा। पी० एल० जे० आर० 404]

17. [x x x]

समीक्षा और निर्णय-विधि

[अंचल अधिकारी के आदेश के विरुद्ध अपील की जानेवाली अपील के सम्बन्ध में दाखिल-खारिज में दी गई दाखिल-खारिज सम्बन्धी प्रक्रिया से इस अधिनियम में दी गई प्रक्रिया सर्वथा भिन्न अधिनियम के लागू होने से पहले, दाखिल-खारिज सम्बन्धी मामले बिहार राज्य के विनिर्दिष्ट क्षेत्र भिन्न-भिन्न काश्तकारी अधिनियमों और दाखिल-खारिज हस्तक द्वारा शासित होते थे जहाँ दाखिल-खारिज हस्तक के अधीन दाखिल-खारिज कार्यवाही शुरू की गई थी वहाँ अपील या पुनरीक्षण के तरीकों में 1973 अधिनियम (1983 के अधिनियम सं. 30 द्वारा यथासंशोधित) के प्रावधान लागू नहीं थे नाथ पांडे बनाम बिहार राज्य, 1994 (2) पी० एल० जे० आर० 612]

1975 के बिहार अधिनियम सं. 28 के द्वारा, मार्च 1983 के प्रभाव से धारा 17 विलोपित है। धारा 17 अधीनस्थ प्राधिकारियों द्वारा अधिनियमित किसी केस के अभिलेख मंगवाने की प्रमंडलीय आयुक्त से निहित करती है। अधिकारिता का स्वरूप पुनरीक्षात्मक अधिकारिता मिलता-जुलता है और अपील की शक्ति है। से अधिक सीमित है। अरुण कुमार सिन्हा बनाम सुरेश प्र (2) पी० एल० जे० आर० 996]

सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर का शुद्धिकरण।

18. सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर का शुद्धिकरण.—धारा 15 की उपधारा (4) के खंड (iii) के अधीन अपील या धारा 16 के अधीन पुनरीक्षण की निर्धारित अवधि की समाप्ति के बाद और यदि अपील या पुनरीक्षण किया गया हो तो वैसी अपील या पुनरीक्षण के निपटारे के बाद, अंचल अधिकारी सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर में विहित पद्धति से आवश्यक शुद्धिकरण करेगा, और अनुमंडलीय अधिकारी और समाहर्ता को शुद्धिकृत प्रविष्टियों की प्रतिलिपियां अग्रसारित करेगा जो उक्त रजिस्ट्रों की प्रतियों को तदनुसार शुद्धिकृत कराएंगे।

19. सिलसिलेवार खतियान और काश्तकार लेजर-रजिस्टर में की प्रविष्टियों का सही होने की उपधारणा.—धारा 3 की उपधारा (4) के खंड (iii) के अधीन अंतिम रूप में प्रकाशित सिल-सिलेवार खतियान और काश्तकार-लेजर-रजिस्टर की प्रत्येक प्रविष्टि—

- (i) उक्त प्रविष्टि में निर्दिष्ट बात की साक्ष्य होगी, और
- (ii) तबतक सही उपधारित की जाएगी जबतक कि निम्नांकित कार्यवाहियों में साक्ष्य के जरिए वह गलत नहीं साबित की जाए—
 - (क) सक्षम अधिकारिता के सिविल न्यायालय में किसी कार्यवाही में; या
 - (ख) उस किसी क्षेत्र में जहां राज्य सरकार ने आदेश द्वारा निदेश दिया हो कि इस क्षेत्र की भूमि का सर्वेक्षण किया जाए और उक्त भूमि से सम्बन्धित अधिकार-अभिलेख तैयार किया जाए और वैसे किसी आदेश के अनुपालन में सर्वेक्षण और बन्दोबस्त का काम पहले से ही अग्रसर हो, बिहार काश्तकारी अधिनियम, 1885 (1885 का अधिनियम VIII) के अध्याय X, या छोटानागपुर काश्तकारी अधिनियम, 1908 (1908 का अधिनियम VI) के अध्याय XII के अधीन या संधाल परगना बन्दोबस्त विनियम, 1872 (1872 का विनियम 3) या बिहार चकबन्दी और खंडकरण निवारण अधिनियम, 1956 (1956 का बिहार अधिनियम 22) के अधीन किसी कार्यवाही में।

अध्याय-VI

काश्तकारों को खाता-पुस्तिका की आपूर्ति

20. काश्तकारों को फीस भुगतान करने पर खाता-पुस्तिका की आपूर्ति.—(1) प्रत्येक काश्तकार के लिए, जिसका नाम इस अधिनियम की धारा 3 के अधीन तैयार किये गये सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर में दर्ज है, अंचल अधिकारी द्वारा विहित किया गया समय के अन्दर किसी गांव में स्थित अपनी जोत से सम्बन्धित खाता-पुस्तिका लेना अनिवार्य है जो अंचल अधिकारी द्वारा यथाविहित फीस भुगतान करने पर उसे आपूर्ति की जाएगी।

(2) खाता पुस्तिका में निम्नलिखित विशिष्टियां रहेंगी और आगे भी इस प्रकार की विशिष्टियों से सम्बन्धित आवश्यक इंद्राज इसमें किये जाने की व्यवस्था होगी।

- (i) काश्तकार द्वारा धारित भूमि सम्बन्धी सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर के सुसंगत उद्धरण,
- (ii) लगान और उपकार की मांग और वसूली,

(iii) अक्षरों या अन्य रूप संख्याओं द्वारा पत्र-पत्र और उद्धरण, मांग, मांग

(iv) भूमि का बंटवारा, विप्लव और अंतरण सम्बन्धी बातें।

(3) काश्तकार हर वर्ष 15 अप्रैल और 30 जून के बीच समय-सारणी के अनुसार खाता पुस्तिका को अंचल अधिकारी के यहाँ अद्यतन करने के लिये प्रस्तुत करेगा और अंचल अधिकारी उसे अद्यतन करके प्रस्तुत की गई तारीख से सात दिन के भीतर काश्तकार को लौटा देगा।

परंतु, काश्तकार आवेदन देकर के किसी दूसरे समय भी विहित फीस भुगतान कर अंचल अधिकारी से सिलसिलेवार खतियान और काश्तकार लेजर-रजिस्टर के सबसे अंतिम प्रविष्टि के अनुसार अपनी खाता पुस्तिका को शुद्धिकृत करवा सकेगा।

अध्याय-VII

प्रकीर्ण

21. प्रमाणित प्रतियां और जानकारी.—उन नियमों के अधीन रहते हुए और उस फीस की भुगतान करके, जो सरकार समय-समय पर इस निमित्त विहित करे, विहित फॉर्म में आवेदन करनेवाले व्यक्तियों को सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर की प्रमाणित प्रतियां और प्रमाणित उद्धरण तथा जानकारी दी जाएगी।

22. दाखिल-खारिज वास्ते फीस विहित करने की शक्ति.—(1) राज्य सरकार सिलसिलेवार खतियान और काश्तकार-लेजर-रजिस्टर में दाखिल-खारिज वास्ते आवेदन करने के लिये उचित फीस विहित कर सकेगी जो फीस दाखिल-खारिज आवेदन पत्र पर कोर्ट-फीस-स्टाम्प साट कर भुगतान की जाएगी।

23. रजिस्ट्रीकरण प्राधिकारी द्वारा किसी दस्तावेज का, बिना खाता पुस्तिका के प्रस्तुतीकरण के, रजिस्ट्री नहीं किया जाना.—(1) बिहार काश्तकार-जोतें (अभिलेख-संधारण) (संशोधन) अधिनियम के प्रारंभ के बाद कोई भी रजिस्ट्रीकरण प्राधिकारी विक्रय, बदलेन, बंधक, फटा, बंटवारा, दान, करार या अन्यथा के जरिए किसी जोत या उसके भाग के अंतरण के किसी दस्तावेज का तबतक रजिस्ट्रीकरण नहीं करेगा जबतक कि अंतरण रजिस्ट्रीकरण प्राधिकारी के समक्ष अंतरण के दस्तावेज के साथ सम्बद्ध जोत से सम्बन्धित खाता पुस्तिका पेश नहीं करेगा।

(2) रजिस्ट्रीकरण प्राधिकारी खाता पुस्तिका में आवश्यक प्रविष्टियां करके उसी दिन अंतरण को लौटा देगा।

24. शास्ति.—यदि धारा 11 या 12 के तहत आवेदन पत्र दाखिल करने का जरूरतमंद कोई व्यक्ति इरादतन या जानबूझकर विहित पद्धति से वैसी नोटिस नहीं देगा तो वह कलक्टर द्वारा जुर्माना के दंड का दायित्वाधीन होगा, जो, अधिकतम, उस फीस की राशि का पांच गुणा होगा, जो धारा 22 के तहत अन्यथा देय हुई होती, या यदि कोई फीस उद्ग्राह्य नहीं होती तो जुर्माना की अधिकतम राशि वह होगी जो सरकार विहित कर सकेगी।

25. इस अधिनियम के तहत प्राधिकारियों को सिविल न्यायालय की शक्ति होगी.—इस अधिनियम के तहत जांच करते और कार्यवाही चलाते समय समाहर्ता, भूमि सुधार उप-समाहर्ता, अंचल अधिकारी [x x x] को साक्ष्य ग्रहण करने, किसी व्यक्ति को सम्मन करने और उसे उपसंज्ञात होने के लिये वाध्य करने और शपथ पर उसका परीक्षण करते, दस्तावेजों को प्रस्तुत करवाने और खर्च स्वीकृत करने के सम्बन्ध में वही शक्तियां होंगी जो शक्तियां किसी न्यायालय में सिविल प्रक्रिया संहिता, 1908 (1908 का अधिनियम V) के अधीन विहित हैं।

1. अधिनियम 3, 1983 द्वारा लुप्त।

26. जांचों और कार्यवाहियों का न्यायिक कार्यवाहियां होना.—समाहर्ता और भूमि सुधार उप-समाहर्ता तथा अंचल अधिकारी के समक्ष इस अधिनियम की अधीन की सभी जांचें और कार्यवाहियां भारतीय दंड संहिता, 1860 (1860 का अधिनियम XLV) की धारा 193, 196 और 228 के प्रयोजनों के लिये न्यायिक कार्यवाहियां समझी जाएंगी।

27. कोर्ट फीस.—इस अधिनियम के अधीन प्रत्येक आवेदन पत्र अपील का ज्ञापन या पुनरीक्षणार्थ आवेदन पत्र पर उतना मूल्य का कोर्ट फीस स्ट्याम्प लगाया जितना विहित किया जाएगा।

28. समाहर्ता का सामान्य निर्देशन, नियंत्रण और अधीक्षण, आदि.—इस अधिनियम के तहत अपने कर्तव्यों के पालन में और अपनी शक्तियों के प्रयोग में भूमि सुधार उप-समाहर्ता और अंचल अधिकारी जिला-समाहर्ता, आयुक्त और राजस्व बोर्ड को सामान्य निर्देशन, नियंत्रण और अधीक्षण के अधीन होंगे।

29. नियम बनाने की राज्य सरकार की शक्ति.—(1) राज्य सरकार इस अधिनियम के प्रयोजनों की पूर्ति के लिये इस अधिनियम के प्रावधानों के अन्वये नीचे दिए नियम बना सकती है।

(2) विशिष्टता और पूर्वागामी शक्तियों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ये नियम निम्नलिखित किसी या सभी विषयों के लिये उपबंध कर सकती है, अर्थात्—

(क) इस अधिनियम के अधीन जारी किया गया किसी आदेश या नोटिस को तामील करने का तरीका;

(ख) दखिल-खारिज कार्यवाहियों और अपीलों के निपटारे में अपनायी जानेवाली प्रक्रिया;

(ग) सिलसिलेवार खतियान, काश्तकार-लेजर-रजिस्टर और खाता पुस्तिका को शुद्ध करने की प्रकृति;

(घ) इस अधिनियम के तहत प्रत्येक आवेदन पत्र, अपील का ज्ञापन और पुनरीक्षणार्थ आवेदन पत्र पर लगाया जानेवाला कोर्ट फीस-स्ट्याम्प का मूल्य; और

(ङ) कोई अन्य विषय जो विहित किया जाना है या विहित किया जाना अपेक्षित होगा।

(3) इस धारा के अधीन बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात् यथाशक्य शीघ्र राज्य विधानमंडल के प्रत्येक सदन के समक्ष, उस समय जब वह सत्र में हो, कूल मिलाकर चौदह दिन की कालावधि के लिए जो एक सत्र या दो क्रमवर्ती सत्रों में समाविष्ट हो सकती है, रखा जाएगा और यदि उस सत्र के जिसमें वह इस प्रकार रखा गया हो, या ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई उपांतर करने के लिए सहमत हो जाएं या दोनों सदन सहमत हो जायें कि वह नियम नहीं बनाया जाना चाहिये तो तत्पश्चात्, यथास्थिति, वह नियम ऐसे उपांतरित रूप में ही प्रभावी होगा या उसका कोई प्रभाव नहीं होगा, किंतु इस प्रकार कि ऐसा कोई उपांतर या वातिलकरण उस नियम के अधीन पहले की गई किसी बात की विधिमन्यता पर प्रतिकूल प्रभाव डाले बिना होगा।

30. कठिनाइयां दूर करने की शक्ति.—यदि इस अधिनियम के प्रावधानों को प्रभावी बनाने में कोई कठिनाई उत्पन्न हो तो राज्य सरकार, अवसर की आवश्यकता के अनुसार, इस अधिनियम के प्रावधानों के निर्विरोधी कोई वैसी चीज कर सकती है या किये जाने का निर्देश दे सकती है जो उक्त कठिनाई को दूर करने के प्रयोजन के लिये आवश्यक प्रतीत हो।

31. अधिनियम का अन्य विधियों पर अभिभावी नहीं होना.—इस अधिनियम के प्रावधान तत्समय प्रवृत्त किसी अन्य विधि में समाविष्ट प्रावधानों को परिवर्धित करनेवाले होंगे, अल्पीकृत करनेवाले नहीं।

बिहार काश्तकार-जोत (अभिलेख संधारण) (संशोधन) अधिनियम, 1982 (उद्घरण)

[1983 का बिहार अधिनियम 3]

बिहार काश्तकार-जोत (अभिलेख संधारण) अधिनियम, 1973, का संशोधन करने का आ भारत गणराज्य के तैत्तीसवें वर्ष में बिहार राज्य के विधान मंडल द्वारा निम्नलिखित रूप में अधि हो:-

1. संक्षिप्त नाम, विस्तार और प्रारंभ.—(1) इस अधिनियम को बिहार काश्तकार (अभिलेख-संधारण) (संशोधन) अधिनियम, 1982 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।

2 से 17.—अधिनियम के पाठ में निगमित।

18. निरसन और व्यावृत्ति.—(1) बिहार काश्तकार जोत (अभिलेख-संधारण) (संशोधन) अधिनियम, 1982 (1982 का बिहार अध्यादेश 62) एतद्वारा निरसित किया जाता है।

(2) इस निरसन के होते हुए भी उक्त अध्यादेश के द्वारा या अधीन प्रदत्त शक्तियों के प्रयोग में कोई बात या की गई कार्रवाई उक्त अधिनियम के द्वारा या अधीन प्रदत्त शक्तियों के प्रयोग में बात या की गई कार्रवाई समझी जाएगी मानो उस दिन यह अधिनियम प्रवृत्त था जिस दिन उक्त बात य की गई।

राज्यादेश सं० 1617, दिनांक 18 अक्टूबर, 1976.—बिहार काश्तकार-जोत (अभिलेख-संधारण) अधिनियम, 1973 (1975 का अधिनियम 28) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, बिहार, ने निम्नलिखित नियम निर्मित किये हैं अर्थात्—

अध्याय-I

प्रवेश

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों को बिहार काश्तकार-जोत (अभिलेख-संधारण) नियमावली, 1976, कहा जाएगा।

(2) ये राज्य के उन क्षेत्रों में और उस तारीख से प्रवृत्त होंगे जिन क्षेत्रों में और जिस तारीख से अधिनियम लागू किया गया है।

2. परिभाषा.—इस नियमावली में, जब तक कि कोई बात विषय या संदर्भ के प्रतिकूल न हो,

(क) "इस अधिनियम" से अभिप्रेत है बिहार काश्तकार जोत (अभिलेख-संधारण) अधिनियम, 1973 (1975 का बिहार अधिनियम XXVIII);

(ख) "फारम" से अभिप्रेत है इस नियमावली की अनुसूची में दिया गया फारम;

(ग) "धारा" से अभिप्रेत है अधिनियम की धारा;

(घ) इन नियमों में प्रयुक्त उन सभी शब्दों और अभिव्यक्तियों के, जिनको नियमावली में परिभाषित नहीं किया गया है लेकिन अधिनियम में परिभाषित किया गया है, क्रमशः वही अर्थ होंगे जो अधिनियम में उनका अर्थ दिया गया है।

अध्याय-II

नोटिस या सम्मन के वैयक्तिक तामीला की प्रक्रिया

3. नोटिस या आदेश तामील करने का तरीका.—(1) जबतक कि अधिनियम या नियमावली में अन्यथा उपबोधित न हो, अधिनियम के उपबंधों के अधीन तामील की जाने को अपेक्षित कोई नोटिस या सम्मन गावती देय सहित रजिस्ट्रीकृत डाक के जरिए व्यक्ति को, जिस पर तामील किया जाना है, या उसके वैधिवत् प्राधिकृत एजेंट को सम्यकरूपेण हस्ताक्षरित और मुहरबन्द उसकी प्रति को परिधान या निविदान करके तामील किया जाएगा।

(2) नोटिस या आदेश का डाकगत किया जाना सम्बद्ध व्यक्ति पर उक्त नोटिस या आदेश के तामील होने का पर्याप्त सबूत होगा।

(3) यदि अधिनियम के अधीन उक्त नोटिस या आदेश किसी अवयस्क या विकृतचित्त व्यक्ति, पर तामील किया जाना है, तो वह उस अवयस्क या विकृतचित्त व्यक्ति यथास्थिति, के संरक्षक पर उपर्युक्त प्रक्रिया में तामील किया जाएगा।

अध्याय-III

सिलसिलेवार खातियान और काश्तकार लेजर

4. रजिस्टर तैयार करना और उसका संधारण.—अंचल अधिकारी धारा 3 की उपधारा (1) के अधीन सिलसिलेवार खातियान और काश्तकार लेजर संधारित करेगा। अंचल अधिकारी नियमावली की अनुसूची और 2 फारमों में सिलसिलेवार खातियान और काश्तकार लेजर अनुरक्षित रखेगा।

5. अंचल अधिकारी द्वारा धारा 3 के अधीन सिलसिलेवार खातियान और काश्तकार लेजर तथा गांव का नक्शा संधारित किये जाने का तरीका.—(1) सिलसिलेवार खातियान, काश्तकार लेजर और गांव का नक्शा बनाकर अद्यतन रखने के लिये कर्मचारी स्थल पर जाकर अपने हस्ता के प्रत्येक गांव के प्रत्येक प्लाट का निरीक्षण करेगा।

(2) शुद्धिकरण के लिये गांव के नक्शा की प्रतिलिपि, कर्मचारी अंतिम सर्वेक्षण नक्शा अथवा चकबन्दी के बारे आपूर्ति किया गया नक्शा में कोई परिवर्तन नहीं दर्शित करेगा। वह निरीक्षण के दौरान पाये गये परिवर्तनों को साधारण तरह से नक्शा में अनुरक्षित करेगा, किंतु यदि नक्शा मुद्रित किया गया है तो वह उस नक्शा की मुद्रित प्रति प्राप्त करेगा। वह इस नक्शा को परिवर्तन दर्शित करने वास्ते तबतक प्रयोग करेगा जबतक वह काम लायक रहेगा। जब उसमें सम्मिलित किये गये बहुत सारे परिवर्तनों के चलते या अत्यधिक प्रयोग के चलते वह काम लायक नहीं रहेगा तब अंचल निरीक्षक से अनुमति प्राप्त करके कर्मचारी उसके आधार पर एक नया नक्शा तैयार करेगा और उसमें स्थल पर पाये गये उन मेट्रों को यथावत् दर्शित करेगा और नहीं पाये गये मेट्रों को विलोपित कर देगा। कर्मचारी पुराना नक्शा को अंचल निरीक्षक के हवाले कर देगा और तत्पश्चात् अंचल निरीक्षक नया नक्शा की जांच करके अपना सत्यापन के प्रतीकरूप उस पर अपने हस्ताक्षर करेगा।

(3) नक्शा ठीक करने की प्रक्रिया—(i) निरीक्षण का अपना प्रत्येक दौर में कर्मचारी नक्शा की मदद से हर एक प्लाट का सत्यापन करेगा और आवश्यक पैमाइश के बाद वह प्लाटों की शकल के सभी बदलावों और अन्य परिवर्तनों को नोट करेगा जब वह खेत में होगा तो उसे पेंसिल से दर्शित करेगा और बाद में उसे लाल रोशनाई में कर देगा। यदि कोई प्लाट दो या दो से अधिक भागों में बंटा रहेगा तो वह ऐसे प्रत्येक टुकड़ों के लिये एक पृथक् प्लेट संख्या नोट करेगा जिसमें वह रेखा के ऊपर मुख्य प्लाट संख्या नोट करेगा और रेखा के नीचे उप-प्लाट संख्या नोट करेगा। यदि उप-प्लाट समान हैसियत वाला एक ही काश्तकार के कृषि-कब्जा में होंगे तो कोई पृथक् संख्या नहीं अंकित की जाएगी। इन दशाओं में प्लाट भंग (broken) रेखा से दर्शित किया जाएगा। जैसे ही और जिस वक्त उक्त प्लाट एक साथ मिल जाएंगे और अंतिम सर्वे प्लाट या चकबन्दी प्लाट की शकल ग्रहण करे, उक्त 'बंटा' संख्या खारिज कर दी जाएगी और आरंभिक प्लाट संख्या फिर से नोट कर दी जाएगी।

(ii) यदि नक्शा में आवश्यक शुद्धतायें लाने के लिये किसी गांव का विस्तृत सर्वेक्षण किया जाना आवश्यक समझा जाएगा तो कर्मचारी आवश्यक उपकरणों और अन्य आवश्यक सहायता के लिये अंचल निरीक्षक रिपोर्ट प्रस्तुत करेगा। जिस वर्ष में विस्तृत सर्वेक्षण किया जाना आवश्यक पाया जाएगा उस वर्ष के 21 अक्टूबर से पहले ऐसा करता होगा। इस तरह के विस्तृत सर्वेक्षण के दौरान वृहत् सर्वेक्षण अभियान में अपनाई जानेवाली प्रक्रिया अपनाई जाएगी।

टिप्पणी.—जिला-समाहर्ता, नदीय कारणों के चलते दुष्प्रभावित किसी गांव के भाग के नक्शा में होनेवाले बदलावों और प्लाटों के वार्षिक सत्यापन को स्थगित कर सकेगा यदि उसे इस बात का समाधान हो जाए कि बड़े पैमाने पर होने वाले बदलावों के मुद्दे सर्वेक्षण के तकनीकी नियमों को पूर्णतः पालन करना कठिन है। ऐसे मामलों में हर पांचवां वर्ष नया नक्शा, खसरा और खातियान तैयार किये जाएंगे।

(4) नक्शा की अंतिमता की तारीख.—(i) 30 अप्रैल तक नक्शा के शुद्धिकरण की अंतिमता प्रदान कर दी जाएगी और सभी परिवर्तनों को रोशनाई में दिखा दिया जाएगा।

(ii) उन गांवों में, जिनमें प्लाटों की आकृति प्रकृति बरबाद और बहुत जल्दी-जल्दी बदलती है, समाहर्ता परिवर्तनों को रोशनाई में दर्शित करने से छूट दे सकेगा।

(5) सिलसिलेवार खतियान और काश्तकार लेजर तैयार करना और उनका संधारण.—(i) अंचल अधिकारी अंचल के प्रत्येक गांव के सम्बन्ध में चलाया गया पुनरीक्षणणीय सर्वेक्षण बन्दोबस्त अभियान के दौरान अंतिम रूप से प्रकाशित अधिकार-अभिलेख प्राप्त करेगा जिन गांवों में चकबन्दी योजना सम्पन्न और सम्पुष्ट हो गई है और काश्तकारों को अंतरण के प्रमाणपत्र परित्त कर दिये गये हैं, उन गांवों के लिये अंचल अधिकारी उपनिदेशक, चकबन्दी, से सम्पुष्ट अधिकार-अभिलेख प्राप्त करेगा। अंचल अधिकारी उन स्थानों के लिए समाहर्ता से अंतिम सर्वेक्षण और बन्दोबस्त अभियान के अधिकार अभिलेखों की प्रतियां प्राप्त करेगा जहां पुनरीक्षणणीय सर्वेक्षण नहीं किया गया है। अंचल अधिकारी अपने अंचल के गांवों के सम्बन्ध में उपलब्ध अधिकार-अभिलेखों की प्रतिलिपियां तैयार करावेगा और कर्मचारियों को हल्कों में पड़नेवाले गांवों से सम्बन्धित प्रतिलिपियां उन कर्मचारियों को हस्तगत करा देगा। इनके आधार पर प्राथमिक सिलसिलेवार खतियान (फारम 1) और काश्तकार-लेजर (फारम 2) तैयार किये जाएंगे।

(ii) खेसरा रजिस्टर तैयार करना.—खेसरा रजिस्टर के आधार पर सिलसिलेवार खतियान और काश्तकार-लेजर को प्रतिवर्ष संशोधित किया जाएगा इसे फारम 3 में तैयार किया जाएगा। निरीक्षण दौरा पर जाने से पहले कर्मचारी फारम 3 के स्तंभ 1 से 6 और 13 से 14 भर लेगा और फारम के अन्य स्तंभों को अपने निरीक्षण दौरा के दौरान भरेगा।

(iii) प्रविष्टियों की प्रमाणिकता की जवाबदेही कर्मचारी पर होगी। इस बास्ते उसे सम्बद्ध व्यक्तियों से पूछताछ करनी होगी और तथ्य की सही जानकारी प्राप्त करने के लिये स्थल जांच भी करनी होगी।

(iv) हर साल 31 जनवरी तक खेसरा रजिस्टर पूरी तरह से तैयार कर लिया जाएगा प्रत्येक रजिस्टर 150 पन्नों का जिल्दबन्ध रजिस्टर होगा। कर्मचारी खेसरा रजिस्टर में आवश्यक जानकारीयों दर्ज करने के बाद खाली स्तंभों में क्रम चिह्न लगा देगा। एक वर्ष तक यह रजिस्टर कर्मचारी के पास रहेगा और तत्पश्चात् इसे आगामी वर्ष के 31 मार्च को या उससे पहले अंचल निरीक्षक के पास जमा कर दिया जाएगा।

(6) प्रत्येक गांव का एक अपना खेसरा रजिस्टर होगा और इसकी प्रविष्टियां ही सिलसिलेवार खतियान और काश्तकार-लेजर में प्रविष्टियों के आधार होंगी।

(7) प्रत्येक खेसरा (प्लेट) में एक पृथक् स्तंभ होगा जिसमें रजिस्टर में एक छोर से दूसरी छोर तक रेखा खींचकर दिखाया जाएगा। यदि खेसरा दो या दो से अधिक भागों में होगा तो खेसरा के हरेक भाग के लिये अलग प्रविष्टि की जाएगी।

उदाहरणार्थ, यदि प्लेट सं. 27 तीन भागों में है और ये तीन पृथक् काश्तकारों के कब्जा में हैं, तो जहां प्लेट सं. 27 दर्ज है वहां प्लेट सं. 27/1 दर्ज की जाएगी और खेसरा रजिस्टर में दर्ज अंतिम प्लेट संख्या के अंत पर 27/2 और 27/3 दर्ज की जाएगी। साथ ही, स्तंभ 1 में जहां प्लेट सं. 27/1 दर्ज होगी वहां यह निर्देश लिख दिया जाएगा कि अन्य उप-प्लेट संख्याएँ 27/2 और 27/3 इस प्रकार दर्ज की गई हैं।

(8) यदि किसी काश्तकार ने दो या दो अधिक प्लेटों को एक साथ मिला दिया है और प्लेटों को पृथक् करनेवाले मेढों को मिला दिया है तो इस प्रकार से बना एकजुड़ा प्लेट के सम्बन्ध में प्रविष्टियां प्रथम घटक प्लेट संख्या के सामने की जाएगी। ऐसी दशाओं में, प्रत्येक घटक प्लेट का रकबा प्रथम घटक प्लेट के स्तंभ 3 में दर्ज किया जाएगा और उक्त हरेक खेसरा के अभ्युक्ति-स्तंभ में यह दर्ज कर दिया जाएगा कि इसे अमुक प्लेट में मिला दिया गया है। अपने-अपने रकबा के साथ सभी घटक प्लेट संख्याएँ अभ्युक्ति-स्तंभ में दर्ज कर दी जाएगी। यदि घटक उप-प्लेटों को मिलाने से प्रमुख भूमि सर्वेक्षण प्लेट संख्या की वापसी

कि प्लेट के टुकड़े कभी किये ही नहीं गये थे। यदि एक से अधिक काश्तकारों के प्लेट एकजुड़े किये गये हो या यदि एक ही काश्तकार की भिन्न-भिन्न हैसियत की भूमियों को एक साथ मिलाया गया हो तो प्रत्येक प्लेट के लिए अलग-अलग इंदराज किये जाएंगे और उनके एक साथ मिल जाने की बात अभ्युक्ति स्तंभ में दर्ज की जाएगी।

उदाहरण.—(1) जब कर्मचारी यह पायेगा कि प्लेट सं. 29, 30 और 31 एक ही काश्तकार के कृषि-कब्जा में हैं और उन प्लेटों की हैसियत भी एक ही जैसी है और वे एक साथ मिला दिये गये हैं, तब वह प्लेट सं. 29 के प्रति सभी प्रविष्टियां करेगा और रकबा के लिये तात्परित स्तंभ में उन सभी तीनों प्लेटों का रकबा अलग-अलग दर्ज करेगा तथा उनका योग (रकबा) भी दर्ज करेगा। साथ ही, प्लेट संख्याएँ 30 और 37 के अभ्युक्ति-स्तंभ में वह "प्लेट सं. 29 के साथ मिल गया" भी दर्ज करेगा। प्लेट सं. 29 सम्बन्धी अभ्युक्ति-स्तंभ में वह "प्लेट सं. 30 रकबा..... और प्लेट सं. 37 रकबा..... इस प्लेट में मिल गया" दर्ज करेगा।

(2) यदि कर्मचारी पाता हो कि उप-प्लेटें जिनकी संख्या 27/1, 27/2 और 27/3 क्रमशः हैं और जो एक ही हैसियत के हैं और एक ही काश्तकार के कब्जा में हैं, सर्वेक्षण या चकबन्दी कार्यवाही के दौरान पुनः परिवर्तित होकर प्लेट सं. 27 बन गई हैं जैसा कि पहले था, तो प्रति इस प्रकार की जाएगी मानों प्लेट सं. 27 के सभी टुकड़े हुए ही नहीं थे। ऐसी दशा में अभ्युक्ति स्तंभ में किसी प्रविष्टि की आवश्यकता ही नहीं होगी।

(9) नदियों की मिट्टी-कटाव और मिट्टी जमाव की क्रियाएँ.—यदि किसी नदी के प्रवाह या अन्य क्रिया से किसी गांव की भूमि में बढ़ोतरी होती हो तो प्लेटों की क्रम संख्या बढ़ती जाएगी और उनके लिये नई संख्याएँ दी जाएंगी। यदि नदी की अपरित्त क्रिया के कारण गांव की भूमि कमगयी तो दुष्प्रभावित प्लेटों के अभ्युक्ति-स्तंभ में इस आशय की प्रविष्टि की जाएगी कि अमुक प्लेट के रकबा में हास हो गया है।

(10) रकबा-स्तंभ में प्रविष्टि-रकबा.—स्तंभ में प्रविष्टियां एकर-डिसमल में की जाएंगी।

(11) खाता-स्तंभ में वह संख्या प्रविष्टि की जाएगी जो सर्वेक्षण और चकबन्दी खतियान के द्वारा यथावर्तित हुई है।

(12) कर्मचारी अपने मन से खाता संख्या या अन्य प्रविष्टियों में कोई बदलाव नहीं करेगा, किंतु सक्षम प्राधिकारियों के आदेश पर वह समुचित स्तंभों में लाल रेशनाई में बदलाव अंकित करेगा और प्लेटों के अभ्युक्ति स्तंभ में आदेश उल्लिखित करेगा।

(13) यदि किसी खाता में एक से अधिक काश्तकार होंगे तो काश्तकारों के नाम के लिये नियत किया गया स्तंभ में खेसरा के प्रथम प्लेट के सामने उन सभी काश्तकारों के नाम दर्ज किये जायेंगे सभी अनुवर्ती प्लेटों में, प्रथम काश्तकार के नाम के बाद, 'आदि प्रथम प्लेट अनुसार' लिखा जाएगा।

स्पष्टीकरण.—(1) काश्तकार (कोटि) के अंतर्गत फल-फूलों के पट्टदार या क्रेता नहीं आएंगे उन्हें अभ्युक्ति स्तंभ में पट्टा के संक्षिप्त विवरण सहित दर्शित किया जाएगा।

(2) यदि खाता-काश्तकार की मृत्यु होगी तो कर्मचारी अभ्युक्ति स्तंभ में पहले 'मृत' नोट करेगा। तत्पश्चात् वह उसका नाम और मृत्यु की तारीख दर्ज करेगा। वह उस व्यक्ति या उन व्यक्तियों, जो दखलदार या मृत व्यक्ति के वारिस पाये जाएंगे, के नाम अभ्युक्ति-स्तंभ में दर्ज नहीं करेगा, किंतु वह अभिलेख-संधारण फारम 4 में ऐसी तहसील दर्ज करेगा ऐसी प्रविष्टि करने के लिये, कर्मचारी काश्तकार की मृत्यु, सभी वैध वारिसों, उनके नाम और पता और उनसे सम्बन्धित किसी विवाद के बारे में जांच करेगा और उपर्युक्त फारम

(3) यदि कर्मचारी का पता पता एक खाता-कारतकार-गुप्त-का-कारण-पता, आदि-पता-अन्य कारणवश कब्जा में नहीं है और किसी भी व्यक्ति का उस पर कब्जा नहीं है, तो वह अभ्युक्ति स्तंभ में परिस्थिति के अनुसार सम्पण, परिवारा, लापता, आदि जैसे इसकी परती रहने की वजह दर्ज करेगा।

(4) यदि प्लाट के कब्जा में अभिलिखित कारतकार से भिन्न कोई व्यक्ति पाया जाएगा, तो कर्मचारी इसे खेसरा रजिस्टर में दर्ज नहीं करेगा, अपितु निम्नांकित कॉडिकाओं में विहित किये नियमों का पालन करेगा।

(5) (i) यदि खाता कारतकार ने किसी व्यक्ति को अपनी समस्त कृष्य भूमि की खेती के लिए भागीदार या सांझी के तौर पर सहायता करने की अनुज्ञा दी है अथवा अपने नौकरों या रिश्तेदारों से कृषिकार्य करवाया है, तो खेसरा में ऐसी कोई प्रविष्टि नहीं की जाएगी।

(ii) यदि कोई व्यक्ति किसी खाता की जिसके सम्बन्ध में कारतकार का नाम नहीं दर्ज है, किसी भूमि में खेती करता है, तो कर्मचारी कोई प्रविष्टि नहीं करेगा, प्रत्युत वह अभिलेख-संधारण फारम 5 में आवश्यक तफसील दर्ज करेगा।

(iii) यदि खतियानी कारतकार से भिन्न कोई व्यक्ति अपने अधिकार के बल पर किसी प्लाट में खेती करने का दावा करता हो, तो कर्मचारी खेसरा में कोई प्रविष्टि नहीं करेगा, प्रत्युत वह अभिलेख संधारण फारम 5 के दास्त में तफसील दर्ज करेगा।

(14) यदि कोई कारतकार बागवानी या पशुपालन से भिन्न प्रयोजनों के लिये अपनी भूमि का प्रयोग करता है, तो प्रासंगिक खेसरा के अभ्युक्ति स्तंभ में इस बात को दर्ज किया जाएगा।

(15) कर्मचारी याददास्त रजिस्टर फारम 5 में संधारित करेगा: इस रजिस्टर को पृष्ठ संख्यायें 1 से 100 मुद्रित होंगी। यदि कोई प्लाट, जिसका कारतकार स्तंभ में कुछ भी लिखा नहीं है, किसी व्यक्ति के आशिक कब्जा में पाया जाता है या यदि उस व्यक्ति, जिसका नाम कब्जादार स्तंभ में अभिलिखित है, से भिन्न किसी व्यक्ति के कब्जा में पाया जाता है, तो कर्मचारी कब्जा के बारे में जांच करेगा और फारम 5 में याददास्त के स्तंभ 6 में इस बात को संक्षेप में दर्ज करेगा। साथ ही, वह अपनी डायरी में प्लाटों और याददास्त की क्रम संख्यायें भी दर्ज करेगा। डायरी में कब्जा में पाया गया व्यक्ति का नाम या उसका दावा या विवाद की प्रकृति कदापि नहीं दर्ज की जाएगी।

(16) (i) प्रत्येक पड़ताल को पूरा करने के बाद कर्मचारी याददास्त का प्रत्येक पृष्ठ आधुनिक करेगा और याददास्त की प्रविष्टियों की कुल योग संख्या को उसके शीर्ष पर इस निमित्त नियत स्तंभ में दर्ज करेगा।

(ii) किसी गांव से सम्बन्धित पड़ताल के पूरा हो जाने के बाद, कर्मचारी दस दिन के भीतर याददास्त पुस्तिका से सुसंगत याददास्त के कागजों को अलग करेगा और उन्हें अपने अंचल निरीक्षक को हस्तगत करा देगा। कर्मचारी अंचल निरीक्षक के हस्ताक्षर प्राप्त करेगा जो रसीद अभिलेखीकृत करते समय वह तारीख दर्ज करेगा जिस तारीख को वह कर्मचारी द्वारा की गई पड़ताल के सत्यापन के लिये गांव का निरीक्षण करेगा।

(iii) कर्मचारी सभी खाताधारी कारतकारों के साथ-साथ याददास्त में नोट किये गये व्यक्तियों को अंचल निरीक्षक के आने की तारीख की जानकारी देगा और उन्हें अंचल निरीक्षक द्वारा किया जानेवाला सत्यापन के दौरान उपस्थित रहने का अनुरोध करेगा वह ग्राम पंचायत के नोटिस-बोर्ड पर भी अंचल निरीक्षक के आने की सूचना लगाएगा। वह ग्राम पंचायत के मुखिया से सूचना के द्वितीयक प्रति पर इस आशय का प्रमाण लिखवाएगा कि कर्मचारी ने अंचल निरीक्षक के कार्यक्रम को सम्यक रूप से प्रकाशित किया है।

गांव पहुँचने पर अंचल निरीक्षक सूचना की द्वितीयक प्रति लेकर उसे याददास्त में सलग्न कर देगा।

(iv) कर्मचारी द्वारा गांव की पड़ताल पूरा किये जाने के साथ ही हरेक फसल सम्बन्धी इद्राज बन्द कर दिये जाएंगे।

अंचल निरीक्षक के हाथ में देगा।

(vi) अंचल निरीक्षक के गांव का दौरा पर यह सूची उसके समक्ष पेश की जाएगी।

(vii) पड़ताल के तुरंत बाद कर्मचारी मिट्टी जमाव या मिट्टी अपर्दन की नदी क्रिया से सम्बंधित भूमि-बढ़ोतरी या भूमि-कमी दर्शित करने वाला विवरण दो प्रतियों में समर्पित करेगा। व्यक्तिगत निरीक्षण करके अंचल निरीक्षक सभी प्रविष्टियों को सत्यापित करेगा और उन्हें आवश्यक कार्रवाई के लिये अंचल अधिकारी को समर्पित करेगा।

(viii) कर्मचारी द्वारा प्रस्तुत किये गये खरीद-बिक्री सम्बन्धी परिवर्तनों और रिपोर्टों के विषय में दिये गये आदेशों की प्राप्ति के बाद खेसरा में कोई बदलाव नहीं किया जाएगा। ये अनुवर्ती वर्षों के खेसरा रजिस्टर के सम्बन्धित स्तंभों में नियत किये हुए तत्सम्बन्धी स्तंभों में प्रविष्टि किये जाएंगे।

(17) बंजर भूमि, जंगल, झाड़, चरगाह, खरोर, वांस, आदि अकृष्य भूमि के रूप में दर्ज किए जाएंगे तथा वर्ष की संख्या के अनुसार परती रही और कृष्य बंजर भूमि नयी परती (1), नयी परती (2), नयी परती (3), पुरानी परती (1), पुरानी परती (2) के रूप में दर्ज की जाएगी।

(18) भूमि-प्रकार में परिवर्तन:—(i) कर्मचारी भूमि-प्रकार में परिवर्तन को एक अलग पन्ना पर नोट करेगा और अंचल निरीक्षक को इससे अवगत कराएगा, विशेषकर बगीचा, आदि के बारे में खेसरा से मिट्टी की किस्म नहीं दर्ज की जाएगी।

(19) अंचल निरीक्षक द्वारा पड़ताल:—(i) वह फसल लगे खेसरा का 20 प्रतिशत और फसलरहित खेसरा का 10 प्रतिशत की जांच करेगा।

(ii) जांच शुरू करने से पहले, अंचल निरीक्षक नक्शा और खेसरा रजिस्टर देखकर उन खंडों को चुनेगा जिनमें सबसे ज्यादा बदलाव हुये हैं और अपने दिमाग में यह रखेगा कि हर वर्ष और हर फसल की जांच में एक ही खंड न रहे।

(iii) अंचल निरीक्षक इस बात को भी सुनिश्चित करेगा कि कर्मचारी ने सी०आई०एस० (अंचल निरीक्षक पर्यवेक्षण) कार्यक्रम का व्यापक प्रचार किया है। वह अधिकाधिक रैयतों को उपस्थित कराएगा और उन्हें घोषित करके बताएगा कि वह किन-किन खेसरा का मुलाहला करेगा और उनसे सत्यापन वाले स्थलों पर साथ चलने का अनुरोध करेगा अभिलिखित कारतकार से भिन्न व्यक्ति द्वारा कब्जाकृत प्लाटों पर पहुँचकर वह कब्जा की प्रकृति, कब्जा की अवधि और दावासम्बंधित दस्तावेजों का मोआइना करेगा। वहाँ उपस्थित रहे कारतकार या कारतकारों के अभिलेखों, दखलदार व्यक्तियों, मुखिया या अन्य प्रतिष्ठित ग्रामीणों से वह तथ्यों का सत्यापन करेगा। यदि वह संतुष्ट हो जाएगा कि व्यक्ति का कब्जा सही है और यह कब्जा, भागीदारी सेवा पर या अभिलिखित कारतकार से रिश्तेदारी पर आधारित नहीं है तो वह सम्बद्ध खेसरा के अभ्युक्ति स्तंभ में दखलदार व्यक्ति का नाम, पिता का नाम, पता और दखल की प्रकृति दर्ज करेगा और तारीख सहित अपने हस्ताक्षर भी करेगा। यदि इस तरह के इद्राज उस व्यक्ति विशेष के लिये बहुत से प्लाटों के सम्बन्ध में करने की जरूरत होगी, तो कर्मचारी पहला खेसरा में पूरी तफसील लिखेगा और अनुवर्ती खेसरा में "खेसरा सं. के अनुसार" दर्ज करेगा।

(iv) इस आधार पर वह सिलसिलेवार खतियान के सम्बद्ध स्तंभों में सुधार करेगा और तारीख सहित हस्ताक्षर करेगा। कर्मचारी सिलसिलेवार खतियान में अंचल निरीक्षक द्वारा की गई प्रविष्टियों के उद्घरण तैयार करेगा और इसे खतियानी रैयतों और व्यक्तियों को देगा, अंचल निरीक्षक को आदेश से 10 दिन के भीतर खाता के लिये आदेश भी, और अपनी डायरी में उनसे रसीद लिखवाएगा। यदि ऐसे व्यक्ति गांव में उपलब्ध

नहीं होंगे, तो अपनी मुख्यालय तारीख पर कर्मचारी उन व्यक्तियों के लिये तैयार किये गये उद्घरणों को, उन व्यक्तियों के पता के साथ, अंचल निरीक्षक को लौटा देगा। कार्यालय में प्राप्त होने से एक सप्ताह के भीतर अंचल निरीक्षक डाकगत करने के प्रमाणपत्र के तहत साधारण डाक के जरिए उन उद्घरणों को सम्बद्ध व्यक्तियों को भेजेगा।

(v) अंचल निरीक्षक अभिलेख संधारण फारम 6 के अभ्युक्ति स्तंभ में की गई प्रविष्टियों की सूची रखेगा।

(vi) अंचल निरीक्षक इन याददास्तों को अंचल अधिकारी को भेजेगा जो इन्हें सम्बद्ध सचिका में रखेगा।

(vii) यदि कर्मचारी और अंचल निरीक्षक उपर्युक्त नियमों का पालन नहीं करेंगे, तो सिलसिलेवार खतियान और खेसरा रजिस्ट्रों में की गई प्रविष्टियां विधिवत् तैयार की हुई नहीं मानी जाएंगी।

(20) अविवादित उत्तराधिकार के मामलों में आदेश.—(i) जांच करते वक्त अंचल निरीक्षक बहुत सावधानी से अविवादित उत्तराधिकार के मामलों की सूची से सम्बन्धित कर्मचारी द्वारा की गई प्रविष्टियों को देखेगा और सामान्य रैयतों से इसकी तसदीक कराएगा। गांव पहुंचने से पहले वह अपना कार्यक्रम भेजेगा ताकि सुविधा, आदि उपस्थित रहे। यदि वह पक्का पता लग जाए कि उत्तराधिकार सम्बन्धी मामला में कोई विवाद नहीं है, तो अंचल निरीक्षक कर्मचारी द्वारा तैयार किया गया प्रारूप पर अपना आदेश लिखेगा और तारीख के साथ अपने हस्ताक्षर करेगा, साथ ही, उसके सामने ही सिलसिलेवार खतियान में सुधार करके उसपर अपने हस्ताक्षर करेगा।

(ii) यदि कोई व्यक्ति कर्मचारी द्वारा अभिलिखित किये गये उत्तराधिकारियों के नामों को लिखे जाने का विरोध करेगा, तो अंचल निरीक्षक फारम 13(2) में नयी रिपोर्ट लेगा। वह इसे अंचल अधिकारी के पास भेज देगा। अंचल अधिकारी सम्बद्ध पक्षकारों को नोटिस देगा, सुनेगा और अपना विनिश्चय देगा जिसके अनुसार सिलसिलेवार खतियान में संशोधन किया जाएगा।

(iii) अंचल निरीक्षक अपनी डायरी में अविवादित उत्तराधिकार के मामलों की संख्या और जरूरी तफसील नोट करेगा। वह उन मामलों की संख्या भी नोट करेगा जिनमें उसके सत्यापन के समय आपत्तियां की गईं और वे विवादित मामले माने गये।

5-क. दर-रैयतों के अधिकार.—केवल ऐसे व्यक्तियों को इस अधिनियम के अधीन दर-रैयत माना जाएगा जिन्हें बिहार राज्य में लागू भिन्न-भिन्न काश्तकारी विधियों के अनुसार दर-रैयत माना जाना है, और उनके अधिकारों को अभिलिखित करते समय कर्मचारी उन्हीं प्रक्रियाओं का अनुपालन करेगा जो रैयतों के अधिकारों को अभिलिखित करने के लिये विहित की गई हैं। जैसे क्षेत्र में, जिसमें दर-रैयत नकद या वस्तु रूप में लगान भुगतान करते हैं, लागू काश्तकारी अधिनियम के उपबंधों के अनुसार दर-रैयतों द्वारा देय लगान को कर्मचारी अभिलिखित करेगा।

6. सिलसिलेवार खतियान और काश्तकार-लेजर का प्रारूप-प्रकाशन.—(1) धारा 3(4) के अधीन खेसरा रजिस्ट्रों के आश्रय पर, 5 वर्ष के अंतराल पर, प्रारूप प्रकाशन के लिये सिलसिलेवार खतियान और काश्तकार-लेजर प्रारूप तैयार किया जाएगा।

(2) सिलसिलेवार खतियान और काश्तकार-लेजर प्रारूप में, प्रकाशनाविधि के पूर्व में किये गये सभी परिवर्तन, प्रविष्ट किये रहेंगे।

(3) अंचल अधिकारी प्रविष्टियों को सूक्ष्म अधिकारियों द्वारा पारित तत्सम्बन्धी आदेशों की मदद से जांच करेगा और ऐसा करने के प्रमाणस्वरूप वह सिलसिलेवार खतियान और काश्तकार-लेजर के प्रत्येक पृष्ठ पर अपने तारीख सहित सत्यापन करेगा।

(4) धारा 3(4) के तहत, अंचल अधिकारी प्रारूप प्रकाशन की तारीख के 15 दिन पहले सम्बद्ध गांव के रैयतों के नाम अभिलेख-संधारण फारम 7 में एक सार्वजनिक नोटिस जारी करेगा और समाहर्ता, अपर समाहर्ता, जिला विकास अधिकारी, प्रखंड विकास अधिकारी, स्थानीय भूदान यज्ञ समिति, सचिव, भूदान यज्ञ समिति, कार्यपालक अभिवंता, लो० नि० वि०, सिंचाई, विद्युत बोर्ड, लो० स्वा० अ० वि०, प्रशासक, जिला पंचायत, प्रमंडलीय-वन अधिकारी, प्रमंडलीय अधीक्षक, रेलवे और ग्राम पंचायतों के मुखियों को इसकी जानकारी देगा।

(5) सभी कार्यदिवस को पूरी कार्यविधि के दौरान अंचल अधिकारी कार्यालय के सहजगम्य स्थान पर रैयतों और हितबद्ध व्यक्तियों को देखने के लिए अभिलेख उपलब्ध किये जाएंगे।

7. आपत्तिकतां विहित कालावधि के भीतर अंचल अधिकारी के यहां सम्बद्ध पक्षकारों को भेजने के लिए अभिलेख-संधारण फारम 9 में नोटिस की दो प्रतियों में विहित अभिलेख संधारण फारम 8 में अभिलेखों की प्रविष्टियों और विलोपनों के विरुद्ध आपत्ति-याचिका दाखिल करेगा आपत्ति याचिका प्राप्त होने पर अंचल अधिकारी उस पर अपने हस्ताक्षर करेगा प्राप्त की तारीख अंकित करेगा और उस विशिष्ट गांव का, फारम 10 में निर्मित, रजिस्ट्र में दर्ज करेगा और प्रत्येक याचिका को क्रम संख्या आवंटित करेगा।

8. अंचल अधिकारी आपत्ति की सुनवाई की तारीख से कम-से-कम 7 दिन पहले सम्बद्ध पक्षकारों को नोटिस भेजाकर इसकी जानकारी देगा। यह नोटिस अभिलेख संधारण फारम 9 में दी जाएगी।

9. नियत तारीख को अंचल अधिकारी सम्बद्ध पक्षकारों को सुनकर आदेश फलक पर अपना विनिश्चय अंकित करेगा। यदि वह स्थानीय जांच करना आवश्यक समझेगा, तो वह उसी दिन पक्षकारों को इसकी जानकारी देगा और नियत तारीख पर स्थानीय जांच पूरा करने के बाद वह अपना आदेश लिखेगा और यदि अभिलेख में सुधार करना अपेक्षित समझा जाएगा तो वह सम्बद्ध रजिस्ट्रों में अपने आदेश का निर्देशन दर्ज करवा कर ऐसा करेगा।

10. उपर्युक्त विहित पद्धति से प्रकाशनानंतर संशोधित किये गये सिलसिलेवार खतियान और काश्तकार-लेजर प्रारूप से अंतिम प्रकाशन के लिये स्वच्छ प्रतियां तैयार की जाएंगी।

11. अंतिम प्रकाशन शुरू किये जाने की तारीख से 15 दिन पहले सम्बद्ध गांव के काश्तकारों पर फारम 11 में सार्वजनिक नोटिस तामील की जाएगी और अंचल अधिकारी इसे 30 दिन तक अपने कार्यालय में प्रकाशित किया हुआ रखेगा।

12. यदि कोई व्यक्ति अंतिम प्रकाशन में प्रकाशनाधीन अभिलेख की प्रविष्टियों में कोई गलती या लोपन बताएगा, तो लिपिक उसे फारम 12 में विहित गलती सूची में नोट करेगा और अंचल अधिकारी उसपर अपना आदेश पारित करेगा, अभिलेख में सुधार करेगा और हस्ताक्षर करेगा अंतिम प्रकाशन के दौरान कोई सुनवाई या विवाद नहीं होगा।

13. अंतिम प्रकाशन की कालावधि की समाप्ति के शीघ्र बाद, अंचल अधिकारी सूक्ष्मता से अभिलेख का परीक्षण करेगा और अपना समाधान करेगा कि उसके आदेशों के आलोक में आवश्यक सुधार कर दिये गये हैं।

14. पूर्वगामी परीक्षण के बाद सिलसिलेवार खतियान और काश्तकार-लेजर के प्रत्येक पृष्ठ पर अंचल अधिकारी के हस्ताक्षर की अंगुलिपि के साथ निम्नांकित प्रमाणन की मुहर लगायी जाएगी। बिना काश्तकार-जोत (अभिलेख संधारण) अधिनियम, 1973, की धारा 3 (4) (iii) के अधीन तालिका 3 के अंतिम रूप में निर्मित और प्रकाशित सिलसिलेवार खतियान। काश्तकार-लेजर रजिस्ट्र। प्रकाशन व

कार्यालय की मुहर.....

अंचल अधिकारी

15. धारा 4 के तहत, रजिस्ट्रीकरण अधिकारी, अंचल अधिकारी के यहां अभिलेख-संधारण फारम 13 में अंतरण की जानकारी भेजेगा।

16. धारा 5 के तहत, सिविल न्यायालय अभिलेख संधारण फारम 14 में, डिब्रीदार या नीलाम-खरीदार को दखल-देहानी की या बंटवारा या बंधक की अंतिम डिब्री की जानकारी अंचल अधिकारी को भेजेगा।

17. धारा 6 के तहत, सर्टिफिकेट अधिकारी अभिलेख संधारण फारम 15 में नीलाम-खरीदार को दखल-देहानी की जानकारी अंचल अधिकारी को भेजेगा।

18. धारा 7 के तहत, समाहर्ता, अंचल अधिकारी के यहां भूमि अर्जन अधिनियम, 1894 के अधीन भूमि अर्जन की जानकारी अभिलेख-संधारण फारम 16 में भेजेगा।

19. धारा 8 (i) के तहत, समाहर्ता, अंचल अधिकारी को बिहार सार्वजनिक भूमि अतिक्रमण अधिनियम, 1956 (1956 का अधिनियम 14) की धारा 6, उपधारा (1), खंड (v) के अधीन पारित आदेश की जानकारी अभिलेख-संधारण फारम 11 में भेजेगा।

20. धारा 8 (ii) के तहत, समाहर्ता, अंचल अधिकारी को बिहार भूमि सुधार (अधिकतम सीमा निर्धारण और अधिशेष भूमि अर्जन) अधिनियम, 1961 (1961 का बिहार अधिनियम 12) के अधीन राज्य में विहित भूमि की या सरकारी भूमि के बन्दोबस्त की जानकारी अभिलेख संधारण फारम 18 में भेजेगा।

21. धारा 8 (iii) के तहत, समाहर्ता 1922 का बिहार और उड़ीसा अधिनियम 5 के अधीन सिंचाई के प्रयोजन के लिये अर्जित और कब्जाकृत भूमि की जानकारी अभिलेख-संधारण फारम 19 में भेजेगा।

22. धारा 8 (iv) के तहत, समाहर्ता बिहार विशेषाधिकार प्राप्त व्यक्ति वास भूमि काश्तकारी अधिनियम, 1947, के अधीन जानकारी अभिलेख-संधारण फारम 20 में भेजेगा।

23. धारा 8 (v) के तहत, समाहर्ता कौसी क्षेत्र (भूमि-रजिस्ट्रीकरण) अधिनियम 1971 के अधीन भूमि के रजिस्ट्रीकरण की जानकारी अभिलेख संधारण फारम 21 में भेजेगा।

24. धारा 8 (vi) के तहत, समाहर्ता अंचल अधिकारी को जानकारी अभिलेख-संधारण फारम 22 में भेजेगा।

25. धारा 8 (vii) के तहत जानकारी उसी फारम में भेजी जाएगी जिस फारम में धारा 8 (v) के अधीन जानकारी भेजी जाती है। स्तंभ 2 में कौसी क्षेत्र अधिनियम के स्थान पर बिहार काश्तकारी अधिनियम अभिलिखित किया जाएगा।

26. धारा 8 (viii) के तहत जानकारी उसी फारम में भेजी जाएगी जिस फारम में धारा 8 (v) के अधीन जानकारी भेजी जाती है। स्तंभ 3 में उस व्यक्ति का नाम और पूरा पता अभिलिखित किया जाएगा जिसे स्थायी रूप से काश्तकारी दी गई है। शेष स्तंभ उस फारम के अनुसार होंगे।

27. धारा 9 के तहत, अंचल अधिकारी को भूमि-अर्जन की जानकारी अभिलेख-संधारण फारम 23 में दी जाएगी।

28. धारा 10 के तहत, भूदान यज्ञ समिति, अंचल अधिकारी को, भूमि के बन्दोबस्त की जानकारी अभिलेख-संधारण फारम 24 में देगी।

29. धारा 11 के तहत, अधिभोग-अधिकार अर्जित करने वाला रैयत, अंचल अधिकारी को अभिलेख-संधारण फारम 25 में जानकारी भेजेगा।

30. धारा 12 के तहत, आवेदक अभिलेख-संधारण फारम 26 में आवेदन करेगा।

31. धारा 13 के तहत, मुख्य, अंचल निरीक्षक और कर्मचारी अभिलेख संधारण फारम 27 में रिपोर्ट प्रस्तुत करेंगे।

अध्याय-IV

दाखिल-खारिज की प्रक्रिया

32. धारा 14(1) के तहत, दाखिल-खारिज रजिस्टर का अनुरक्षण अभिलेख-संधारण फारम 28 में किया जाएगा।

33. धारा 14(2) के तहत, सरपंच पक्षकारों को सुनवाई की तारीख की नोटिस अभिलेख-संधारण फारम 29 (1) और 29 (2) में देगा और सार्वजनिक नोटिस अभिलेख-संधारण फारम 22 (3) में देगा।

34. धारा 14 (2) के तहत, सरपंच पक्षकारों पर नोटिस का तामीला ग्राम सेवक द्वारा करणगा। आम रैयतों को जारी की गई नोटिस पर वह गांव के भिन्न-भिन्न भागों के भिन्न-भिन्न परिवारों के कम-से-कम पांच व्यक्तियों के हस्ताक्षर प्राप्त करेगा। पक्षकारों की नोटिस और आम रैयतों की नोटिस की एक-एक प्रति सम्बद्ध गांव की किसी महत्वपूर्ण जगह पर और ग्राम पंचायत के नोटिस-बोर्ड पर प्रदर्शित की जाएगी। सुनवाई की तारीख के कम-से-कम 15 दिन पहले नोटिस जारी की जाएगी।

35. धारा 14 (3) के तहत, सरपंच नियत तारीख और स्थान पर दोनों पक्षकारों को सुनेगा। सर्वप्रथम, वह आवेदक के साक्षियों का बयान संक्षेप में अभिलिखित करेगा या पंचायत सेवक द्वारा अभिलिखित करणगा। वह आवेदक के कागजों को जांचेगा और उसके दावा के बारे में जरूरी बातों को नोट करेगा तत्पश्चात् वह प्रतिपक्षकार का बयान संक्षेप में अभिलिखित करेगा और उसके द्वारा पेश किये गये कागजों से उसके दावा सम्बन्धी जरूरी बातों को नोट करेगा। वह वहां उपस्थित उन अन्य काश्तकारों के साक्ष्य को भी संक्षेप में अभिलिखित करेगा, जो स्वेच्छा से साक्ष्य देने को आगे आयेंगे। स्थिति स्पष्ट करने के लिये और सच्चाई मालूम करने के लिये वह स्थानीय जांच करेगा और पास-पड़ोस के 'रैयतों' से पूछताछ करेगा। वह अभिलेख के आदेश-फलक पर प्रत्येक तारीख पर किया गया कार्य का सारांश लिखेगा या लिखवायेगा जांच पूरा करने के बाद वह अभिलेख के साथ लिखित रूप में अपनी रिपोर्ट अंचल अधिकारी को भेजेगा।

पक्षकारों और आम जनता को नोटिस देकर अंचल अधिकारी सम्बद्ध दोनों पक्षकारों और 'रैयत' को सुनेगा और पेश किये गये कागजों और उनके बयानों से मुख्य-मुख्य बातें संक्षेप में अभिलिखित करेगा। आवश्यक होने पर, पक्षकारों और आम जनता को नोटिस देकर वह स्थानीय जांच करेगा। तत्पश्चात् वह लिखित रूप में अपना विनिश्चय देगा।

अध्याय-V

36. सिलसिलेवार खतियान और काश्तकार-लेजर में सुधार-धारा 18-धारा 3, उप-धारा (4) खंड (3) या धारा 15 में अपील या धारा 16 के अधीन पुनरीक्षण के लिये विहित कालावधि की समाप्ति के बाद अथवा यदि-अपील या पुनरीक्षण दाखिल किया गया हो तो उक्त अपील या पुनरीक्षण के विनिश्चय के बाद, अंचल अधिकारी, यदि आवश्यक हो, सिलसिलेवार खतियान और काश्तकार-लेजर की प्रविष्टियों में ताल रोशनाई से आवश्यक सुधार करेगा और सुदिकृत प्रविष्टि के निकट अपने हस्ताक्षर करेगा तथा उसके नीचे अपने तारीख सहित हस्ताक्षर करेगा। इस तरह से अंचल अधिकारी सुदिकृत प्रविष्टियों की दो प्रतियां तैयार करणगा और एक प्रति अनुमंडलाधिकारी को और दूसरी प्रति समाहर्ता को उनकी प्रतियों में सुधार करने के लिये भेजेगा।

अध्याय-VI

37. (1) धारा 20 (1) के अधीन काश्तकार पुस्तिका (खाता पुस्तिका) की आपूर्ति अभिधारी खाता पुस्तिका फारमों में की जाएगी।

- (2) हर गाँव के लिये पृथक् खाता पुस्तिका दी जाएगी।
- (3) प्रत्येक 'रैयत' और 'दर-रैयत' को यह खाता पुस्तिका निम्नोक्त कोडिका 8 के तहत विहित कीमत के भुगतान पर दी जाएगी।
- (4) खाता पुस्तिका के दो भाग होंगे। पहला भाग में सिलसिलेवार खतियान के आधार पर सम्बद्ध रैयत के प्रत्येक खाता की भूमि की तफसील दर्ज होगी दूसरा भाग में काश्तकार द्वारा देय माँगों की तफसील और लगान की तहसील अंकित होगी।
- (5) पुस्तिका के प्रथम पृष्ठ पर सिलसिलेवार खतियान के उद्घरण प्रविष्ट होंगे, जबकि द्वितीय पृष्ठ पर काश्तकार-लेजर की तफसील प्रविष्ट रहेगी। प्रथम पृष्ठ के शीर्ष पर अधिकार अभिलेख की क्रम संख्या, काश्तकार की हैसियत, काश्तकार का नाम, उसके पिता का नाम, उसका हिस्सा लिखा रहेगा। उसके बाद उसी काश्तकार के अन्य खाता के अन्य प्लॉट तफसील सहित प्रविष्ट रहेंगे।
- (6) उपयोग के लिये जारी की गई पुस्तिका के पृष्ठ पर अंचल अधिकारी द्वारा हस्ताक्षरित पृष्ठ संख्यांकन का प्रमाणन होगा और पुस्तिका के प्रत्येक पृष्ठ के केन्द्र में अंचल अधिकारी की अधिकारिक मुहर लगी होगी।
- (7) यह मुद्रित फारम वाली दस पृष्ठों की जिल्दबंदी पुस्तिका होगी और उस पर पृष्ठों की संख्या का प्रमाणपत्र रहेगा।
- (8) प्रत्येक पुस्तिका की कीमत 4 रुपये होगी। सरकार के आदेश से कीमत में कमी या वृद्धि की जा सकेगी।
- (9) प्रति प्लॉट प्रविष्टियों के शुद्धिकरण के लिये रु० 0.50 फीस ली जाएगी। उक्त विहित दर से फीस की वसूली पर अंचल अधिकारी सिलसिलेवार खतियान, काश्तकार लेजर और खाता पुस्तिका में आवश्यक शुद्धि करेगा।
- (10) उपर्युक्त फीस कोर्ट फीस स्टाम्प के रूप में वसूली जाएगी।
- (11) प्रत्येक शुद्धिकरण लाल रोशनाई में किया जाएगा और प्रत्येक शुद्धिकरण के निकट अंचल अधिकारी का दिनांकित हस्ताक्षर होगा। खाता पुस्तिका के अभ्युक्ति स्तंभ में शुद्धिकरण का आधार लिखा होगा जिसपर भी लाल रोशनाई में अंचल अधिकारी का तारीख के साथ हस्ताक्षर रहेगा।

अध्याय-VII

38. प्रमाणित प्रतिलिपि और जानकारी राज्य सरकार द्वारा समय-समय पर विहित फीस के भुगतान पर और अभिलेख हस्तक में उल्लिखित दर पर सिलसिलेवार खतियान और काश्तकार-लेजर की प्रमाणित प्रतिलिपि, प्रमाणित उद्घरण और जानकारी दी जाएगी।
39. दाखिल-खारिज-प्रत्येक दाखिल-खारिज के आवेदनपत्र पर रु. 1.45 का स्टाम्प लगाया जाएगा। इसका भुगतान, दाखिल-खारिज का कोर्ट फीस स्टाम्प लगाकर किया जाएगा।
40. यदि कोई व्यक्ति जानबूझकर या किसी नियत से धारा 12 के अधीन उसके द्वारा प्रत्याशित जानकारी नहीं देगा, तो समाहर्ता द्वारा दंडित किये जाने पर उसे 50 रुपये तक जुर्माना देना पड़ेगा। यदि समाहर्ता द्वारा विहित की गई समयसीमा के भीतर जुर्माना राशि जमा नहीं की जाएगी तो उक्त राशि लोक मांग वसूली अधिनियम के तहत लगान बकाए के रूप में वसूल की जाएगी।
41. इस अधिनियम में उल्लिखित प्रत्येक आवेदन-पत्र, अपील का ज्ञापन या पुनरीक्षण याचिका पर 1.45 रु० का कोर्ट फीस स्टाम्प लगाना होगा।

GLOSSARY OF LEGAL REVENUE TERMS

A

- Abuck or Abwab** : A tax levied by Aliverdy Khan of against the time.
- Abkari** : Abkari means the revenue derived from taxes imposed on the manufacture and sale of intoxicating liquors and drugs.
- Abkoorun** : Preparation to assault.
- Abwab or Aboab** : Abwab means the tax or illegal cess imposed by the landlord on their tenants. Abwab is commonly used in reference to Dastur, Batta, Hajatan etc.
- Abwab Faujdary** : Permanent Taxes, established by Shiya Khan, on the count subject to the jurisdiction of Faujdars.
- Abwab Tanebdary** : A fee established by Shiya Khan and levied on the retailers of spirituous liquors and other articles, and payable to Ghatwala, appointed by the commandant of the troops.
- Abdabbundy** : Stated periods for the discharge of a debt, or the payment of a sum of money.
- Abdabdar** : An officer of the Mougul Government who, for a commission engage for the rents of a district.
- Abdad** : An agreement, or contract.
- Abut** : A person pledged or security for a loan.
- Adawlast** : A court of judicature for the trial of causes respecting property and other matters.
- Adh-batal** : Division of produce in equal shares between the land owner and his cultivator.
- Adha and Urdha** : means all below the surface as well as all on it or above it.
- Adhl** : A pledge, or deposit.
- Adhiar** : A cultivator who spends half his time in cultivating land in one village and spend half in another.
- Adhiari** : A half share.
- Adimayavana Tenure (Malabar)** : A permanent tenure granted for past services a not a resumable one.
- Agraharamdars** : are the persons to whom originally a village was granted in Ina which subsequently was resumed during the days of Tipusultan and thereafter granted by the British Government of scattered bits of land in lieu of Unresum moiety of the original grants. Inam is a free hold interest (AIR 1953 Madras 81).
- Aghat** : Inalienable land held in perpetuity.
- Agor** : A man appointed to watch the crops.
- Agor-batal** : Division of the crop immediately after reaping between the actual cultivator and the Government, the latter taking half the produce in kind.
- Aqour** : Rent paid in advance to the zemindars by the cultivator in the month.

Agraharam : A village or a portion of the village occupied by the Brahmins, and held either rent free, or at a reduced rate of assessment.

Agwa : A village servant appointed to guide the travelers.

Agwar : Agwar is a Concession given to the tenant as compensation for services rendered in the matter of watching the crops. The crops have to be watched against the inroads of cattle and human being.

Agwasi : The body of the plough share.

Ahad : An agreement.

Ahad-dar : One who makes an agreement.

Ahar : A reservoir for collecting water for irrigation, a small pond.

Ahata : A vacant land situated outside of the dwelling house.

Ainan Sherkut Ainan : Partnership in traffic contracted by each party, respectively becoming the agent of each others, but not his bail.

Ajara or Ijara : In its primitive sense, signifies a usufruct; namely a sale of certain usufruct for a certain hire, such as rent or wages a contract of usufruct for a return.

Ajarab : A farm of land.

Ajarabdar : A farmer of the revenues.

Akala : Cancelling or dissolution of a sale.

Akdanab : Marriage fees, paid to the Kazi, now abolished.

Akbary Hissab Kberebs : An adjustment of each raiyat's account, made out at the end of the year.

Akbary Nekas : An adjusted account made out. At the end of the year, between the head collector of the parganna, and the Karmichari of each village.

Akbrajant : Charges, expenses.

Altumgba : A Turkish word, great of land under the royal seal, Hookum or, grant corresponding with under the royal seal. It is alienable by sale, gift or otherwise, without the approbation of the Government. Which has never attached land held under this tenure whilst it was under mortgage to other persons.

Amalnama : It is a written authority generally granted by landlord to tenant before execution of a regular lease. It can neither be called a lease or an agreement of lease but gives a right of possession.

Amouny : Lands, the collection of which are neither made through a Zamindar, nor farmer, but by temporary officers, appointed by the Government for that purpose.

Amid : It signifies wilful and used in Mohemmedan Law, in a sense analogous to the malificium of the same law.

Amidany : Receipts of revenue.

Ameeny Draftar : The records of the ameens also an office for the adjustment of their accounts.

Amount : A deposit, or trust.

Amree : A life grant, or life interest.

Andherbhutkheta : This kind of lands are found only in Oraons villages. The fields are devoted to certain spirits imported there by Ojha or ghost finder.

Anna : The sixteenth part of a rupee.

Anubhavam Tenure (Malabar) : is a tenure created under a contract in a document wherein the grantor and grantee agrees to share a definite share in the land. Under the said transaction the grantee is entitled only to a definite quantity and the grantor entitled only to a definite quantity or the grantor taking all the rest.

Araav : Taxes which have been occasionally imposed to enhance the original land tax.

Arh or "Ayl" : The Word 'Arh' denotes a support or propping up. "It means embankment or raised mound of earth showing boundary of land.

Arish : Fine for damage.

Ariz Beguy : The person who presents all petitions whether written, or by word of mouth.

Arooz : Property which does not consist either in money, lands or houses.

Arsutba : A monthly running treasury account, of receipts, remittances, and disbursements, pastieriarizing the sums, articles, and dates, and arranged under the proper heads.

Arzamin : A counter security given to one who is bound to another in the first instance.

Arzee : a petition, an address from an inferior.

Asami : Description, person, date, things etc.

Assal Jumma : The original rents with which the lands were first charged in the books of the Emperor, exclusive of all additions and impositions made from time to time by the Government.

Ateek : Free or manumitted.

Aumeen or Ameen : A supervisor or officer employed by the Government, to examine and regulate the state of the revenues of a district; also sometimes, an arbitrator or umpire.

Aulad : Always means children or progeny and does not indicate the collaterals.

Aumil or Aumildar : A collector of the revenues, who is inferior to both an aumeen and a zamindar.

Awarija Jumma Khereb : A running treasury account of receipts, remittances, and disbursements, made out annually, or at any period from the Arsutta.

Ayma : A grant of land given by firman, from the king, and in some places subject to a small quit rent. It is hereditary.

B

Babuana Grant : Grant of property generally to a Junior male member of family of Tikait Ghatwal or of a Raja in lieu of maintenance.

Bagub : A garden, generally with a house.

Bainama : Sale deed.

Bakabje & Bakabje lmal : If during survey any field in the holding was held otherwise than jointly by all the parties ryots recorded in column 2 of Khatian the entry was made Bakable. According to the Technical Rules of Survey and Settlement operations (Volum E-I) where several co-sharer tenants have partition of a holding but the landlord has not recognised the partition, separate khatians are not prepared. The names of the tenants recognised by the landlords is entered first in column 4 of Khatian followed by the names of other tenants, co-sharers as joint tenants of the original holding.

Bakasta : The Word "Bakasta" literally mean in the cultivation of "The term "Bakasta" is the invention of the survey authorities and is used by them to denote the actual cultivating possession either of the proprietor or tenure holder as the case may be when the term used is Bakasta Malik, it means all fields found in cultivating possession of a proprietor or tenure holder which are not Zirat. Lands known as Bakasta are also privileged lands which were once held by a ryot but came to be possessed by the landlord by surrender or abandonment or by acquiring the same by auction sales in execution of rent decrees.

Baniyan : A kindly servant employed in the management of commercial affairs : A garment worn next to the skin is also called Banyan.

Banjar : Fallow land.

Bansgari : Delivery of possession through court by posting a bamboo.

Barjant : An oppressive custom by which the natives are compelled to purchase above market prices.

Barjoy : A custom of foreing the people by goods at an exorbitant price. Likewise a free grant of a spot of ground made by the Zamindars and landholders to any of their relations, the rents of which, to prevent a loss to the down are called upon the rest of his possessions.

Basauri Rent : The rents of non-agricultural tenants are called Basauri when non agriculturists are scattered about agricultural villages they are called Basauri tenants.

Bastu Land : Homestead land; a site or foundation of a house.

Batena : Domestic or internal

Batta : An extraordinary allowance paid the military when on field duty.

Batoler : Land allotted to a class of Brahmins, called Baat, by way of charity.

Batta Khata Number : During Bujharat Karamcharies were instructed that when any old holding is split upon on account of inheritance, partition or transfer by sale, gift or otherwise a "batta khata" should be given to each subdivision of the old khata of which the numerator will be the original serial number and the denominator will be a serial number beginning from

Batta Plot : During Survey, settlement operations the Batta number was given to a plot which the Amin omitted to give during completion of Survey of the village, for example the Amin has forgotten to number during Khanapuri a field next to

omitted field the number 216 in the map and will write in the khasra and the khatian 72/216. During Bujharat operations conducted by the Govt. the Karamcharis were instructed that if a portion of an old Bakast, zirat or G.M. Malik plot has been settled or if there has been any encroachment on any land or in any G.M. Aam land, the area so settled or encroached upon should be treated as Subdivision of an old plot and should be given in batta number. Also in case where an old plot has been subdivided on account of inheritance, partition or transfer by gift been sale or otherwise they should give batta number of which the numerator will be the original number and the denominator will be the number in continuation of the last plot number in the village.

Batwara : The partition or division of lands.

Baya : Seller

Bayebilwafa : Mortgage by conditional sale with a contract of repurchase.

Bazar : A constant and established market, in contradistinction to haat, an occasional one.

Bazat : Agency.

Bazayst : The act of resuming alienated lands, and re-annexing them to the jumm payable to government. Resumption of anything.

Bazee Bebut : Particular Taxes, so called from their being entered under this vague head, specifying no particular account on which they are levied.

Bazee Jumma : Arbitrary and unauthorised exocto made by the Zamindars and lawholders, over and above the assal and abwab Jumma.

Bazee Zamin : Land exempted from payment of revenue under various denominations, as Altumgha, Ayma, Jageer etc. They are also called Charity lands.

Bebally Sunnud : A grant restoring a person to the possession of something that he has been deprived of, or confirming to him what he at present enjoys.

Bebawilly : The partition of the actual produce of the honest between the Government and the Cultivator.

Beegha : About a third part of an acre, 1600 square yards.

Beelab : Properly the Privy purse, but usually applied to express funds appropriate to the maintenance of the Begum, and to the other private purposes in the family of Nawab.

Beelebundy : An account of the settlement of a district, specifying the name of each mahal, the farmer if it, and the amount at which it is let.

Bejentry Mahal : The revenue collected from the dancing girls and murivians.

Belagan : Where the land is recorded in the record of rights as Belagan, the onus on the tenants to show that they had been relieved of the obligation to pay rent and to establish the right to a rent free grant.

Berand : The denomination of the land, in Bengal particularly in Murshidebad.

Bhaoli : It is a system of giving land in Batai, which can be expressed in the following manner "They reap the harvest and collect grains into Boras then divide according to agreement" It is generally the land for which a tenant pays rent

kind. This system in its essence was one of temporary arrangements suitable for persons on terms of confidence intimacy and equality like of friends and relatives or agriculturists and their farm labourers or among fellow-villagers.

haoli : Distribution of products of the harvest, in previously stipulated proportions between the landlord and the tenant. Rent paid in kind, now abolished.

haratia (Bengal) : Is a Class of tenant who have rented a house temporarily or from month to month. It is seldom used with regard to a permanent tenant or to a tenant who has taken a lease of a piece of land only from the landlord.

hog : Enjoyment

hog-bandhak : A kind of mortgage in which the article mortgaged may be converted to use as land. **Bhugut-bandha** : A transfer of interest of tenant in his tenancy for the purpose of securing the payment of money advanced or to be advanced by way of loan; upon the condition that the loan, with all interest thereon, shall be deemed to be extinguished by the profits arising from the tenancy during the period of mortgage. See Section 3(ii) of the CNT Act, 1908. See also 4 (iii) of the Santal Parganas Tenancy (Supplementary) Provisions Act, 1949.

huinhar : The pioneer families who cleared the jungles and brought suitable lands under the plough.

huinhar and Bhuinhari Tenure : From a very early time certain tenures known as Bhumihar tenures existed in Chotanagpur and the persons holding such tenures are known as "Bhuinhars". These persons claimed themselves to be the descendants of the original founders of the villages in which such lands are situated. For the purpose of the Chotanagpur Tenures Act 1879, the word Bhumihars included the tenures known as "Bhatkhita" Dalikatar, "Pahnai" and "Mahta".

huinhari land : In general this kind of land are non-transferable but it can be transfer with the permission of the competent authority. See Section 48 of the Chotanagpur Tenancy Act, 1908.

huinhari : Original clearers of the jungle among the Mundas and Oraons of Chotanagpore

huinyas : Bhuinyas are masters of land. The bhuinyas had their tribal chief. Later on they were reduced to as tenure holders by the ancestors of the present Rajas of Ramgarh and Dhanwar. They were made Ghatwar (Ghatwal, the guard of the hill passes. They did not become loyal for a long, and then assumed the title of Tikait or Thakur" and posed as Hindu and took the caste of Surjabanshi Rajputs denying their Bhuian origin and installed Hindu Dewan generally Babhans to manage heir estates. (From Singhbhum Gazetteer).

hukheta-lands : A kind of second class bhuinhari lands. Land allotted for the support of worship in Oraon's village.

ila Intiual : Free of charge or incumbrance.

irawired : An estimate.

irt : A right, custom, or privilege derived from the performance of the offices, whether secular or religious. Proprietary right, whether acquired by purchase, inheritance, or grant, heritable and transferable, subject to payment of revenue to the compe-

tent authority.

Bishenpriit : Grant of rent free land for the purpose of worship of Shiva & Bishunu.

Biswa : Twenty Biswa make a beegha.

Brahmottar : Lands originally granted rent-free to Brahmans as a reward for their sanctity or learning or to enable them to devote themselves to religious duties and education.

Branoltro Zemeen : Lands granted to the priests in charity.

Bukdobast or Bandobast : Used for the settlement of the revenues.

Bulnul : A fisherman who keeps boats on the river.

Burmutler or Brdamottar : Land appropriated to the support of Brahmans.

Burt : Charitable grants of lands or money.

Byna : Earnets given to a bargain.

C

Cabooent or Kabuliyat : An engagement.

Canoongoe or Kanoongo : An expounder of the laws and customs. In the vigour of the Mougul Government, the duty of this officer was to keep counterparts of all accounts of new establishments of villages, transfers of land, and other circumstances which occasioned a change in the fate of the country.

Cauzy or Kazi : A Mohammedan Judge.

Cauzy or Kazi ul Keezat : Judge of Judges or head Judge.

Cawelly : Fee which the polygon received for watching and taking care of the crop.

Chakaraun Zemeen : Lands appropriated to the maintenances of public servants.

Chakeraun : Account of the lands appropriated to the maintenance of the public servants.

Chandani Chowk : The name of a square bazar.

Chaur or Char : Land formed in river bed; Sand deposit, Pasture land, also known as village path and this can be on the embankment of an Ahar.

Cheller Cab : The second, or after crop, gathered in April and May.

Chittab : An account of all lands of a village, divided into dangs or portions, according to the order of time in which they were measured. It contains the quantity of land in each dang, a description of its boundaries, the articles it produce and the name of the raiyat who cultivates it.

Chokeydar : The officer of a guard. It has also been defined in the Village Chokidari Act, 1870.

Choorebitting : A deed of release.

Chout or Chouth : A fourth part. This demand of Marathas, was first publicly acquiesced in by Syed Hussain Khan, Soobedar of the Deccan, under the Emperor Farruksheer, in 1716.

Chowkidar Chakran Lands : Lands which are assigned for the maintenance of the officers who were bound to keep watch in villages and report crime to the police or to render services to the Zamindars; lands held on service tenure by Chowkidars

or village Watchman. A tenant of Chakran lands cannot acquire occupancy right but occupancy right can be acquired in Chowkidari Chakran lands.

Chukladar : The superior of a number of dedars.

Chukladaree : A tax to defray the expenses of the Chukladar.

Cobalah or Kaibala : A deed of sale.

Cottah a Kattha : One twentieth of a beegha.

Cubz : A receipt.

Cummee : An abatement; deficiency.

Cummee Beysbee : An abstract account of the increase and decrease in the jumma of each raiyat of a village, at the beginning of the year.

Curumchary or Karamchary : The Chief Officer of a large village, whose duty is to collect the rents.

Cutcherry or Kutcherry : A court of justice.

D

Dale or Day : Inheritable property, or that which may be bequeathed.

Dale or Day Bhag : The same as Dai or Day.

Daimi Kaïmi : Permanent tenancy.

Dakhela : A receipt.

Dakhil Kharij : Means the process of entering the name of new proprietor or tenants and removal of the name of old one.

Dhakilkars : Occupancy raiyats who are not settled raiyats and have purchased lands within the last 12 years of the survey with the permission of the landlord or has acquired occupancy right by custom or usage of the country.

Damdary : A branch of revenue arising from birdwatchers, players, and musicians.

Dangal Bari : Is a class of interior Bari lands away from the village site which is only cropped once a year.

Dar Ijaradar : A lessee under an Ijaradar.

Darobast Hakuk : "Darobast" means entire and "Hakuk" is the proprietary right and the word Darobast mean every thing which might be considered as belonging to the Zamindari right.

Darogah : A Superintendent, or Overseer.

Dasturi : Remuneration, commission or customary reward.

Dawami : The use of the expression Dawami in a lease does not necessarily import permanency or heritability.

Debottar or Dewottar : Land held rent free in the name of Hindu duties; ostensibly for the provision of all the necessaries of divine worship.

Debottar Property : Property dedicated to a temple or idol without reservation of benefit for due performance of worship.

Deedar : A person appointed to attach the harvest of the raiyat, that the revenue may be secured.

of a deedar.

Deehi : A group of small villages.

Deewanny or Diwani : The office of King's dewan, and superintendent of administration of civil justice.

Dembabh : The whole crop, including both the Government and the raiyats share before it is divided.

Derria Shekuffa : Encroachments of a river.

Deswalli : This land is cultivated either by the Pahan or village priest himself or raiyats who have to pay rent for it.

Devo Doyam : The share of goods or duties, which are all the perquisites, allowances, and other gifts, which have been, or may be, appropriated for the use and maintenance of the Churches or Pagodas.

Dewari : An officer to look the collection of land revenues.

Deyit : A fine exacted for any offence upon the person.

Dharmaayam Inam : Like Bhatta Virthi inam, it is also a land of tenure and which is a personal inam given to temple.

Dheebantee Jumma : It is the amount of revenue receivable at the dheer, or Kutchery from the several villages composing such division, after deducting the charges of collection in cash.

Dherote : Advance.

Doabi : Literally, the two rivers, an appellation by which all the country between the rivers Jumma and Ganges is distinguished.

Dokan or Dookan : A shop, or stall.

Dokandar or Dookandar : A shopkeeper.

Dowl bundobast : A rent roll of a district drawn out at the beginning of the year showing the whole sum expected to be realised.

Dowl Patta : The rent roll of a farm in the books of the Kutchery, which is subscribed by the farmer before he receives his order to possession, and according to which he has to pay his rents.

Duftar or Daftar : A place where papers are kept.

Duffer Khaneb : The exchequer of office for keeping accounts belonging to Government.

Dufferbund : A man who takes care of the papers in an office.

Dustoor : A customary allowance, or fee.

Dwami Thica : Dwami thica is a cultivating tenancy which partakes largely of the original and development of a raiyati character and is in fact a raiyati tenure which has grown into a tenure. According to the custom the tenure is non-transferable and even a landlord cannot sell the tenure for arrears of rent but eject the tenure holder.

E

Eitmam bundy : An account, specifying the number of pergannahs and divisions in a province, the names of Zamindars, and the nature of all separated lands where annexed and whence separated.

Eitmandaar : A Superintendent of all revenues of a small division called an etmaum.

Eklaak : A fee formerly collected at the Houdary Kutchery.

Ekphasla : A single crop. Land yielding one crop a year.

Ekrar Nomah : A written acknowledgement.

Ekrarnama : Agreement, a deed of admission.

Ekwal : An account of the names of the raiyats of a village, and the measurement of the lands they holds under the heads.

Emarat : Brick built house.

Enam or Inam : A gift from a superior to an inferior.

Estafa : Surrender.

Ewajnama : Deed of Exchange.

Ezara : A farm of the revenues.

F

Fard Abpasi : Is the irrigation record of the rights of a Mouja which record a custom that the tenants holding land in the Mouza were liable to pay rent on maintenance of complete irrigation arrangements by the landlord.

Farkhatnama : Deed of relinquishment.

Farlang : A persian measure of length.

Farokht : Means sale, it cannot be held to mean transfer (intiquat) as it is inconsistent with the ordinary meaning of the word Farkht.

Farzand : Farzand is a Persian word of which the Arabian synonym is 'Awlad'. The expression would not ordinarily include the descendants or female children though the daughters themselves would be included in it.

Fazel : Whatever in realized over and above the estimate produce.

Fazoolé : A person who acts as agent without an authority.

Fazoolé Beaa : The sale of the property of another without his consent.

Feel : An elephant.

Feel Khaneb : Place for, or establishment of elephants.

Feloos : A copper coin of uncertain value.

Ferd : A single sheet, or half, or smaller part of a sheet of paper, containing an account of statement of some kind or other.

Ferd Hukeekud : A manifest or memorial.

Ferd Sawal : A petition, or application.

Ferladi : A plaintiff.

Fetwa or Fetwah : A statement of law, applicable to any case. The exposition of the law, pronounced by a mufti. A legal opinion or decree handed down by a Mohammedan religious leader.

Fiddeeya : A redemption for wheat is otherwise forfeited.

Firagh Khuttee : A written discharge, or deed or re-sale.

Firmaan : A grant, degree, patent, or command of the emperor, a royal commission or mandate. In Bengal the term is used for a patent to trade duty free.

Fotebdar : A banker, or person who inspects the different coins, and determine their rate of exchange.

Foujdar : The Chief Magistrate of large district in the time of Moughal and British period, placed under the immediate orders of the Nazim.

Foujdary : The appointment, or an office of a foujdar.

Fukeeraun : Land bestowed upon Mohannade Fakeers, or mendicants, a provision.

Fulkar : A revenue accruing from fruit.

Fussal : Harvest, crop.

Fussal Rubby : The first harvest of the year.

G

Gair : The word orinates from Arabic word "ghair" means not.

Gair Dakhalkar : Non occupancy raiyats whose status are under dispute.

Gair-abad : Unhabitated, uncultivated, neglected cultivable lands.

Gair-abad-bandobast : Not settled during revenue settlement

Gair-dakhalkar : Non occupancy raiyat. Usually the number of years for which he had held the land. A tenant at will who holds the land at will of the landlord.

Gair-jama : Rent free

Gair-kabil-abad : Lands not capable for cultivation, e.g. temple, mosque, ponds, rivers, roads, drains etc.

Gair-maurisi : Cultivators having no right of occupancy.

Gair-mazrue : Uncultivated land, waste land.

Gairmazrue Aam Lands : Uncultivated land under exclusive possession of the proprietor or tenure holder.

Gairmazrue malik Lands : These are the waste and parti lands held directly by the proprietor or tenure holder as the case may be and included respect of which the village community have rights. The landford has no control in the Gairmazrue Khata of the proprietor.

Gairmazrue am : Uncultivated land generally used for public purpose such as pasture, river, pond, drain, road etc.

Gair-mazrue khas : Uncultivated land under exclusive possession of the proprietor or tenure holder.

Gair-mokarrari : Land whose rent is not fixed.

Gair-mumkin : Permanently uncultivable land.

Gaon : In the perssian language signifies a village.

Gardijamar : A santal having no male issue bring son-in-law to look after and cultivate the land. See Section 20(2) of the SPT (Supply) Provisions Act, 1949.

Ghalla Misla : The common produce of a slave's labour in proportion to age, sex and etc. for which the master has a claim, exclusive of any other advantage daily, weekly, monthly, or annually, as he may have appointed.

Ghat : An entrance into a country over mountains, or through any difficult paths. Also, a public ferry over any river, or a landing place where custom are usually collected.

Ghatbary : The duties levied upon boats at the Ghats and Chowkees.

Ghatwali Tenure : In Santhal Parganas there were three classes of Ghatwali tenures (1) Government Ghatwali created by the Ruling power (2) Government Ghatwalies which since their creation and generally at the time of the permanent settlement have been included in a Zamindari estate and formed into an unit (3) Zamindari Ghatwalies : created by the Zamindars or his predecessors and alienable with his consent. The Second of these classes is really a branch of the first. Handwe Estate was in its origin a Govt. Ghatwali estate which was hereditary, indivisible and inalienable but was liable to be dismissed by the Govt. at any time for the misconduct. Zamindari Ghatwali tenures were heritable and descended from generation to generation.

Ghatwals : Ghatwali tenures are that tenures originally granted for the protection of the Ghats or passes through the hills and the Ghatwals were the hills chief who raised small levies for their defence and were responsible for peace and order in the tracts held by them. Ghatwal has an inalienable life interest in his tenure and Ghatwali is hereditary and it cannot be sold by the Civil Court.

Ghazb : Literally it means the forcibly taking a thing from another. In law, it signifies the taking of the property of another. Which is valuable and without the consent of the proprietor, in such a manner as to destroy the proprietor's possession of it.

Ghur : A house.

Ghurry : A measure of time comprehending 24 minutes, but English or Europeans generally suppose it mean an hour.

Gilandazy : An embankment of earth, with a ditch for the purpose of confining water on the lands, and to serve as a reservoir.

Girby Mortgage is a kind of usufructuary Mortgage.

Girvi : Mortgaged; not restricted to usufructuary mortgage only.

Gola : A stone-house, the walls of which are generally raised of mud and thatened, for keeping grain, salt, etc.

Gomashta : A native agent, or factor. Also a temporary officer of a village, appointed by the person immediately in charge of the revenues of a district, as a check upon the other officers of the collection.

Gram Sevam Jammee : The arrangement of land servants for the benefits of the village.

Gram Tacky : A tax on each house occupied by persons who hold but small portions of land.

Gundy : A small salami taken from the raiyats, on the occasion of the measurement and Jamabandi being made of those lands which are cultivated and managed by a Zamindar, and when in consequence of their complaints, any part of these lands is given up to them, but this is not exacted by the head farmer from Khutkinadar.

Gunge : Market form grain. Agrary.

Gusht Sallamy : A tax gathered by the Kazees. It was a voluntary gift of the raiyats; but since arbitrarily established as a due.

Gushty Mahal : A source of revenue arising from a tax levied on boats, in the different Zamindaries, contiguous to the Khas talooks. It is paid to the proprietor of these talooks, as a compensation for the removal of chowkees stationed by him.

Gutehanny : The imposition of goods on the natives, at an arbitrary price, or the rendering any one against his will responsible for the revenues of a spot of land.

Guthany : A tax levied by the Zamindars from the raiyats, to make up deficiencies of rupees of sorts.

Gylong : A priest.

H

Hadees : The sayings of Mohammad.

Hajat Kami : When applied to rent would mean a relief given to a tenant on account of his want or necessity but when hazat is granted after creation of tenancy, the tenant is not entitled to that relief.

Hajee : One who has performed pilgrimage to Mecca.

Hajet Pujvees : Requiring investigation, or enquiry.

Hajet Seyah : Revenues remitted from the district either in bills or specie, and read to be brought to account.

Hakiyat : Rights in immovable property.

Haksafa : Right of pre-emption.

Hal Hukeekut : An account formed at the beginning of the year, from the Jamabanc and nukul patta, specifying the asal jama of each raiyat of a village, the different abwobs, subsequently imposed, the increase or decrease of the rent, and the alterations occasioned by the raiyat's changing their lands. This account therefore, contains the whole revenue to be collected from the raiyats, during the course of the year.

Hal-abadi : Presently under cultivation but formerly waste land.

Halafnama : An officer appointed by the Zamindar, to measure and mark out the land that each raiyat possesses, and to collect the rents where they are paid in kind.

Halbunjin : An anticipation of the revenue, by bringing part of the next year's rent to the account of the present.

Halidaree : A tax on marriage, now abolished.

Hal-kabza : In present possession.

Hal-lagan : Existing rent.

Harcarvas : Messengers employed to carry letters.

Harol : The officer who commands the vanguard of an army.

Hawalat : Prison.

Hawalet : It signifies the removal, or transfer of a debt, by way of security and corroboration from the faith of the original debtor, to that of the person on whom it is transferred.

Hazerzamin : Bill for the appearance of any person.

Hebah Namah : A deed of right.

Hebba : In its literal sense, signifies the donation of a thing, from which the donee may derive a benefit; in the language of law it means a transfer of property, made immediately and without any exchange.

Hejira : The name of the year, according to which the followers of Mohammad reckon their era; it commences from the flight of Mohammad from Mecca to Madina, July 16th AD 622.

Hidd : Correction appointed and specified by the law.

Hijhr : An interdiction of action, with respect to a particular person, who is either an infant, or an idiot; the causes of prohibition being three, infancy, insanity, and servitude.

Hinheyat : A life grant generally granted to ladies.

Hirz : Custody of two kinds; 1. custody by people that is, by means of such a place as is generally used for the preservation of property, as a house & by personal guard.

Hookem Namah : A written order.

Hoondae : A bill of exchange.

Howalay : A deposit of property in full confidence.

Hukeekul Jama : An account specifying the revenue in all its branches.

Huzzoor : The presence; applied to the presence of great man. The privilege of paying the revenues immediately to Government. This indulgence was originally confined to zamindars.

Huzzor Navees : A secretary who resides at court and keeps copies of all orders, or letters.

I

Ijara : Ijara is more or less a contract for the collection of revenues and would not purport to convey any interest in the land. Ijara means a lease of an estate, tenure or holding on definite terms as to payment of rents; Ijaradar means a tenant who holds land under Ijara system.

Ijmal : Undivided, joint occupancy or possession, summary, abstract.

Ijmalimahai : An undivided estate held by the heirs of the common ancestor in partnership.

Istimirari : means the transfer of rights in immovable property and also includes a transfer by way of perpetual lease.

Istimirari Mokarri : The words "Istimirari" Mourasi Mokarri" have always been held to mean permanent and heritable. "Miras" is an Arabic word meaning heritability and the word "Mourasi" is a variation of the term "Miras". Istimirari Mokarri means continuous and fixed and it does not create a heritable and transferable interest.

Istim Rari Tenure : Tenures granted in perpetuity the tenure which have been held at a fixed rent from the time of the permanent settlement.

Izam Nama : A Will.

J

Jaffeer : One of the imams, to whose opinion, in many parties, the Sunnies themselves pay the greatest regard.

Jagheer : An assignment of a part of the revenues state, to the superior officers of Government, or for the support of individuals, or of particular establishments.

Jagheer Zat : Lands for private maintenance.

Jagir : Jagir is an interest in immovable property and the first incident of a jagir is that it must be taken prima facie as an estate granted for life. It may be a grant made enjoyable in perpetuity, generation after generation for the maintenance and help of the heirs of the grantee and each heir is to hold for life only. On the death of an heir the next heir of the grantee is to take as such heir and not as heir of his predecessor. Jagir might consist of a grant of revenue free property or of a mere grant of land revenue.

Jaherthan : It is a sacred grave of the Manjhis. It should consist of trees belonging to the primeval forest and a cluster of trees is always permitted to stand round it, but only five trees are essential i.e. four sal trees and one Mahua tree. Three of the Sal trees must stand in one row at the foot of each tree is one stone for each of the following gods i.e. Jaherera, Moreko and Marang Bara. For the fourth Sal tree a stone is kept for the Pargana Bonga and at the foot of the Mahua tree is a stone kept for Gosainara.

Jaidad : Usually means immovable property.

Jama : A kind of gown worn by the eastern nations.

Jamabandi : Jamabandis are prepared by the Patwari as he pleases. There is a difference between the Record of Rights and Jamabandi. The former is a document which is prepared at the settlement after careful enquiry from all concerned and forms the basis of the land records to come.

Jaydad : Asset, fund, or fourcee; hence applied to signify the ability any district or province, in respect of its revenue.

Jazia : A poll-tax, formerly levied on all who were not Mohammadam; especially the Hindus.

Jeerab : Measurement of land. The beegah or Jereeb are names applied indifferently to the measure itself, as well as to such a quantity of land. It consists of 3600 square guz.

- Jenajul** : Any prohibited act committed either upon the person or property.
- Jereeb Ameen** : A land surveyor.
- Jereebana** : A taxation on inhabitants, for defraying the charges of measurement.
- Jote** : Holding tenancy and does not necessarily mean a ryoti holding it may mean a raiyati under ryoti or any sort of holding for the purpose of cultivation.
- Jumma Abwab** : Rent of land, fixed at a subsequent period to the time of Akbar.
- Jumma Khareh** : Account of receipts and charges.
- Jumma Mofassil** : The aggregate amount of the different sources of revenue, whether rent or custom.
- Jumma or Jama** : It is the amount of assessments on any particular branch of revenue. When applied to the land, it means the amount of revenue assessed upon it, and is of two kinds, viz. Assul Jumma which means the original assessment made by Todarmal, the Dewan of Bengal, vid., the Emperor Akbar, on an actual measurement and valuation of the lands; and abwab jumma which means the amount of subsequent taxes imposed by Jafar Khan and his successors, to the present time, on the Jumma of Todarmal, which continued till Jafar Khan's time with little variation, either in the amount of assessments, or mode of levying them.
- Jumma Pergunnati** : The net estimated amount of the revenue at the pergunnah kutchery.
- Jumma Zemindary** : The net estimated amount of the revenue of a zamindary.
- Jumma, when applied to the customs or to any other variable source of revenue, signifies the amount expected to be realized from them, or the amount at which they are farmed out.
- Jummaobundy or Jamabandi** : A rental containing an account of the jumma, as well as of land. It specifies, first, the name of raiyats, secondly, the quantity of land which he holds, thirdly, the crop which it procures, fourthly, the rate per beegha; and fifthly, the total annual rent of each raiyat.

K

- Kabala** : A bill of sale. A bail bond.
- Kabil Lagan** : Also called as belagan kabil Lagan land liable to be assessed to rent but on which rent has not been assessed so far.
- Kaimi Mourasi** : Indicates Permanent tenancy.
- Kaimi Raiyat** : If a raiyat has acquired Kaimi rights in any plot of land in a village he has Kaimi rights in every plot of land he cultivates in that village although it may be held in a different estate or patta or under a different tenure holder.
- Kaisre Hind** : The land belonging to the Govt. used and utilized for road or some other public purposes, lands used as Sarkari "Parao" were also recorded as kaisre hind.
- Kalel Khaneb** : A duty paid by shopkeepers who retain spirituous liquors; likewise the place where they are sold.
- Kamat land** : A kind of land actually held by a raiyat.

- Karige Jumma** : Alienated from the rental. The term is used to express free lands in general.
- Karori Or Croory** : An officer of government, who for a commission, or a fixed salary, makes the collections of a district.
- Katbarry or Ghatbarry** : Duties levied on boats, at the chokees and ghats.
- Kayami Patta** : The word 'Kayam' is an Arabic word meaning 'Permanency' and perpetuity, Kayami patta means perpetual lease. But it has been held in several decisions that these words do not prima facie convey more than life interest.
- Kayemi** : means a permanent occupancy holding.
- Kellant** : A dress given to a person invested with a new office, or as a token of confirmation in that he holds.
- Kerarchumunce** : A decrease in the jumma of the raiyats.
- Kerzdar** : A borrower; a debtor.
- Keyety foudary** : An abwab first brought to credit of government by Kasim Ali Khan.
- Khalrat Kusbarit** : Khalrat kusbarit is a tenure given on condition of the receiver maintaining the worship at particular temple and is resumable if the condition is not properly fulfilled. According to the custom in the Ramgarh Estate such tenure is resumable when the direct male line of the grantee becomes extinct.
- Khalisa Land** : The Sir land when transferred, become the exclusive land of Khudkast holders in which the other heirs have joint possession and they have a right to have their shares demarcated in the revenue court.
- Khamar** : Khamar, Zirat, Nij Jote, or Kamat lands are the landlords privileged lands. In Bengal it is known as khamar or Nij Jot whereas in Bihar it is known as Zirat or Kamat. Khamar land is the land allotted for the maintenance of the proprietor. It need not be at all times in the direct cultivation of the landlord.
- Khanapuri** : It is the preliminary writing up of the record in the field after the cadastral survey.
- Kharif** : The first crop of the year.
- Kharij Jumma** : Land separated from the revenue and sold by the Zamindars. It is hereditary, and consequently alienable by the holder of it, either by deed, gift or otherwise.
- Khas** : Lands, the rents of which are not leased out and under the direct control of the Government.
- Khas Mahal** : An estate under the direct management of Govt. whether these are the property of Govt. or are the estates of private individual brought under direct management of Govt. It may also mean any land let in farm and leased for periods by Govt. and also the waste lands but would not include lands belonging to other departments of Govt. e.g. road side lands. The lands purchased at revenue sale or by private contract, escheat in default of legal heirs, lands forfeited to Govt. for certain offence, acquired for public purposes, accretion to estates, resumption of land from the zamindars form the Khas Mahal lands.
- Khas Naveesee** : The most ancient subedan assessment, instituted by Jafar Khan,

zamindar, at the removal of their annual leases; it derives its etymology from two persian words, signifying special writers, or accountants.

Khas Talook : Lands exclusively belonging to Government, from the original proprietors having died without heirs.

Khasra : It is an internal measurement of fields; khasra is a fieldbook containing the names of persons cultivating or occupying the land the right in which it is held and rent payable. It is the statement of all fields in a village written in serial order by the Amin as he proceeds with the work in the fields. It gives an idea of each plot the name of crops, the nature of land and trees.

Khatian : Account of tenant and their lands kept in settlement office. It is in the writing of the preliminary record in what are called khatian forms khanapuri and attestation. It is the form in which the record of rights is prepared; An estate, a raiyat holding and an under raiyat holding from what is called, in settlement an interest, and a separate khatian is prepared for each interest; one khata number is usually assigned showing rent payable for all the parcels under the said khata.

Khayam Guttige Kagada : means a fixed or confirmed lease deed but cannot be a perpetual and inheritable lease.

Khazana : The public revenue; treasure.

Khierkhahi : Current account of each raiyat, specifying on the right side of the page, the particulars of his jumma as contained in the Hal Hukekut, and the left the sum he has paid, with the dates of the payment.

Khewat : When an occupancy right has been transferred to a person jointly interested in the land a khewat is prepared in his name under the whole body of landlords. A khatian under the khewat entry is generally prepared with status Bakasta or Gairmajruwa Khariddar, Bakastha Malik, Mokaridar or Thikedar Khewat is generally a record or register of shares of proprietors and a statement of persons possessing proprietary rights in the state. It is a record of intermediary interests in the village prepared during a settlement operation and generally consists of three Parts i.e. Part I, Part II and Part III. But in Chotanagpur where the proprietors and tenure holders were recorded in one khewat.

Kheytbatter : When the field is divided as soon as it is sown.

Khilas : Release.

Khiltmitt Tauzis : When two or more Tauzis were held by one proprietor or leased by the proprietors to one Tenure holder and when it was found during the survey settlement operations that the lands of each Tauzi could not be separately distinguished.

Khomar Mehal : A branch of revenue arising from the sale of arrack another spirituous liquors.

Khoola : In law it signifies agreement entered into, for the purpose of dissolving connubial connection, in lieu of a compensation paid by the wife to the husband, out of her property.

Khorposh : A maintenance grant when granice is to convey the income of property

Khorposh Grant : is a tenure within which a grant made by the grantor the motive of which is the provision of maintenance of the junior members of the family.

Khudkast : It is a word meaning literally "Self sown or sown for one's self". But the word khudkast does not conclusively connote proprietor's private land.

Khunt : A share in the lands of a village by hereditary descent.

Khunt-bhuinhari lands : These are the Bhuinhari lands proper and heritable.

Khunt-katti : A system of land tenure recognized in Chotanagpur. In this kind of system a raiyat reclaims a land from forest by clearing itself or inherit the title from the original founders of the village.

Khunt-katti rights : Raiyat having khunt-katti rights means a raiyat in occupation of, or having any subsisting title to land reclaimed from jungle by the original founders of the village or their descendants in the male line, when such raiyat is a member of family which founded the village or a descendant in the male line of any member of such family. See Section 7 of the Chotanagpur Tenancy Act, 1908.

Khunt-khat : A deed of mortgage by which the mortgagee parts not only with his share of the khunt-vat lands, but all the rights and privileges attached to them.

Khunt-vat : Tenure by ancestral shares in a village.

Khurposh Zemeen : Lands appropriated for the maintenance of zamindars and landholders.

Khuruz : Money borrowed on interest.

Khyar us shirt : Optional condition. In contracts of sale there are five different options : option of acceptance; option condition; option of determination; option of inspection; and option from defect.

Khyraut or Khairat : Land given in charity, principally to Mohammadans; it is by custom hereditary and alienable.

Kirabeyut : Abomination.

Kissmut : A division, particularly of inheritance, when any part of a pergunnah is transferred, from one zamindary to another, each part is called a kissmut pergunnah.

Kist : The amount of a stated payment; instalments.

Kistbundy : An agreement for a stated payment of a sum or money, to be discharged at several times. When applied to the revenues, it means an account of the monthly instalments, by which the annual rents are to be paid.

Kistwar : It is the process of surveying by which all tanks, houses, roads, paths are shown on the map.

Korakar : Means conversion of waste parti, or jungle land in the rice fields by a cultivator. It is also known as Dahbala, Khandawat, Jalsasan or Areat. The landlord however cannot acquire such right. A cultivator belonging to another contiguous village may acquire such right. Where a person has reclaimed land and prepared a paddy field, he is entitled u/s. 65 sub section (3) and section 67 of the C.N.T. Act to have a right of occupancy in the land reclaimed by him although it

falls within other recorded plots and involves trespass on the latter's land.

Korfa : A sub lessee under a tenant. It may include both raiyat and under raiyat. The position of Korfa tenancy is like that of Dar-raiyats in Bihar. The heritability of such tenancy depends upon the custom of the village. Therefore when a contract for custom is not proved, either way a Korfa tenancy with an occupancy right must be held heritable following the provisions of Section 46G(2) of Bengal Tenancy Act by virtue of which the tenancy of an under raiyat with an occupancy right is inherited by his heirs exactly as the heirs of a raiyat inherit.

Korkar lands : The lands prepared in beds of streams or out of waste lands by the exertions of an individual cultivator in villages other than intact khunkatti ones.

Kunkoot : A system when land is measured with crops standing and which are estimated by inspection.

L

Laddavee : A release or equittance from my demands. A quit claim.

Lakeet : A foundling.

Lakelaum backy : Undisputed balance.

Lakheraj : Rent free; Revenue free land.

Latbandi : Papers relating to auction sale generally held for default of rent or revenue of the holding.

Lawaris : Heirless, having, or leaving no heir.

Lawaris Mehal : A branch of revenue arising from persons dying without heirs.

Lerage or Lakhiraj : Lands that pay no revenue.

Ln : It signifies testimonies confirmed by oath on the part of a husband and wife in case of the former accusing the latter of adultery.

Lokta : It signifies property which a person finds lying upon the ground, and takes away for the purpose of preserving it in the manner a trust.

Long Battee : The grains are formed into heaps of which a division is made.

M

Maazoul : Dismissed from office.

Mahajon : A banker, trader, or shopkeeper.

Mahal or Mehal : Any land or public fund producing a revenue to the Government.

Mahal Sari : The women's apartment.

Mahalaat : The plural of Mehal.

Mahalledar : An officer under the Ghatwal to prevent crimes and abuses.

Mahaseba : Adjustment of accounts.

Mahayat : The partition of usufruct, and it is allowed, because it is frequently impossible for all partners to enjoy together, and at one time, the use of the thing held in partnership.

Maikana : Certain perquisites, or percentage, allowed to the zamindar, on the jumma of lands.

Maji-has-land : The bhuinhari lands registered under Bengal Act II of 1869 and in private possession of landlords.

Makar : A person whose benefits is to let horses, camels, & to hire.

Makfool : Charged; these are terms to indicate that a simple mortgage has come to its existence.

Maj : Personal estate.

Malcent : Worth, the quality of being or constituting property.

Malgujary : The public revenue, consisting, in Bengal, chiefly of land rents.

Malik : Proprietor or the Master.

Malik Kamil Means absolute owner.

Malikana : Malikana is the compensation given to the zamindars in consideration of their property rights which were acquired by the Govt. The Zamindars who did not concede to the Govt. terms of Revenue payment amounting to the eleventh of the estimated yield. We displaced and malikana was paid to them. Govt. Revenue agreed by the Kunamdar in the Kunora deed to be made on behalf of the Jenmi.

Malwajib : Revenues, rents, dues.

Malwajib Sarkar : The government's rents, or dues.

Malzamin : Security for money. A security taken by government, from the zamindar and farmers of the revenue, for the punctual performance of their engagements.

Mand : Revenue arising from permanent and fixed sources, such as land, orchard etc.

Manjan or Manjon : A tax or imposition, levied by the officers of the chokees, ghats, as a perquisite for themselves or zamindars.

Manjihilhas : Manjihilhas are those lands which are reserved for the use of the respective proprietors of the village and at their disposal. These are landlords' privilege lands corresponding to in Bengal known as Khamar or Nij jote and in Bihar as Zirat or Kamat. In such lands a raiyat cannot acquire the right of occupancy even though settled on cash rent for an indefinite period.

Mankool : Comprehends every species of person.

Manzil Molazima : Adjoining tenements, or such as are in the same house, or part of them being contiguous to another.

Mardanabhuthketa : A kind of bhuthketa lands found only in some village of Orissa. This kind of land is considered to be the property of aboriginal village community and are rent free.

Marzul Maut : Gift in contemplation of death.

Maskood : A person who disappears, and of whom it is not known whether he is living or dead.

Maswar-danr lands : The lands held in excess of the complementary lagan da lands of the tenant.

Mata : Personal chattel.

tenure.

laurshi Mokarri Patta : Permanent and heritable lease granted by a landlord to his tenant at a fixed rate of rent. Mokarri having a fixed rental can not be enhanced.

lausee : Lands, the rents of which, payable to government, are remitted in perpetuity to the holder.

leeran : Dues, or a reward given for the services performed.

leharana : An authorised for exacted by the kazi from the wholemmadous, can the occasion of their weddings.

lilany : A comparison, or adjustment.

lilk : Property, or right, i.e., peculiarity of possession.

lilkiyat : Literally signifies hereditary, and in therefore applied generally to express all grants of land held immediately from the king. All terms of this kind are by custom considered hereditary, and consequently alienable by sale, gift, or otherwise, without the approbation of government.

liskeen : Persons who have no property whatever.

Mustjair Lease : Giving a right to collect rent from tenants.

loa-jel : Prompt. The payment of a debt, when it takes place at any time within a month after it is due.

lobab : Common property, which it is lawful for any on indifferently to take and use.

lobabat : Connivance.

lobuteran : Lands granted for certain religious purposes.

lodabbir Tudbeer : Declaration of a freedom to be established after the master death.

lojoodat : The unmeasured and unpartitioned part of a pergunnah.

lokarari : A fixed tenure in perpetuity.

lokararidar : The possessor of a mokarari tenure.

lokarridar : A Mokarri grant conveys only a life interest to the grantee and not as heritable interest. Such interest comes to an end on the death of the grantee. If the grantee's heirs continue in possession thereafter claiming adversely as permanent Mokarridars to the landlords and is willing to pay rent as such, the claim of landlord is barred. However on failure of heirs of Mokarridar under the Mokarri tenure, Govt. will take it by escheat subject to payment of rent reserved under it.

lokhasa : A grant made by Govt. for police service or for personal services in the masulipatam division of the Kistna district the word Mokhasa has a recognised meaning as a grant for service rendered.

loodaa : The plaintiff.

looda-a-libee : The defendant.

loodainat : The act of selling to a person upon credit, or the act of granting credit.

loonikir : The person who denies.

looroosi : Implies a permanent hereditary tenure passing from generation to gen-

eration.

Moostkil : Indicates grants made with the words to her and to her children from generation to generation.

Mootwallee : A person endowed with authority, a procurator.

Mostaeer : One who holds a lease.

Mouza : A parish, or village.

Mowant land : Land, deprived of supplies of water, or from inundation, or some other cause. Waste land, that is not the propriety land. Whenever cultivates mowant land, by permission of landlord/sovereign become proprietor thereof.

Mowjil : Any payment deferred beyond a month.

Mowroosee : The state of being hereditary.

Mowros : Hereditary.

Mozaribut : A control of co-partnership in the profit of stock and labour.

Mithote : A temporary unauthorised tax, levied over and above the assal and abwab jumma. The difference between a Muthote and abwab is, that the latter is a permanent tax, and the former a temporary only.

Muchalka : An indenture, or agreement. An obligatory, or penal bond.

Mudafa : Former occupant: usually used in rent receipt.

Mujlis : A court, a tribunal.

Mujrani : Grant of rent free lands to Royal Musicians.

Mukadma : A case, or affair.

Mukdoot : Land intermixed, belonging to different individuals.

Mulraiylati Tenures : This peculiar tenure is found in the Deoghar Subdivision (now district). The Mutraiylati status has been recorded in Sir H. Mc. Phersal's settlement in 540 villages. A Mulraiylat is a village headman who possesses certain special rights and is subject to certain special incidents.

Mundari khunt : **kattidar** : A Mundari who has acquired a right to hold jungle land for the purpose of bringing suitable portions thereof under cultivation by himself or by members of his family, & etc. See Section 8 of the Chotanagpur Tenancy Act, 1908.

Mundari Khuntakatti : The Mundas were the original reclaimants of the soil over the area in which they settled down. Pahan was the priest and Manki as its head; Only a few fragments of the old Khuntakatti lands of the original cleaners of the soil have been left to their descendants as privileged tenure known as Bhui hari lands. Their khuntakatti rights largely due to their own ignorance and folly were destroyed everywhere except in 156 villages in Ranchi District.

Munsab : A title, post, or office.

Munsabdar : One on whom the dignity of Munsab is conferred.

Mushtar : Means a person in whose favour any transfer of a portion of a tenure is made by the tenure holder without the consent of the landlord. Because under the law as it stood before the enactment of T.P. Act tenancies whether of home-

stead lands or agricultural lands were not transferable in the absence of custom of the country or of an express contract to that effect.

Mustai Mortgage : Though in form of a deed of mortgage but in fact is a lease.

Mustajari Lease : Mustajar is a farmer of rents and very much in the position of a Thikada. He is given an interest in land for which he pays the Zamindar an annual sum. The interest which he is given in the land entitles him to demand and to recover the produce rent from the tenants. Fixed payment is the rent which the proprietor reserves under the Mustajar lease. This system is only in the case of land let on produce rent when the Zamindar does not for some times himself collect the rent.

Mutarfa : Is a ground rent and "Kathiani" a professional tax, according as the settlor takes up cultivation or merely trade "Bethouri"; may be either Mutarfa or Kathiani. It is practically rent for homestead land based on the profession which is carried on that land.

Muthote feel Khaneh : An abwab established by Shuja Khan, at the rate of four percent the jumma, for the expense of Nazim and Dewan establishment of elephants.

N

Naibb : A deputy.

Najaby : Deficiency in produce.

Nankar : An allowance in an assignment upon the revenues, or the lands themselves, originally given as charity for the relief of the poor.

Nankar : Lands engaged by proprietor under special grants from Government for his maintenance. It is the assignment of a portion of land or the revenue of an estate to the occupant of a zamindar as an allowance for his subsistence. It is the name given to the commission and the allowances granted to the zamindar, when originally these zamindars were only farmers of revenue and had to make payments of the entire collection from the raiyat to the State.

Nankar Zameen : Part of the zamindary exempted from revenues.

Naslan Bad Naslan : It clearly indicates all descendants in regular descent or succession an absolute estate.

Naunkar : Lands granted to zamindars and talookdars, as a maintenance for them, even after their removal from their posts; hereditary, and consequently alienable.

Neej Jote : Such lands as are cultivated by the zamindar himself, and are rent free.

Nemoodyary : A compensation given by the raiyat, for not having the extent of his lands ascertained by an actual measurement.

Nij Jote : It is also the landlords privileged lands like Khamar, Kamat and Zirat.

Nirkh Bundy : The rate of land.

Nuzeer poonkah : Presents exacted from the zamindars.

Nuzeer Durgah : Land given as an endowment to places of religion worship among the Mohammedans.

or any public office.

O

Outpun : Profit or produce over and above the rent of a district.

P

Paal or Pant : A note or obligation to pay a sum of money for one's own account, or another's on an appointed day. It is often usual to accept there parts from creditable persons, in payment of the arrears of the zamindars or renters.

Paddy : Rice in the husk.

Pahan Lands (Chotanagpur) : Pahan lands belong to the village community and made over to the family of the Pahan as reward for service in the past as also as a remuneration for services in future as village preist. Virtually the eldest member of the family takes upon himself the execution of the duty of the village Pahan and remunerate himself and his family from the usufruct of the lands.

Pahani lands : Lands held by the Pahan or village priest.

Pahi : Non resident.

Paikari : A tenant who gives share of produce to the landlord; whole sale.

Parchas : At the earliest stage of the proceedings i.e. during the preparation of the record of rights (khanapuri) all occupiers of lands receive copies of the entries in the khatians relating to their lands which are known as parchas.

Parti Jadid : Current fallow.

Patni Lease : A lease, the main object of which was to have the rent fixed in perpetuity.

Patni Tenure : Patni is a tenure holding a portion of the Zamindari in perpetuity with the right of hereditary succession. Patnidar has got the right of letting or selling the whole or part on a stipulated amount of rent paid to Zamindar. Dar patni is the tenure created by an under-letting in the second charges while Seh-Patni is the tenure created in the third degree.

Pattidari Kheweat : When the co-sharer proprietors had divided the lands between themselves and each group of proprietors used to collect rent separately from different sets of the tenants the land appertaining to each such group of co-sharers constituted a separate patta.

Paykasta : Is a persian word meaning after account of "Paykasta land means land cultivated by Raiyat who have no permanent interest in it but live in other village than those to which the land belongs; a raiyat who holds land in a village in which he does not permanently reside.

Peeraun : Land granted for the erection and preservation of a tomb one Mohammadan saint.

Pergunnah : The largest division of land in a zamindary.

Pergunnahy Jumma : The amount of the revenue received at the Kutchery of the pergunnah from the kutcheries of the several turruss, composing such pergunnah after deducting in each.

may recover its strength.

Perwanna : A grant, or letter, under a great of seal, from any man of power, to a dependent.

Phulkar : A branch of revenue arising from the rent of orchards.

Poolbundy : From pool, a bridge. It is the term of dykes, or dams, that are ratified to prevent inundations.

Poolej : That land which is cultivated for every harvest, being never allowed to lie fallow.

Pottah or Patta : A grant or lease, specifying the quantity of land possessed by each tenant, and the amount of rent with which it is charged.

Pottahdar : A lease holder.

Pradhani Tenancy (Chotanagpur) : Pradhani tenancy is the interest of the person who has acquired from the proprietor right to hold land for the purpose of collecting rents, and the Pradhan is a tenure holder. It is a tenancy held by village headmen with customary incidents.

Profit : A ; Prendre : In a lease one has the right to enjoy the property but has not the right to take it away. In a "Profit-a-prendre" one has a license to enter on the land, not for the purpose of enjoying it but for removing something from it namely a part of the produce of the soil.

Projabili Lease (Calcutta) : Means settlement with cultivating raiyats.

Public : bhutkheta : This land is cultivated either by the Pahan or village priest himself or by raiyats who have to pay rent for it.

Pukhtadars (OUDH) : Pukhtadars are a class of under proprietors; under proprietary rights can be obtained in various ways and pukhtadars or decree holders under the Oudh Sub settlement Act for the one class of under proprietors Pukhtadar and Mitahadars are practically the same and the distinction in the nomenclature is due solely to the different ways under which under proprietary rights are acquired.

Punchuk : Taxes levied by the zamindars, over and above the fixed revenue.

Purtee or Parti : Uncultivated, waste land.

Putra Putradik : descent in the direct male line; forever; permanently from generation to generation.

Putten Jumma Kurch : A monthly treasury account specifying the receipts and disbursements arranged under the different heads for each month.

Puttet Kamee : A decrease, occasioned by lands being left uncultivated.

Pykasht or Paikasht Zameen : Land cultivated by raiyats not residing upon the spot.

R

Rabab : usury

Rabadar : An officer collecting land duties.

Rabbimal : a proprietor of stock

Rasoolary : an authorised branch of revenue, consisting of tolls levied on passengers by the government officials stationed on high roads for the protection of passengers.

Rahn : detention of a thing on account of a claim, which may be answered by means of that thing, as the case of a debt.

Raiyat : A tennat or immediate occupant of the soil, who enjoys the fruits of the ground he cultivates, on paying a certain rent to the land lord. As per section 6 of the Chotanagpur tenancy Act, 1908, it means primarily a person who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family, or by hired servants or with the aid of partners; and includes the successor-in-interest of persons who have acquired such a right, but does not include a Mundari-khuni-kattidar. This definition is similar to Bihar Tenancy Act and Santal Parganas tenancy Act.

Rasoon Zamindar : Denotes an allowance or compensation paid to a displaced Zamindar and that is the normal meaning of that expression used in various sarad and grants. This reason zamindari did not vest in the State of Bihar.

Ravayat mashoor : celebrated reports; a work of considerable authority

Razeenamah : An agreement, reconciliation.

Record of Rights : As defined in Sub-section (2) of section 2 of the Land Records Maintenance Act 1895. It means the settlement record of tenants' rights called as Khatian or such new editions of such record as may be prepared under rules made under this Act or such other corresponding record of tenants right as may be declared by the Board of Revenue to form the record of rights for any district or part of a district. A record of rights includes entries duly made in a Register of Mutation.

Rehan : Means a usufructory mortgage.

Rozeenadar : Pensioner; or one who receives a daily allowance

Rozeenama : A day-book

Rubee : the autumn crop

Rucdat : a representation, or state of a case

Rusoom : an established fee, or due

S

Sacriyat : all kinds of taxation besides land rent.

Sadabrat : an established charity for the support of poor hindus

Sadka : aims deed

Sadka fitter : the aims bestowed upon poor, in the Id-ul-Fiter, or breaking the festival of fast of Ramzan

Saglipadi Pattas : Pattas given by Zamindar for home farm land and generally not given to the tenants who may claim occupancy right.

Sair : A kind of land revenue.

Sairat : Any reservations of interest of landlord which he enjoyed in the use of tank or in the appropriation of fish therefrom as also the right of the proprietor of the

estate which he enjoyed in Jalkar, Phalkar, Banker, Ahar, Pokhar, Hauz, Trees, Mela, Kharis, Nimakser etc. or Makhane rights or any reservation of interest therein comprised in Bakasta, Zirat or Galmajruwa khas lands is sairat interest of proprietor of the Estate.

Salami : literally it means a present on receiving an appointment, a kind of tax, now abolished.

Sallis : an arbitrator

Sallis namah : a deed of award

Sallisee : arbitration

Sarsikain : A paper prepared even before the preparation of Quinquennial Fehrist of 1795.

Saswatham Tenure : It is a special tenure and is a permanent lease.

Sasynamah : a certificate or writing, specifying any matter of dispute to be cleared up and settled.

Sayer : the revenue is divided into mal and sayer; the former is the land revenue and the later is residue.

Sayer Chelunteh : Unauthorised duties collected by the zemindars, on goods passing through their jurisdiction.

Sayer Panchotra : the customs collected by the Government.

Seebundy : wages, allowance.

Seewanah : boundaries, limits.

Seral : a building on road erected for travellers.

Serhad : a boundary or frontier.

Seristah : an office of registry.

Seristedar : the officer or registry keeper.

Serka : literally it means secretly taking away the property of another; in law it signifies, the taking away the property of another in a secret manner, at a time when such a property is in custody; that is when the effects are in supposed security from the hands of the other people, and when the value of the property is high in comparison to market value.

Sershicun : it is used to express land granted in charity by zemindars and other land holders, the revenue of which, to prevent any loss, either to zemindar or to Government, where for the first year only levied by a tax upon the raiyats of the village, where this land was situated, but the loss arising from this donation must ultimately, as is evident, fall upon Government itself. It is by custom become hereditary, and also alienable.

Seyah Amdaney : a running treasury accounts of the collections, as received day by day from the renters.

Seyah Bahi : Account book in Zamindar's office in which daily income and expenditure are shown, an account in which daily collection of tenants is recorded.

Seyah Mojudaat : an account of the daily receipts, remittances and disbursements.

district.

Shagird Peyshe : Retinue, servants.

Shamilat Patti : When there was a division of the tenants but the khas lands i.e. the Gaimajruwa khas lands and gaimajruwa Aam lands were left undivided; patti held in common by the whole proprietary body of a village.

Sheffa : it signifies the becoming proprietor of lands, sold for the price at which the purchaser has bought them, although he be not consenting thereto.

Shelkdar : a temporary officer appointed to collect the revenue of pergunnah.

Shirkut : Partnership. It also signifies the conjunction of two or more estates in such a manner that one of them is not distinguishable from the other. Union of two or more persons in one concern.

Shirra : purchase.

Shoodamadi : A longstanding prescription; old.

Shumar : an account of daily receipts of whatever denomination, whether collected according to the kistbundy or received as presents or in any other manner.

Sibra : waste or unenclosed land.

Sijil : Kept in order.

Sikmi : The word Sikmi or Shikmi is derived from the word "Shikam" which means the belly; inclusion of an under tenant; any person cultivating the land under raiyat.

Silekbundee : an account of the daily receipts of the revenue made out at the end of the month, when the whole is added together, and formed into one total. But this term is applied more peculiarly applied to the account of the month of the year.

Sillim : contract of sale, causing an immediate payment of price, and admitting a delay in the delivery of wares.

Sircar : Government.

Sirdar : chief, head.

Sirf : sale, Bicya sirf means sure sale. Sirf also means removal.

Sisteja : the delivery of property to another by way of loan, and not by way of trust, in order that the other may deliver it to his friend or well wishers.

Siyaut : Emancipatory labour, labour of any kind.

Sood : interest.

Sooth : it signifies contract, by means of which contention is prevented, or set aside.

Soorse musbukussy : a tax on the revenue of spirituous liquors.

Sowgandh : an oath.

Subah : a province.

Subedary : the office of a subedar.

Sudar or Sadar : it is used in contradiction to moufasil, which signifies parts or branches. Thus the head court of a subedary is termed as sadar, Head.

Sudar or sadar jumma : the amount of revenue to be paid to Government by the zemindars.

Sunud or Sanad : A charter or patent, or grant from any man in authority.

Sunud or sanad deewany : A grant or writing for holding land, being that all zemindars are held.

Superadnama : An acknowledgement obtained from several parties to maintain the accuracy of the boundary and preservation of the same.

Taata : A mutual surrender, when the seller gives the articles sold to the purchaser, and the purchaser in return gives the price to the seller, without the interposition of the speech.

Tabedari Tenure : Tabedari tenures are a form of inferior Ghatwall tenure. The holder has an absolute power of alienation and which forms an integrate portion of the Ghatwall right.

Tadbeer : It means a declaration of a freedom to be established after master's death.

Tahkeem : Arbitration

Tahlif : the swearing of both the plaintiff and the defendant

Tahseeldaar : An officer employed to collect the revenue of a district.

Tahud : a lease, contract, or agreement

Tahveeldaar : A treasurer

Takaza : Exacting by means of a suit of law.

Takbarij : a composition entered into by some heirs, for their share of the inheritance, in consideration of some specific things, which excludes them from inheritance.

Takjal : A mint

Talab : A pond or pool of water.

Talabi Brahamtter (Bengal) : In the Manbhum district (Now in Bengal) the tenures known as Talabi Brahamottars among others take rank among the hereditary tenures at a fixed rent not liable to enhancement; these tenures escheating to the crown and not to the Jamindars.

Talak : Divorce

Talak Ahsan : Most laudible divorce, is when the husband repudiates his wife by a single sentence, within a tahr, or term of purity, during which he has no carnal relation with her, and then leaves her to perform iddat, or prescribed term of probation. Applicable to Mohammadians only.

Talak Biddut : Irregular divorce. When a husband repudiates his wife by three divorce at once. Applicable to Mohammadans only.

Talak hoosn : laudible divorce. When a husband repudiates an enjoyed wife by three sentences in the tahr. Applicable to Mohammadans only.

Talak kanayaut : divorce by implication. When a husband repudiates his wife not in an express term, but by the mention of something from which the divorce is understood and the divorce does not take place from this, but by intention or circumstantial proof. Applicable to Mohammadans only.

Mohammadians only.

Talook : A lease in perpetuity or a small zemindary.

Talookdar : The proprietor of a talook.

Taluq : A permanent under tenure; estate; division of a district.

Tamassuk : A Bond.

Tamliknama : Means document transferring "Maliki" or ownership rights.

Tanaza : objection filed by the interested person in possession over the land during the survey settlement operations.

Tanfeel : A gratuity bestowed upon particular persons, over and above their share of plunder.

Tanglana : It is a sum of money charged by the landlord on the sale of articles sold in Gola erected on his land. It is a consideration for the settlement of the land or the erection of a gola and not to the Zamindars.

Taqabzul Badlain : Means that the registration receipt will be handed over to the Vendee after he has paid the consideration money.

Tareje : an account specifying the particulars and afterwards the amount.

Taufir Lands : Lands which at the period of decennial settlement were not included within the limits of an estate for which a settlement was concluded with the owners, but which on enquiry are found in possession and occupation of private proprietors.

Tauzi : Rent roll in a collectorate.

Tazeekheet : where a certain numbers of other witnesses bear testimony to the competency of witnesses who are giving evidence in any case; the former being denominated the Mozakkees, or the purgators.

Tazeer : discretionary correction.

Teep : A contract, or note of hand. In Bengal it is particularly used for notes given before hand, for money to be paid for services to be performed.

Tenab : A mode of measurement of land with the help of rope.

Teriz : The abstract of the number of settlement Khafians.

Terije Jumma Khurch : An annual treasury account formed from the puttun jumma khurch.

Thak Map : The Map prepared by Arin is known as Thak Map.

Thakbust Map : Map prepared by Govt. and this is evidence of possession and title.

Thakbust : Mud pillars or other marks erected at certain measured distances generally about 200 to 300 feet apart and such proceeding is known as Thakbust.

Theeka : Signifies hire or hirelings and theeka land is land cultivated by labourers hired for the occasions.

Thirupovaram Holder : Thirupuvaram holder is needed to price of paddy at the hirakratie the price prevailing in market.

Thoka : Account of a tenant in a Zamindari office.

Ticka : signifies those lands, the rents of which are paid in money, according to the pottahs or pattas of the raiyats at certain fixed rates.

Toomar Jumma : The original amount of rent settled on a measurement of the lands.

Toppa : Collection of Mauzas of a Zamindar. It connotes pargana or Taluc. It is the specific name of a tract of land which forms an unit under the feudal domination of its lord.

Towfeer : An increase on the original jumma toomary jageer of the lands, affixed upon them Jaffar Khan, at the moment of their incorporation with the khalifa lands, proportioned to the aggregate amount.

Towjee : An account of the monthly demands, collections and balances.

Tuckavy : Money advanced to the raiyats, to assist them in purchasing of implements of husbandry, and in preparing their lands.

Tukseem jumma or tuckseemy : An assessment of taxes divided into lots.

Tulu Mowasihut : Immediate Claim.

Tullub : demand. Often used as pay.

Tullub chitthi : A Summons.

Tullub Ishad Wa Takreer : claim of Shiffa or claim of witness, by affirmation and taking to witness.

Tuppah : A division of land smaller than pergunnah.

Usher : signifies the tithes taken from the produce of the land.

Utbandi : A kind of tenancy for which the tenant pays rent according to land actually cultivated by him every year or for a season only, the land remains the khas dhamar land of the landlord and the raiyat is allowed to occupy it for a season or for a year and pays rent at a given rent for so much of it as he cultivates during that turn.

Uttakar : Originally these lands were of the nature of Utbandi tenures of Lower Bengal.

Vakalatnama : A power of attorney.

Vakeel : Attorney.

Vazarat : the post, the office of vazeer or minister.

Village Note : Village note is prepared by the attestation officer during his attestation proceedings. It contains the agricultural and economic facts as ascertained by him. The measures if any taken by the cultivators to cultivate their lands in seasons of draught are also mentioned therein. Part III of the village note contains the customs connected with irrigations and also the social record of irrigation rights of the villagers condition of existing tanks for drinking water.

Vaoli : Land for which a tenant pays rent in kind.

Wadah : An agreement, contract, promise.

Wadahbundy : stated dates on which to discharge the debt, or pay any money.

Wajib-ul-Arz : Village Administration paper according to village customs.

Walee : guardian.

Walee bayed : a guardian of a more distant degree than a father, brother, or uncle.

Walee jenayut : the next of kin, or other person entitled to exact retaliation for offences against person.

Walee udum : The next of kin or guardian, who is entitled to be the avenger of blood.

Waris : heir.

Wasaya : Will; the plural of waseeyut.

Wasilaut : The whole amount collected under every description.

Wasoollee : that may be realized. Collected.

Wasee : The executor of a will.

Wausil : Amount of money, receipts.

Wausil bauky : Collection and balances.

Widda : Signifies a person empowering another to keep his property.

Without Prejudices : Whenever any new tenancy not included in the Jamab filed by the ex-intermediary and not included in the tenants ledger prepared in field Bujharat Operations was discovered in the course of Bujharat operations the instructions to the Karamcharis was to bring these facts into tenants ledger with a Batta Khata number so that the collection of rent may go meanwhile. In such cases pending verification of the claim of such tenants or fairness of rent the receipts directed to be issued marked; "WITHOUT PREJUDICE."

Wukf or wakf : it signifies the appropriation of any particular thing to a charitable

Y

Yaddasht : a memorandum.

Yameen : A vow. It signifies an obligation by means of which the resolution of a person is strengthened in the performance.

Yameen Moonakid : An oath concerning a matter which is to come.

Yetamumbundy : An account of pergunnahs and other subdivisions of a province which includes the names of zemindars, nature of separated land which has been alienated.

Yetesab : An officer for regulating weights.

Z

Zakat : purification.

Zarpeshgi Lease : A lease for a term of years; a sum of money being advanced to the lessee as security for the rent to be repaid by the lessor on the expiry of the term or condition to the lessee in his account as rent. A Zarpeshgi lease in one sense a mortgage, is a lease all the same and as such a tenure (A 1935 Patna 83) Lease executed for the purpose of securing the repayment of

Zeebanbundy : A deposition.

Zemindar : A person who holds the tract of land immediately of Government, on condition of paying rent.

Zemindary : An office of the zemindar.

Zer Mottote : An abwab established by Shuja Khan.

Zillah or Zila : district.

Ziman : A recompence.

Ziman tamailook : Recompence for an assumption of property.

Ziman ul ifsad : Indemnification for damage.

Zimmun : the endorsement of a grant.

Zirat : Land cultivated by the proprietor or by his servants or by hired labour continuously since 1873, or specifically let as proprietors private land from previous to the 2nd. March 1883. The terms Zirat is a general term including all lands of proprietors privileged land whereas the term Manjhi has a special reference. In such tenancies no right of occupancy or even of non occupancy can accrue in it.

Zkmar : If any man has a claim upon another, for a debt, and the other dispute the same, and thus some years pass away, and the claimant be destitute of proof, and the debtor afterwards makes a declaration that there are witnesses of the same, there is no obligation of the claimant, render any tax for so many years as have passed. This uncertain sort of the property is termed as zemar.