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Government of Gujarat

# Collector Manual

Revenue Department  
Government of Gujarat

*For official use only*



सत्यमेव जयते

**Government of Gujarat**

# Collector Manual

REVENUE DEPARTMENT  
Government of Gujarat



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**Chief Minister**



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Gujarat State formed in 1960, is in forefront of socio-economic development in our country. Citizen-centric governance has played a key role in our development and progress.

Yet there is an impression in the society that the procedure of revenue administration is complicated. Hence, in order to make the administrative procedure simple and speedy, first concerted effort was made to publish Collector Manual in 2008 by the Revenue Department. Now, a commendable effort is made to bring out an up-to-date edition of Collector Manual incorporating the initiatives and changes, for the first time in English which can be useful throughout the country.

The Collector Manual encompasses fundamental and important aspects such as powers and duties, leadership in district administration, commitment to good governance and public welfare. The manual covers functions of land and revenue administration, functions of other departments and duties entrusted by the Government.

The manual is intended to be a comprehensive guide to the Collectors and I am sure, it will help to achieve qualitative improvement in governance at the cutting edge level.

With best wishes,

**(Narendra Modi)**



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## Anandiben Patel

This is the 52<sup>nd</sup> year of the existence of Gujarat since its inception on May 1, 1960 as a separate State in Free India.

Revenue work has a bearing on every aspect of life of citizen. Whether he is the owner of the land or not each citizen comes into contact with the Revenue Offices for minor or major works. Thus, Revenue Department has wide contacts with the common mass at large.

A need is felt since for some time that there is a necessity to review of efforts being made to make the administrative procedure simple and speedy. The aim is to improve the administrative mechanism for prompt delivery of minor services like issue of copies of revenue records, ration cards and certificates to people. This goal can be achieved by innovation and positive approach. Our State is committed to a welfare policy. We have to play our role as a humble servant rather than a master. As a public servant, we have to be a watchdog of State resources to preserve financial resources of the State exchequer.

Under the E-Dhara Programme, land records have been computerized. The Collector is responsible to see whether our revenue employees working in E-Dhara Centre are sincere and devoted to their duties and responsibilities, in the way the gardener is looking after the garden and if we are deficient in performing our duties effectively, the government lands, revenue records and rights of land holders would not be protected.

Land and Revenue administration has a great legacy of many centuries. Collectors are expected to implement various Revenue laws which have undergone many changes over years. Apart from core Revenue function, Collectors also discharge important duties of other departments by virtue of which she/he is the leader of district administration and necessary guidance is of utmost importance for proper discharge of functions.

An earnest effort was made to provide a detailed understanding of revenue acts & rules, magisterial duties and various other functions by bringing out the Collector Manual in Gujarati in April, 2008 by the Revenue department. After publication of this manual, many amendments and additions have been made which are included in this new manual, which is published in English for the first time.

I strongly believe this effort will be immense help to Collectors and Revenue administration and offer my best wishes

16 April, 2012

**Anandiben Patel**



सत्यमेव जयते

**C. L. MEENA, I.A.S.**  
**Principal Secretary**

**GOVERNMENT OF GUJARAT**  
Revenue Department,  
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We are all aware that land is the most valuable gift of nature for the human being. It is the principal source of vegetation, food and raw materials for industries. Along with this, it provides space for residence and living. Hence, life without land is unimaginable.

Today, land is a scarce commodity; therefore, preservation of this valuable asset of nature and its effective management strategies assumes greater importance. Our foresighted predecessors have gifted us a system for maintenance of revenue records as per revenue laws. It is natural that in the era of fast urbanization and industrialization, society is having high expectations from the Revenue Department on the land management related issues. It is necessary to meet the demand for government land along with far-sighted planning of its future requirements. Hence, it is inevitable to administer matters of land management with high degree of meticulousness and ensure upkeep of records as well. For protection of rights of government as well the land holders, a pre-requisite of model record of updation of computerized land record and its maintenance are to be ensured. Secondly, as it is expected that revenue administration becomes more smooth and speedy, the administration guidelines needs be provided in an effective and phased manner.

The Collectors have to fulfill some of the aspirations as head of districts in respect of revenue administration at this juncture. The important issues required to be effectively addressed by Collectors are as under:-

- (i) disposal of public issues within time-frame,
- (ii) updating of land record and ensuring better protection of the same
- (iii) to make the administration sensitive towards the emerging needs of people,
- (iv) to inspire confidence in people towards governance and make it accessible,
- (v) to create an ideal milieu that will lead to promotion of efficiency in subordinate staff/officers and to sustain confidence in leadership of Collectors.
- (vi) Streamlining and enforcement in procedures.

Thus, our focus should be on strengthening of processes of land and its management, organization and delivery mechanism, as well the retention and transmission of ideals and legacy of land administration to successors.

In order to fulfill these objectives, Revenue department is constantly providing guidance and stimulation as a part and parcel of capacity building of all the stakeholders. Comprehensive guidance being first step, Collector Manual was published in Gujarati language along with the manuals for Prant Officer and Mamlatdar in 2008.

The Collector Manual encompasses fundamental and important aspects of land and its management along with the role of Collector and District Magistrate, its powers and duties, leadership strategies for public oriented governance, qualitative check on his subordinate staff and officers, land and revenue administration, updation and maintenance of revenue records, administrative supervision and control, record keeping, well being and welfare of people, performance of duties during election in democratic set up, disaster management etc. delegated to Collector under various acts of State and Central Government.

Since 2008, many amendments and additions have been made in the contents which have been incorporated in this manual and this revised second edition has been brought out in English. This may be a very useful guide to people and administrators across the country.

The present manual is developed in simple language for the purpose of providing basic orientation to all the major stakeholders about various processes and procedures related to land and its management and other important issues dealt with by the Collectors. However, it is advisable that the concerned bare Act / laws or Government Orders may be referred.

I take this opportunity to thank all the contributors in Revenue Department and other colleagues who have put in lot of efforts in translation, updation & publication of this English edition of Collector Manual.

I am confident that this manual will be a valuable guide and effective tool for the Collectors in making revenue administration ideal, vibrant and people oriented.



(C. L. MEENA)

Dated the 16 April, 2012

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# **Revenue Powers and Functions**

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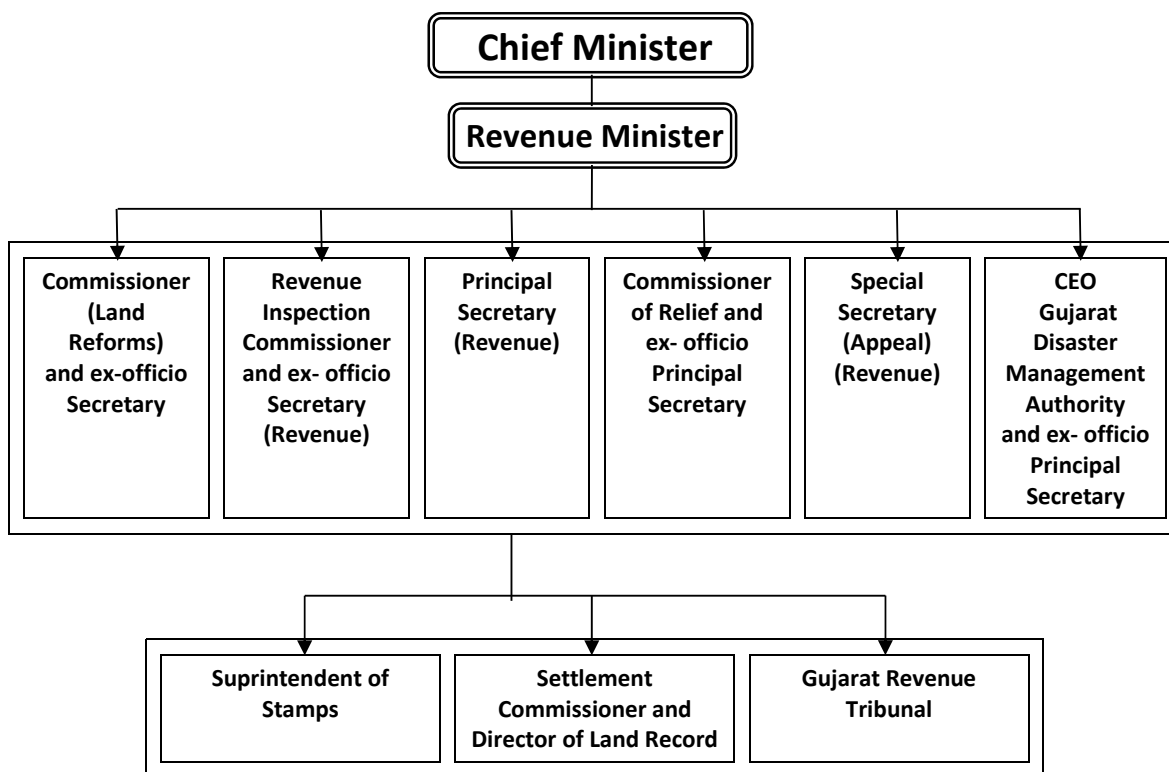
# Chapter

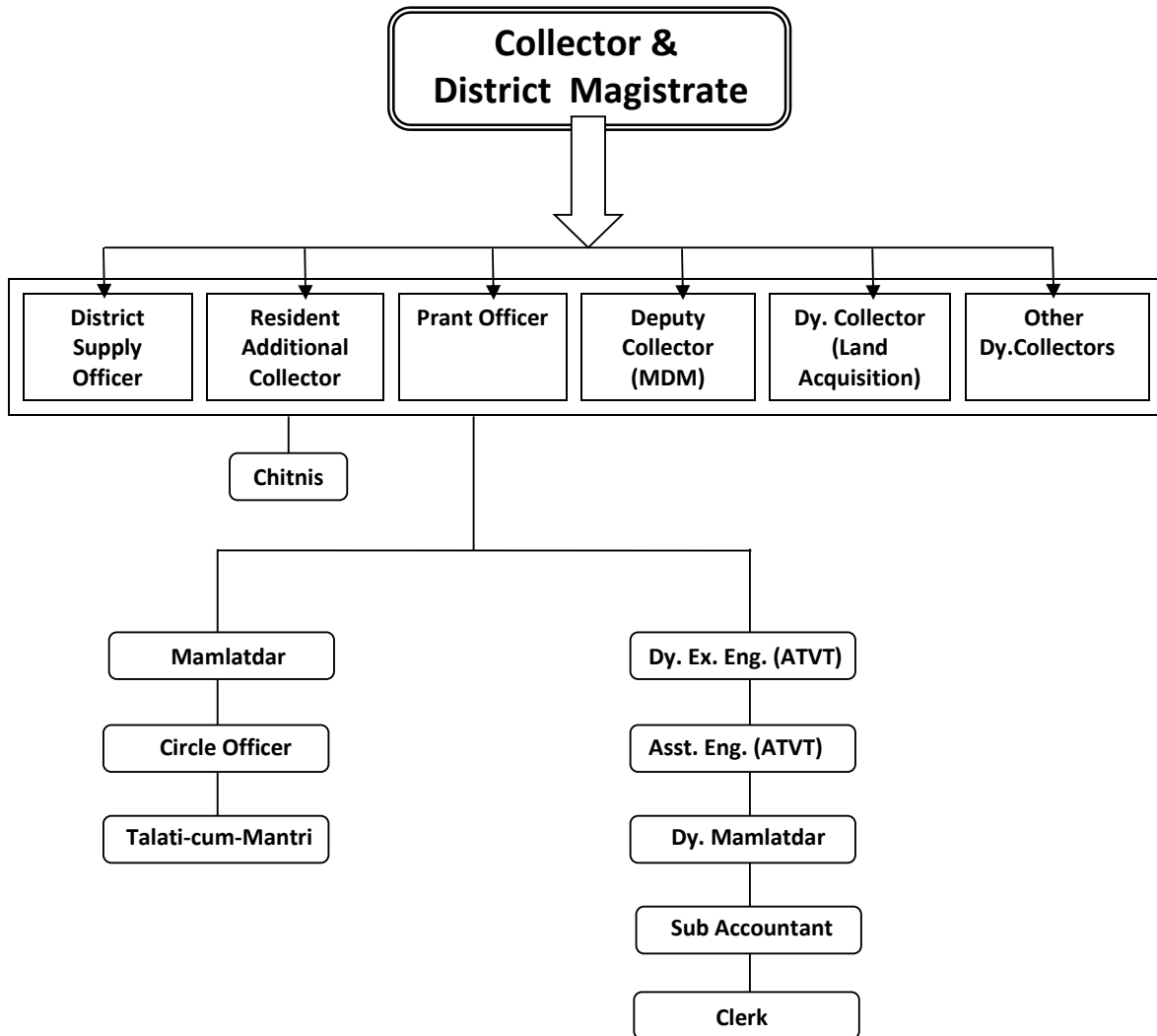
# 1

## Administrative setup of Revenue Department at Government level.

We are aware that much before 300 BC, Kautilya has described in Arthshastra, how various office bearers worked at different levels in administration of revenue. Thereafter, with the passage of time, the nature of administrative agencies had changed with exigencies of time during the Moghal, Maratha and British period. The enactments framed in British rule are still in existence with modifications and amendments made from time to time. After formation of the Gujarat State, 3-tier administration: Village, Taluka and District level came into being as units of administration. At village level, the Talati and at taluka level, the Mamlatdar look after the revenue administration. There is a Circle Officer for a group of villages. Districts are subdivided into sub-divisions which are group of Talukas looked after by Prant officers and the whole district is being looked after by the Collectors. The Revenue Department governs the revenue matters of over 18000 Revenue Villages, 232 Revenue Talukas, 112 Prants and 26 Revenue Districts of the State.

The Present revenue set up of the State with various levels of administration consists of the following.





## Chapter

## 2

**Branches of Revenue Department and their functions.**

There are 40 branches working in the Revenue Department looking after various function. This work is distributed among the Principal Secretary (Revenue) and other Secretaries. The Principal Secretary (Revenue) is the administrative head of the Revenue Department. The branchwise distribution is as under.

**A - Branch**

1. This branch deals with the following matters of the districts of Kheda, Anand, Junagadh, Porbandar, Surat, Kachchh, Sabarkantha, Amreli, Panchmahal, Dahod, Bhavnagar, Surendranagar, Banaskantha, Valsad and Navsari.
  - (1) The matter relating to disposal of Government waste land and other Kharaba under Government order dt. 1-3-1960.
  - (2) Proposals for grant of Government lands without auction to individuals and housing societies for construction of houses.
  - (3) Proposals for grant of Government land to industries and other non-agricultural use.
  - (4) Proposals for disposal of Government land by auction.
  - (5) Grant of Government land for agricultural purposes.
2. Grant of land other than vested in village site or Panchayats to the housing boards and other statutory bodies.
3. **Policy matters.**
  - (1) Common matters regarding Government waste land such as references to Government of India or information sought by other departments etc.
  - (2) Matters related to Pubic Accounts Committee.

**A-1 Branch**

1. Allocation of Government land for non-agricultural purpose in districts of Ahmedabad, Gandhinagar, Mehsana, Patan, Vadodara, Jamnagar, Rajkot, Bharuch, Narmada and Dang.
2. Allocation of land to industries for industrial purpose (all districts)
3. Land to be vested to Nagarpalika (all districts)
4. Allocation of land for agricultural purpose for cultivation through modern technology.
5. Grant of land to Government of India and matters related thereto.
6. Lease of land for manufacture of salt and related ancillary matters.

**B- Branch**

1. To create temporary posts in local establishment and its continuation.
2. To make temporary posts into permanent.
3. Appointment/transfer etc. in local establishment.
4. Work related to recruitment and resignation in local establishment.
5. Regarding Departmental inquiry (local establishment)
6. Work related to crossing of efficiency bar (local establishment)
7. Sanction leave and its ancilliary matters.
8. Confidential Reports. (Local establishment)
9. Superannuation – premature/ voluntary retirement (local establishment)

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10. Work related to pay-pension (local establishment)
11. Departmental Examinations of staff/officers of Local establishment and work of training in this regard.
12. Publication of orders of delegation of powers among officers of Revenue Department under Rules of Business for Government.
13. Inspection-supervision of works of Registry and type section.
14. Work related to distribution of work among branch/unit of the Department and offices.
15. Work related to disputed receipts.
16. Other miscellaneous matters of local establishment.
17. Review at age of 50-55
18. Higher Pay Scales (local establishment)
19. Exemption from examination of Hindi.
20. Schedule training to direct recruitee officers/ staff allotted by GAD. Work of completing probationary period.
21. Sanction of air travel, rail travel, out of state travel (local establishment)
22. Break in Service (Local establishment)
23. Work relating to medical allowance/reimbursement (Local establishment)
24. Submission of detail of the sanctioned, filled and vacant posts in the department to GAD.
25. Payment of benefits admissible to the officers/employees of the Department on retirement such as L.T.C, Leave encashment and payment of lump sum allowance for settling in native place.
26. Obtaining property returns held class-II officers of the Department every year.

### B-1 Branch

1. Compilation and forwarding information to high level teams and such reform teams, committees etc.
2. Work relating to Collector level conferences.
3. Meeting of secretaries convened under chairmanship of the Chief Secretary.
4. Co-ordination work of cabinet meeting.
5. Co-ordination work relating to meeting of Hon'ble Minister (Revenue) Principal Secretary/ Secretary/ Additional Chief Secretary (Revenue) held at Delhi.
6. Coordination of LAQs.
7. Co-ordination of Assurance Committee and Subordinate Legislative Committee.
8. Coordination of meetings of consulting Committees of Members of Legislative Assembly.
9. Coordination of meeting of pending questions of the Government of India.
10. Coordination of Arrears list.
11. Coordination of pending case disposal campaign.
12. Coordination of Action plan of Revenue Department.
13. Coordination of grant of awards for best performance.
14. Coordination of work done by branches of the Department for publication of Annual Administration Reports by Heads of Departments/ Commissioner of Inspection under Revenue Department and Co-ordination of information for progress achieved.
15. Work study Report and its related action.
16. Coordination of meetings of other departments in respect of matters related to B-1 Branch.
17. Coordination of work related to Social Welfare (except work of percentage of reservation in Government service and roster).
18. Mailing list.
19. Co-ordination of election.
20. Co-ordination of election Manifesto.
21. Dispatching of copies of important GRs to MLAs/MPs.

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22. Co-ordination of cases of subjects concerning more than one branch.
23. Circulation of all types of resolutions/circulars etc. received from other departments of Sachivalay to the appropriate levels.
24. Other miscellaneous work related to co-ordination.

### B-2 Branch

1. All work under General Provident Fund.
2. All work under Group Insurance Scheme – 1981.
3. Works related to establishment of office of Secretary/Principal Secretary/ Additional Chief Secretary (Dispute) Revenue Department, Ahmedabad.
4. Sanction of food grain advance and festival advance admissible under Gujarat Financial Rules.
5. Work relating to staff meeting of officers/employees.
6. Sanction of HBA, Motor Car Advance and Scooter Advance and other vehicle advances under Gujarat Financial Rules.
7. Coordination of branch/ table inspection of branches of Revenue Department.
8. Audit being carried out by A.G. Rajkot
9. Work relating to maintenance and repair of Government vehicles under R.D.
10. Work relating to Telephones under the Department.
11. Work of other training except departmental training/ examination and DA/advances for training.
12. Purchase of books, publications, magazines, news papers etc., useful to the officers/branches and its payment.
13. Issue of income certificates to officers/employees.
14. Allotment of Government quarters and its ancillary work.
15. Work relating to applications of officers/employees for enrolment of membership in library and credit societies.
16. Work relating to 'No Objection' certificates for passports to the employees of the Department.
17. Payment of bills for facilities (such as tea, coffee, refreshments) available to the Hon'ble Ministers and officers of the Department.
18. Work relating to issue of identity cards to officers/employees of the Department.
19. All work relating to stores.
20. Purchase of computers for all the employees of Revenue Department (proper) and its subordinate offices and all work relating to budgetary provisions and purchase of computers and its repairing and its spare parts and its ancillary work.

### Ch-Branch

1. Land acquisition for railways. (all districts)
2. Land acquisition for co-operative housing societies (all districts).
3. In other cases, all the work of Land acquisition for the following districts for any acquiring institution (except GIDC, ONGC, Departments/ boards) Corporations of Central Government/ Gujarat Housing Board/ public/ private companies.
  1. Gandhinagar
  2. Surendranagar
  3. Amreli
  4. Bhavnagar
  5. Rajkot
  6. Jamnagar
  7. Junagadh
  8. Porbandar
  9. Kachchh
  10. Kheda
  11. Anand
  12. Dahod
  13. Panchmahal
  14. Sabarkantha
  15. Banaskantha.
4. To create/ cancel/ extend, period of establishment/ posts for land acquisition in districts.
5. Allocation of vehicles to Land Acquisition Officers.

6. Provision for grant, allocation etc. for Land Acquisition Officers.
7. Inspection of land acquisition offices.
8. Work of above matters/ applications/ primary inquiry in districts.
9. Work of above matters and court matters in districts.
10. Work of audit reports on the above matters in districts.
11. Other works arising from above districts.

**Chh - Branch**

1. All matters in relation to implementation of the Gujarat Agricultural Land Ceiling Act, 1960.
2. Work of collection and calling of statistical information of concerned monthly/quarterly period of 'J' Branch on closure of stastical Branch. Besides this, 'J' Branch can review such returns and change the format as per administrative need and for any new item if statistical data is to be called and collected, it can do so monthly/quarterly/annually half yearly in prescribed forms.
3. Bombay Partnership and Debt Tenure Abolition Act, 1950.
4. Bombay Ownership Tenure Abolition Act, 1950.
5. Bombay Talukdari Tenure Abolition Act, 1949.
6. Bombay Panchmahal Mevasi Tenure Abolition Act, 1949.
7. Bombay Pargana and Kulkarni Vatan Abolition Act, 1950.
8. Bombay Vatva Vajifdari Rights abolition Act, 1950.
9. Bombay Saranjamjagir and Political Award abolition Rules, 1952.
10. Bombay Jat Inam Abolition Act, 1952.
11. Bombay Merged Area Static Tenure Abolition Act, 1953.
12. Bombay Merged Area (Baroda Mulgiras) Tenure Abolition Act, 1953.
13. Bombay merged area Baroda Vatan abolition Act, 1953.
14. Bombay merged area matadari tenure.
15. Bombay Okha Mandali Salami Tenure Abolition Act, 1954.
16. Bombay Merged Aarea and Regions Jagir Tenure Abolition Act, 1954.
17. Bombay's Gujarat and Konkan's Raiyat Inam Abolition Act, 1954
18. Bombay Subject Useful Inam Abolition Act, 1954
19. Bombay Merged Area Misc. Inam Abolition Act, 1955.
20. Bombay Bandhijama Udhad and Ugadia Tenure Abolition Act, 1959.
21. Gujarat remnant tenure abolition Act, 1963.
22. Sagbara and Mevasi Estate (Ownership Rights) Abolition Act, 1962.
23. Devasthan Inam Abolition Act, 1964.
24. Gujarat Land Tenure Abolition (Amend) Act, 1965
25. Raiyat useful Chakariyat Land (other than Z Branch matters)
26. Court/ litigation work of above land tenure abolition laws.

**D - Branch**

1. **Preparation of Selection list.**
  - (1) Promotion to Mamlatdar from Deputy Mamlatdar cadre and first appointment thereunder.
  - (2) Promotion to Deputy Collector , Class-I from Mamlatdar, class-II and first appointment thereunder.
2. **Appointment:**
  - (1) Direct recruit Mamlatdars class-II: Posting, transfer, training and completion of probationary period.
3. **Pay Fixation:**
  - (1) Stepping up of Mamlatdar/Dy. Collector Cadre.

- (2) Matters of higher pay scales in cases of Dy. Mamlatdar to Mamlatdar, Steno Grade-II to Grade I cadre, from Mamlatdar to Deputy Collector Cadre.
4. **Returns:**
  - (1) Preparation of returns for the posts to be filled for probationary Mamlatdar of District Recruitment, Amendments in Recruitment Rules.
5. **Publication of Seniority list:**
  - (1) Publication of Seniority list of Mamlatdar Cadre.
  - (2) Maintaining of roster registers of Mamlatdar and Dy. Collectors.
6. **Casual leave of Collectors and leaving head quarters:**
  - (1) Sanctioning of casual leave of Collectors and permission to leave head quarters.
  - (2) Proposed monthly tour programmes of Collectors.
7. **Joining Service:**
  - (1) Joining previous service of Mamlatdar and Deputy Collector Cadres.
8. **Problems of Association:**
  - (1) Problems of Mamlatdars' Association.
9. Appointment of Roster Contact Officer.
10. Collection of information of S.C, S.T, SEBC and Physically handicapped candidates for direct recruitment and promotion in Department under Department and all Collectorates.
11. After collecting from branches, this information is sent to Social Welfare (Social justice and empowerment) Department, GAD and Tribal Ddevelopment Dept.
12. To ensure that district officers comply with the rules.
13. To provide necessary guidance to district officers.
14. Work of annual Inspection to ensure that roster registers are maintained in Collectorates/ Heads of Departments.
15. To take necessary action on representations made by S.C, S.T, SEBC and physically handicapped employees and their recognized associations.
16. Review of workload of Mamlatdar cadre.
17. Fixing rates of P.T.A. allowances to Mamlatdar and Dy. Collector cadres.
19. Action plan of Mamlatdar Cadre -II.
20. Permission of advanced study to probationary Mamlatdars.
21. Sanctioning of deemed dates to Mamlatdars/ Dy. Mamlatdar cadres.
22. Action on recommendation on annual reports of Commissioners for S.C and S.T. of Government of Gujarat.

### D-1 Branch

1. Transfer, appointments etc., of Dy. Collectors and Mamlatdars. (except first appointments on promotion)
2. Reappointment of retired Dy. Collectors/Mamlatdars.
3. Revenue Department Examinations.
  - (1) Sub-Service Departmental Examination Rules 1071.
  - (2) Lower Revenue Qualifying Examination Rules (LRQE)
  - (3) Higher Revenue Qualifying Examination Rules (HRQE)
  - (4) Revenue Lower Grade Examination Rules (RLSE)
  - (5) Revenue Higher Grade Examination Rules (RHSE)
4. Sanctioning leave/joining time of Dy. Collector/Mamlatdars.
5. Maintaining charge report, index card etc. of Dy. Collector/Mamlatdars.
6. Cases of Superannuation / VRS and premature retirement of Dy. Collector/ Mamlatdars.
7. Preparation of Civil list.
8. Sending on deputation Revenue officers and prescribing their pay and other terms for.



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9. Certificate under G.C.S.R.
10. Partial and final withdrawal from GPF to Revenue officers.
11. Miscellaneous work such as calling of statements of appointment on every quarter from Collectors and submit monthly statement to the Ministers of transfer of Mamlatdars.
12. To make budget provision for purchases of vehicles to regular revenue officers such as Collector, Prant Officer, Taluka Mamlatdar and allocation of grant to the Collector for this purpose.
13. Matters of G.P.F. of All India Administrative Service Offices under control of the Department.
14. Publication of seniority list of state level cadre of Deputy Mamlatdar and work related court cases thereof.
15. Pay fixation of officers of Mamlatdars/ Deputy Mamlatdar cadre on deputation.
16. Permission for higher studies to Mamlatdars and Deputy Collectors.
17. Relieving Mamlatdars and Deputy Collectors for training.
18. Issues of Dy. Collector Association (GAS cadre).

### D-2 Branch

1. Confidential Reports of officers of the levels of Mamlatdars and related work.
  - (1) Maintenance of confidential reports.
  - (2) Calling of confidential report- review.
  - (3) Procedure for deciding representation for adverse remarks made in confidential report.
  - (4) Communication regarding high court matter for C.R. and appearing in High Courts.
  - (5) Cases pending of efficiencybar in old pay scales.
  - (6) (A) Providing of Confidential Reports for DPC for promotion from Mamlatdar to Deputy Collector cadre.  
(B) Providing of up-to-date files of Confidential Reports for nomination to IAS from Additional Collectors and submitting necessary records.
  - (7) Call for names of reporting officers and reviewing officers for missing Confidential Reports of previous years, contacting them and complete the work.
2. Sending of files of Confidential Reports for higher pay scales and other administrative reasons in different districts/officers Departments.

### G- Branch

1. Grant of any type of Government land free of charge, revenue fee or on token rent under section 32 and 32-A of Land Revenue Rules, 1972.
2. Fixing of village sites.
3. Matters relating to pasture land
4. Revenue-Kotar lands.
5. Pond-site lands.
6. River-bed lands.
7. Khar land
8. Grant of brackish water land for rearing of aquaculture/fisheries.
9. To grant land for S.no. (2) to (8) for any purpose (other than Major Industries (except Salt Industries)) without or at low rate, revenue free, token rent or lease.
10. To assign land for cremation & cemetery (Graveyard)
11. To allocate or grant land for village siagainst the amount deposited in Government by selling or auction of the Village site (Gamtal) plots to Village Panchayats.
12. To vest Government land with Panchayat.
13. To take back vested land of Panchayat to Government in Public interest.
14. To take back with Government, the land vested with the Panchayats for violation of terms and conditions.

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15. To assign land (including No. 2, 3, 10) under section 38 of the Bombay Land Revenue Code 1879.

### Gh- Branch

1. Land Acquisition Act, 1984 – matters related to policy and interpretation.
2. Land acquisition for GIDC (all districts).
3. Land acquisition for public/ private companies (all districts)
4. Land acquisition for ONGC (all districts)
5. Land acquisition for Central Government, Boards and Corporations (for all districts).
6. Land acquisition for Gujarat Housing Board (all districts) and co-operative societies.
7. Land acquisition for other acquiring institution (except railway) in the following districts:  
Ahmedabad, Vadodara, Bharuch, Narmada, Rajpipla, Navsari, Dang-Ahwa, Surat, Mahesana and Patan.
8. Work of preliminary inquiry for applications arising from districts in the above matters.
9. Court cases arising from above matters and districts.
10. Work of audit report arising from above matters.
11. Other works arising in these matters from above districts.

### H - Branch

1. Matters related to survey of India maps.
2. Issues related to “boundary marks’ and inter-state boundary.
3. Establishment matters of office of Settlement Commissioner and Directorate of Land Records.
4. Issues of Survey and Settlement.
5. Issues of city survey.
6. Work of agricultural census.
7. All matters of drafting of five year plans and annual plans in office of heads of department under administrative control and its review.

### H-1 Branch

1. Implementation of rules-regulations of Stamp Act and related rules.
2. Implementation of rules- regulations of Registration Act.
3. Implementation of Disturbed Areas Act for restriction on transfer of immovable properties.
4. Work of entire establishment of stamp and registration.
5. Budget work, Five Year Plan, Audit.
6. Gujarat budgets legislative Assembly work, resolutions and assurances.
7. Monitoring of principal income.

### H-2 Branch

1. Work relating to land record computerization (LND-11)
2. Establishment of land record computerization.
3. Land record computerization.
4. Land record computerization –with a request to allocate budget grant.
5. Ancillary work to information technology Programme.

### J- Branch

1. Work of Modernization and Maintenance of records of rights (Village Form No.6) and its ancillary Village Form No. 7/12 it.
2. Section 58(1) of Transfer of property Act.
3. Mamlatdar Court Act.
4. Land granted for agricultural use under GRDI-1-3-1960 and land of new tenure regranted under various land tenure abolition Act

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- A. Conversion of land from new tenure to old tenure and permission for sale/change of terms and conditions.
- B. Cases of violation of terms and conditions.
- C. Grant of permission for exchange of land of new tenure.
5. Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.
6. Establishment of Gujarat Revenue Tribunal and matter related to it.
7. The Guardian and Wards Act, 1890.
8. All works under section 73-AA of Gujarat Land Revenue Code.
9. Revision/appeal against action under section 73 AA, 73 AA of LRC
- 9A. Information relating to letters of MLA/MPS/ Lok Darbar/ Parivartan Cell and starred/unstarred questions/ Assurance Committee, pending pension cases and classification of files.
10. The Gujarat Court Act Wards Act, 1963.
11. Continuing establishment of land scheme No. 6 (LND-8) and all work of primary inquiry.
12. Work of collection and compilation of statistical information of monthly/quarterly statements of J-Branch after the closure of statistics branch. In addition, 'J' branch shall verify the statements and as per administrative convenience/necessity make necessary changes in it. If any statistical data is to be called/collected it shall prescribe the format and obtain monthly/ quarterly/ yearly/ half yearly statements.

### Z- Branch

1. Bombay Tenancy and Agricultural Land Act, 1948.
2. Saurashtra Gharkhed, Settlement of Tenancy, and Agricultural Land Ordinance, 1949.
3. Bombay Tenancy and Agricultural land (Vidarbha Region and Kutch Area) Act, 1958.
4. Bombay Inam (Kutch area) Abolition Act, 1958.
5. Saurashtra Land Reform Act, 1951.
6. Saurashtra Barkhali Abolition Act, 1951.
7. Saurashtra Estate Earning Act, 1952.
8. Bombay (Saurashtra area) Aghat and License Abolition Act 1959.
9. Saurashtra Area: Chav-Rawda-Ubhada rights land.
10. Gujarat Patel Vatan Abolition Act, 1961.
12. Bombay Kanishka Gam Vatan Abolition Act, 1959.
13. Stipendiary Patelai Land matters
14. Rayani Tenure land of Banaskantha and Sabarkantha.
15. Establishment under various tenures (only of concerned branch)
16. Work of writing off dues of old states (Saurashtra and Kutch area)
17. Work of coordination of information of land improvement Act
18. Allotment of vehicles to Dy. Collectors, Land reform/ tenancy appeal.

### K- Branch

1. Matters of non-agricultural permission.
2. Matters of implementation of ribbon control and construction rules and regulation of unauthorized construction.
3. Matters of leasing out Government land to salt Industry.
4. Disposal of land of farm yard.
5. Federal lands (Grant of land to Central Government)
6. Bhoodan and Gramdan.
7. Mines and Minerals and related Industries- correspondence with Mines Department.
8. Work of Solvency Certificate.
9. Policy on rate of non-agriculture assessment and ancillary matters.
10. Treasury Toll Act, 1879.
11. Dangs Development Council, Dang District Reserve fund and Dangs loan fund.
12. Tax on agriculture income.

13. Shares on inheritance on agri. land.
14. Tax on tobacco.
15. Capitation Taxes.

**L - Branch**

1. Encroachment on Govt. land and matters related to it.
2. Increase in map measure (Mapni Vadharo).
3. Action under section 37(A) 5 of LRC for abolition of right of way of public.
4. Encroachment on water bodies.
5. Issue of Sanad to beneficiaries after dereservation of forest land.
6. Draft papers/ audit para of above matters.

**L-1 Branch**

1. Rehabilitation of displaced persons from West Pakistan.
2. Sale and administration of acquired and non-acquired evacuee property.
3. Recovery of loan from old Burma evacuees.
4. Rehabilitation of Indians repatriated from Mozambique, Burma, Uganda etc.
5. Appeals under the DPCR Act, 1954.
6. The Administration of Evacuee Property Act, 1950.
7. (1) Competent authority.  
(2) Appellate authority.  
(3) Enemy property  
under the Evacuee Interest Separation Act, 1951.
8. Policy matters of evacuees.
9. Case of evacuee property at district level.
10. Petitions filed in Gujarat High Court against order of Collector.
11. Work related to Government building property (evacuee property)
12. Issue of allotment of land for Sardarnagar Township near Ahmedabad city in respect of rehabilitation of displaced persons from West Pakistan.  
(1) Sale of open plot.  
(2) Policy and guidance for regularization of encroachment made on open plots.  
(3) Matters relating to GR Dt. 23-04-1992.  
(4) Assembly questions.  
(5) Reference of Public Liaison, Lok Darbar and Vigilance Commission.  
(6) Regularization of violation of terms and conditions.
13. Continuation of establishment of rehabilitation of displaced persons.
14. Reconciliation Branch.
15. Audit paras.
16. Appropriation Accounts.
17. Public Accounts Committee.
18. Action Plan.
19. Wakaf Board.
20. Sindhu Settlement Board.
21. All co-ordination matters.
22. All land revenue matters including land revenue policy and its interpretation.
23. Regional changes: Division of Districts/ Talukas /Prants.
24. Declaration of revenue village.
25. Land re-grants.

26. Khedut Pothi.
27. Revenue recovery certificates.
28. Delegation of powers to Panchayat.
29. Irrigation rates.
30. Revenue Accounts Manual.
31. Land revenue- budget/ grant.
32. Audit paras/ draft paras of above matters.
33. Work of co-ordination of amendments in Land Revenue Rules and Revenue Accounts Manual.
34. Matters of verification of rights of land under section 37(2) of LRC.

**M- Branch**

1. Departmental inquiry against Class I & II gazetted officers of revenue cadre, Mamlatdars and Dy. Collectors. After completion of preliminary inquiry of allegations by respective branches, obtain the opinion of Gujarat State Inquiry Commission. On acceptance of recommendations of the Commission by Government, initiate Departmental Inquiry .
2. Representation on revision applications for punishment imposed on above officers.
3. Work of suit lodged in court against orders of punishment.
4. Action of criminal offence against above officers.
5. Complaints for matters except subjects allotted to other branches of Department against officers mentioned in (1) above by Gujarat State Vigilance Commission.
6. Complaints against employees for non-gazetted officers of district establishment who are involved in complaints along with gazetted officers.
7. Action for suspension of officers of class I and II mentioned in (1) and (2) above and their reinstatement in service.
8. Work of selection committee meeting for promotion class I & II and provide information of pending departmental inquiry against them before grant of permission crossing E.B. pension, retirement etc.
9. Provide information of departmental inquiry for reconsideration of officers of class I & II to decide whether to continue in service after 50 and 55 years.
10. Assembly questions arising from departmental inquiry against officers shown in (1) & (2) above.
11. Provide information of pending departmental inquiry against officers of class I & II for GAD.
12. Co-ordination of letters received from vigilance commission.
13. Preliminary inquiry of officers of Indian Administrative Services related to Revenue Department.
14. Work of getting information in returns every year of property held by officers of class I and II of Revenue Cadre.
15. Sanction for purchase of movable and immovable property for officers shown in above (1) and (2) under Gujarat State Service and conduct Rules 1971.

**N- Branch**

1. Main subject is establishment of non-gazetted civil service employees.
2. Deputation to foreign service of non-gazetted civil services employees.
3. Recruitment Rules (for non-gazetted civil servants)
4. Pay fixation to civil servants of class III & IV.
5. Absorption
6. Likely date of Revenue qualifying exam.
7. Appeals except departmental action not falling in purview of Gujarat Civil Service Tribunal.

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8. Creation of gazetted and non-gazetted establishment for officers of District/ Prant/ Taluka (except establishment to be created and continued for Spl. works of concerned department.)
9. Sanctioning of association (for non-gazetted establishment and resolutions passed by such associations)
10. Leaves (non-gazetted establishment)
11. Delegation of powers/rights (except departmental inquiry)
12. Joining of service (break in service)
13. Correction of birth date.
14. Inter-district transfer of non-gazetted employees in district establishment.
15. Other matters related to non-gazetted district civil servants.
16. Matters related to District employees- library matters.
17. Surety bond of non-gazetted establishment of district.
18. Government buildings, offices and chora under Revenue Department.
19. Written materials (Collectorates)
20. Furnitures (for Collectorates)
21. Telephone equipments.
22. Department council for revenue staff (non-gazetted)
23. Issues of Kotwals under Revenue Department.
24. Training to non-gazetted revenue staff.
25. Direct recruitment / appointment/ transfer in deputy Mamlatdar cadres.
26. Appointment on compassionate ground in special cases.
27. Legal matters arising in subjects mentioned on above (1) to (25) and also LAQ, assurances and related budgetary matters.
28. All works of citizen's charter.
29. All works of administrative establishment of office of Revenue Inspection Commissioner.

### N-1 Branch

1. Appeal on orders made by Collectors regarding discipline and conduct of non-gazetted employees.
2. Issues of departmental inquiry against above employees.
3. Extension in period of departmental inquiry of above employees.
4. Sanctioning of suspension allowance.
5. Civil Suits, Writ petition of departmental inquiry of non-gazetted employees.
6. Grant of advance for house building and purchase of vehicle of gazetted and non gazetted employees.
7. All work related to pension of revenue non-gazetted employees, Mamlatdars and Dy. Collectors of district establishment.
8. Counting of service in Pakistan of employees of cadres of Mamlatdar and Dy. Collector.
9. Issues of old pay allowances, residence, medical allowance, C.D.S. and non-receipt of pay slips on time of gazetted & non gazetted employees.
10. Charge allowances to Mamlatdars and Dy. Collector.
11. Tribal allowance and Dang allowance.
12. Purchase and disposal of surplus military hutments and tents.
13. Issue of NoC for passports.
14. Issues of misappropriation of Government funds.
15. Matters of Group Insurance Scheme of district revenue establishment.
16. Allowances, Specia pay etc.
17. Matters related to GPF (including inheritance certificate)
18. Certificates for VRS.

19. Reappointment due to retirement, resignation etc.
20. All matters to be considered under discipline and conduct.
21. All works of change as per office order Dt. 11-08-1989.
22. Representation against adverse remarks made in CRs.

**Th- Branch**

1. To provide for budget and coordination of budget work.
2. To get 8 monthly, 9 monthly and 10 monthly revised estimates prepared and sanctioned.
3. Action for reappropriation and surrender of savings.
4. Distribution of provision/grant of budget.
5. Outline of activities and budget discussion by Finance Minister.
6. Details on establishment required by FD for budget.
7. Monitoring of expenditure on non-plan provisions.
8. Tally of expenditure.
9. Audit objections.
10. Certificate for use of grant.
11. Matters authorized in grant.
12. Appropriation Accounts Grant.
13. Matters of other branch relating to opening of new Budget Head.
14. On closure of Th-4 Branch all works of Th-4 Branch, work of tallying loans and work of tallying concerned heads related to the Department (Expenditure, receipt and loan).
15. Certificate of availability of fund for advances.
16. Priority registers.

**Th-1 Branch**

1. Public Accounts Committee.
2. Audit Report
3. Finance Commission
4. Austerity and Policy matters.
5. Estimates Committee.
6. SEBC Committees, SC Committee, ST Committee, Nomadic and denotified Castes and 20 point Committee.
7. Loans to autonomous bodies, accounts and review of budget.
8. Regularization of excess expenditure.
9. On closure of Th-5 Branch all works of Th-5 Branch shall be carried out by Th-1 Branch.

**Th-3 Branch**

1. Plan, co-ordination and review.
2. Performance budget and related work.
3. General Audit Para.
4. Inspection report and audit Para.
5. Plan frame and Plan estimates.
6. All work relating to preparing revised estimates and allocation of grant.
7. Inspection Paras.

**S-1 Branch**

1. Steps for providing fodder and cattle relief during scarcity.
2. Estimated requirement of fodder- cattle feed for scarcity/semi scarcity.
3. Ban on transport of grass inter-state.
4. Relief in railway freight for transport of grass during scarcity.
5. Availability and procurement of grass of forest department.
6. Policy of marketing of grass.
7. Sanctioning of transport contract for transportation of grass.
8. Constitution of grass purchase committee.

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9. Sanction for establishment of scarcity relief and its ancillary work.
10. Audit para of establishment during scarcity.
11. Seed tagavi
12. Annual administration report of scarcity work.
13. Consultation with NWS Kalpsar Department and R & B Department for creation on of technical establishment for scarcity relief.
14. References of MLA/MP regarding scarcity.
15. Other matters relating to grass after declaration of scarcity.
16. Water supply work.

### S-2 Branch

1. Declaration of Scarcity
2. Starting of Gram Rahat Rojgari Yojana.
3. Starting of scarcity relief works.
4. Visit of central team for scarcity/preliminary work.
5. Scarcity contingency plan.
6. Advance Planning for Scarcity.
7. Sanctioning of estimates of plan for relief works.
8. Purchase of equipments, maintenance, storage, disposal and other related activities.
9. Scarcity survey, investigation unit progress, report and review.
10. Tribal areas sub-plan, review of employment in rural relief.
11. Land conservation division, Sub-Division: Plan matters, progress, report and review.
12. Complaints for relief works, distribution of other relief, Special investigation unit, Inquiry Commission and related matters.
13. Surprise checking of scarcity relief works.
14. Scarcity in districts – weekly / fortnightly report of lean agricultural period.
15. Weekly report of lean agriculture period scarcity from office of Director of Relief.
16. Weekly/ fortnightly reports of rainfall/ agriculture work from districts.
17. Constitution of various relief committees of state level/ District levels/ Taluka levels.
18. Gratuitous relief – Nutrition Programme.
19. Stationery, furniture, telephone connections etc for scarcity/lean agricultural period
20. Land acquisition for relief works.
21. Public health matters- Scarcity/ lean agricultural period
22. Weather Reports.
23. Daily and weekly report of weather.
24. Press cuttings related to scarcity/ lean agricultural period.
25. Policy on wages rates.
26. Central assistance (with respect to memorandum for scarcity)
27. Rainy season policy, scarcity and end of lean agricultural period.
28. Fortnightly reports of Government.
29. Indian peoples famine Trust Fund.
30. Drought management project.
31. Audit report of District/ Taluka Panchayat for scarcity relief works.
32. Audit reports of District/ Taluka Panchayat for scarcity equipments and other matters related to lean agri period.
33. Audit paras of State Accountant General under allocations of subjects.
34. Court matters, civil suits and payment of amount as per decree under allocation of subjects.
35. Work of Assmebly/ Parliamentary questions, notices, motions, assurances etc. as per allocation of subjects.
36. Applications with remarks of Governor/ Chief Minister/ Ministers in letters/ notes as per allocation of subjects.
37. Correspondence of MPs/ MLAs/ Presidents of District/Taluka Panchayats as per allocation of subjects.



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38. Payment of cash doles in scarcity affected areas.
39. Policy of cash dole payment
40. Fixing of policy of payment of wage rates as per work.
41. Arrangement for drinking water/ sheds, fixing wage rates for laborers in relief works in scarcity works.
42. Constitution of Committee for scarcity works.
43. Anavari.

### S-3 Branch

1. All works of disaster management.
2. Matters of policy for disaster and natural calamity with Central Government & State Government.
3. All policy matters related to flood, heavy rains, storms, earth quake, unseasonal rains and other tragic disasters.
4. Questions of Assembly/Parliament regarding disaster management.
5. Policy matters for rescue, relief and rehabilitation.
6. Estimates Committee and audit Report for flood, heavy rains, storms and natural disaster.
7. Standard of assistance in case of death, cash doles to victims of natural calamity of all districts of state.
8. Rehabilitation of refugees of India-Pakistan War 1971.
9. Work of audit para of Branch – Assembly Committee.
10. Work of court cases in respect of natural calamities.
11. All works related to establishment of office of Director of Relief and Director, Voluntary Organizations.
12. Opening up of all control rooms from State levels to Taluka levels, creation of establishment for control room and matters arising from control rooms.
13. All work relating to telephone, hot line and wireless stations.
14. Purchase of all articles for office under control of Branch, and subscription to newspapers and magazines.
15. Purchase of vehicles for natural calamities – repair works etc.
16. Matters related to rescue work in the event of earth quake.

### S-4 Branch

1. Rehabilitation of victims of riots, movements, strikes, accidents, ship break, events of fire etc and matters related to policy of relief thereof.
2. Various relief committees at State, District and Taluka levels for heavy rains, floods, storm, riots etc.
3. Allotment of Senior Officers to affected districts.
4. Work of meeting of various committees related to state level relief and rehabilitation.
5. Fortnightly report to the Governor on natural calamities, accidents, movements etc.
6. Natural calamities (except scarcity) riots, movements, accidents: notice of short term questions of Lok Sabha/Rajya Sabha.
7. Natural calamities (except scarcity) audit reports of Taluka Panchayats and Panchayat Rajya Samiti.
8. Assurance Committee.

### Award Branch

1. Work of obtaining sanction of Government after verification of market value of land being acquired under Land Acquisition Act.

### Examination Unit Branch

1. All work of conducting Department examination of officers of direct recruitment of revenue cadre-III and Class I & II.
  - (1) Gujarat Higher revenue qualifying Examination.
  - (2) Lower revenue qualifying Examination.
  - (3) Revenue Higher Grade Examination.

## Collector Manual

### Resettlement and reconstruction Branch

1. Advance planning for meeting the disasters.
2. Frame policy for resettlement and reconstructions, Design plans through administrative and field staff and implement them.

### Cash Branch

1. Work of salary and allowances and other payments of officers/ employees of the Department.
2. Maintenance of service books of officers/ employees of the Department.
3. Preparation of budget estimates/ revised estimates of Department.

### Record Branch

1. Work relating to records.
2. Preparation of book, circulars, digests, updating and ancillary matters.
3. Work of library of the Department.
4. Work of sub-records of GAD.
5. Purchase of law books and publications, magazines and other publications for use of Department, Branches and its payment.

### Registry Branch

1. Enter posts, applications and other papers received in the Department in register and deliver to concerned branches. Dispatch of Posts from Department
2. Scanning of posts/applications received in the department and dispatch to concerned branches by IWDMS.

### Hon. Chief Minister's Relief Fund

1. Receipt of donations under Hon'ble Chief Ministers Relief Funds.
2. Assistance to be paid in case of accidents taking place in or outside State.
3. Receiving of donation for relief funds of the Hon'ble Chief Minister and all related matters.

### ATVT Cell

1. Monitoring of Taluka Janseva Kendra
2. Co-Ordination between State Level to district level Officer's
3. Organisation of training related ATVT
4. Compliation of GR regarding ATVT Schemes
5. Publication of Manual. & various services & schemes including in JSK
6. Online Monitoring of ATVT Website
7. To being all citizen centric service rendered by various Govt. agencies to the citizen on a single platform.
8. Planning & implementation work related ATVT
9. Monitoring of Taluka Sankalan & Fariyad Samitee
10. Co- Ordination, implementing & monitoring work.
11. Co- Ordination with State level Department Regarding ATVT.

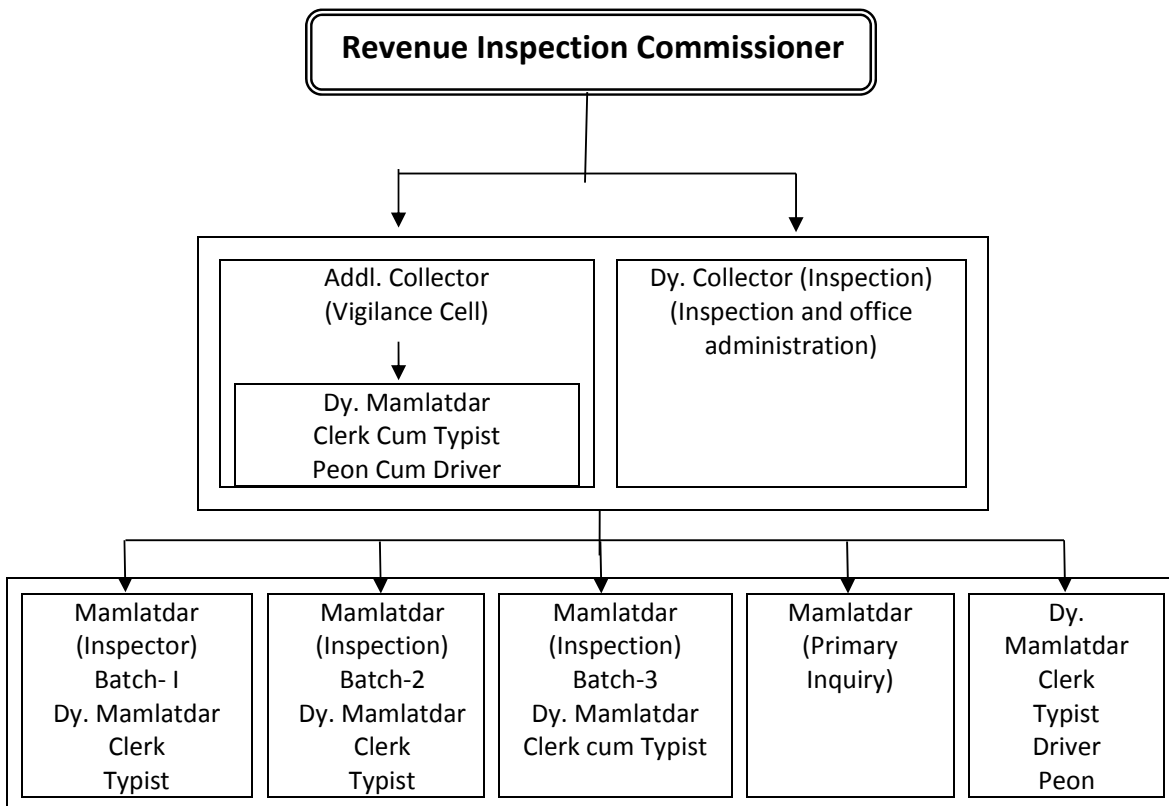
### Primary Inquiry / Monitoring / Litigation Cell

1. Department's all work related Primary Inquiry from 24/07/2009.
2. Head of the Department Under Revenue Department- employee, officer's complain & letters, application related work.
3. Compilation of Applicaions and Complaints received by RIC and other branches of Revenue Department's co-ordination work of Application received
4. Co-ordination work of primary inspection in Department's Head Office & RIC / Branches

**Head of Departments under Revenue Department**

**1. Revenue Inspection Commissioner (RIC):**

Revenue Inspection Commissioner is the Head of the Department. In addition, he is ex-officio Secretary by virtue of his office. Inspection of offices of Revenue and Panchayat relating to Revenue Work of the State is being carried out by RIC as per prescribed programme. The Commissioner carries out monthly review of revenue work of the Collector. Moreover, review work is being carried out by convening zonal meeting of Collectors. After dispatch of inspection notes to the respective offices for compliance, Memo reading is done and instructions are issued for rectification of deficiencies. In order to ensure that revenue work is carried out as per rules and laws, special revenue training is imparted to revenue officers/ employees. This includes implementation of various important Acts. In order to enhance efficiency of officers of revenue work, conference of Mamlatdars, Prant Officers and Collectors are convened periodically.



**2. Commissioner of Land Reforms.**

Since speedy implementation of Land Reform measures is very important, the Government has set up special enforcement machinery under control of the Collectors. However, in order to guide, supervise and inspect Collectors and Agri. Commission and machinery attached with land reforms working in districts, the Government has created a post of Commissioner of Land Reform and Ex-officio Secretary, having jurisdiction over entire State, who looks after planning and proper implementation of Agricultural and Urban Land Ceiling Act. As a Secretary, he helps the Government in implementation of Land Reforms Act and deciding matters pending under Urban Land (Ceiling and Regulation) Act 1976 (Repeal Act).

To direct, supervise and inspect work of Commissioner of Land Reforms for implementation of various land reform Acts and to supervise planning schemes of land reforms, he is helped by Assistant Commissioner of Land Reforms and subordinate staff.

He implements provisions of the Bombay Tenancy and Agricultural lands Act, 1948 (modified), Gujarat Agricultural land Ceiling Act, 1960 and other land reform Acts.

For effective implementation of land reform provisions, updating of record of rights is a prerequisite. To this end, there are right of record groups (including tribal areas groups) of subordinate staff consisting of 7 Dy. Mamlatdars and 20 Circle Officers under Mamlatdars in the districts. The groups inspect village records and take steps for its updation. It aims to ensure providing correct picture of possession of records, occupation of tenancy and true position of agriculture. For disposal of cases under Bombay Tenancy and Agricultural lands Act, 1948, agriculture commission is working with subordinate staff at Taluka levels. Similarly for implementation of Gujarat Agricultural Land Ceiling Act, 1960 (modified) and for deciding cases arising from it, Agriculture Commissions are working with subordinate staff at Taluka levels.

**3. Settlement Commissioner and Director of Land Records.**

**1. Objectives of Land Records:**

(A) Survey and Settlement, the measurement of pot hissa, recommendation of assessment, improvement and preparation of records and its upkeep and activities of all types surveys in interest of the state such as –

- (1) Land acquisition and
- (2) Fixing general boundary.

(B) Providing copies of records.

(C) Consolidation of agricultural land holdings.

(D) Advise Government in respect of survey and settlement.

(E) Impart training to revenue officers in survey and settlement.

2. Settlement Commissioner and Director of Land Records is the head of the Department. He prepares and implements schemes under control of the State Government. The department consists of field organization and head quarters. The head office is responsible for guidance and control in activities of regional offices. At headquarters in Gandhinagar, there is an establishment of the Dy. Director, Land Record (General), Dy. Director (Land Records), Dy. Director (Consolidation), Dy. Director (Inspection), 6 Office Superintendents, one Accounts Officer and One Asst. Consolidation Officer. Field Officers include Dy. Director, Land Records, Superintendent (Land Records) and Superintendent (Land Records cum Consolidation Officer), District Inspectors, City

Survey Superintendent, Assistant Consolidation Officers, Inquiry Officers and Survey Mamlatdars.

This Office implements special schemes for resurvey of lands in tribal and other areas. For this purpose field organization includes Survey Mamlatdars. For this work, offices of Survey Mamlatdar are established at Valsad, Surat, Bharuch, Vadodara, Nadiad, Godhra and Ahmedabad. For rewriting of torn records or preparation of new ones, teams work under District Inspector of Land Records. They are controlled and guided by concerned Deputy Directors, Land Records.

The scheme of consolidation of land holdings is in progress in seven districts of the state. In the field organization Superintendent, Land Records cum Consolidation Officer and Dy. Director, Land Records at Ahmedabad, Nadiad, Vadodara, Himmatnagar, Bharuch and Valsad are working as controlling officers. The scheme is being implemented by three Assistant Consolidation Officers with a group of Surveyors and Nimitandars.

4. The in-charge officer of the District is District Inspector, Land Records and he is in fact is the key person in land records administration. He helps the Collector in all respects of survey and land records. It is his duty to update Land Records by including changes made from time to time due to division of land by acquisition of land for public purpose, non-agricultural work, civil decrees, etc. He arranges for measurement during winter and summer, estimate of yield and changes in records during rainy season.

He scrutinizes technical work of maintenance of city survey offices under Survey Superintendent and work of survey and classification carried out by his subordinate staff. He carries out work of repair of boundary marks of at least one village in each circle and inspection of record of right, tenancy and crop register. He is assisted by District Surveyor, Taluka Surveyor, Pot Sissa Surveyor and Maintenance Surveyor and subordinate staff in this work.

The scheme of village site survey in villages exceeding population of 5000 in the State was introduced in 1981-82. For this offices of City Survey Mamlatdars were posted in Ahmedabad, Mehsana, Bhavnagar, Rajkot and Surat. This work has been transferred to District Inspectors, Land Records since 1-4-92. His work is being controlled and guided by concerned District Superintendent Land Records cum Consolidation Officer.

5. It is imperative to preserve original measurement and classification of records carefully. If this is not done, the record prepared at heavy cost and labour would be useless. Speedy action is needed to save them from termites and to keep them in good condition. So, a scheme is proposed to be implemented from 1981-82. Study is being conducted for preservation of record on the basis of national archives and Survey of India. At present this record is being preserved in bundles of cloth and iron caskets.

6. The work of inquiry in areas in Ahmedabad Municipal Corporation and City survey of 33 T.P. Schemes of 23 villages surrounding it is being carried out by Class-I officers of UDP 4 Urban Development Scheme under Land Records Department.

7. In order to collect detail of plan schemes from all districts of the State and produce quarterly progress report after verification and co-ordination to the Government and to prepare points of financial and physical targets of 5 year plan, one class-II officer and one Shirestedar in Head of Department are given additional duties.

8. Head of the Land Records Department is Land Record Superintendent and Dy. Director, Land Records. He has under his control technical and administrative manpower. District Inspector, Land Records, City Survey Superintendent, Inquiry Officer and Assistant Amalgamation Officer for looking after special schemes. He has to tour total 160 days in a year.

9. Land record department looks after various works such as original survey, re-survey, certification, boundary fixation, assessment, village site survey, city survey, land acquisition and upkeep of records etc. After formation of Gujarat State, many development plans have been launched. Along with this, strength of staff has also been increased. This department also imparts training to Mamlatdars and Dy. Collectors in survey and settlement Administrative section and training sections are active at Dindayal Institute for Revenue Administration, Gandhinagar. Various trainings are imparted to staff of land record office, circle officer, direct recruitment, Dy. Collector, IAS Probationees etc. Special emphasis is placed on training in latest and modern technology and computerization.

#### **4. Inspector General of Registration and Superintendent of stamps.**

##### **1. Implementation of stamps Act**

Stamp Act is an Act related to revenue receipt of the State. Some documents require payment of Stamp Duty which is based on fundamental principles, whereby stamp duty is to be recorded on nature of transactions.

In short, the administration has to look into the transactions made under the documents. The main office of stamps at Gandhinagar is given the duty of effective implementation of Stamp Act and to ensure that stamps of proper value have been affixed on all types of documents executed in Gujarat state and those executed outside Gujarat but subsequently brought in Gujarat.

People have to use stamps on various occasions and on various documents. It is possible that stamps of lower value are affixed on agreements, certificates, documents, receipts, survey deeds eligible for stamp duty under Stamp Act. The Stamp Department has to be vigilant to prevent evasion of stamp duty due to ignorance of law or on account of other reasons. Hence it is one of the most important works of Stamp Department to implement Stamp Act strictly in the interest of income of the State.

##### **(1) Supply of non-judicial and judicial stamps.**

Under Rule 8(1)(B) of Rules of Government of India, supply and distribution of stamps is under control of Superintendent of Stamps, Gujarat State, Gandhinagar. Assistant Superintendent of Stamps at Ahmedabad has been appointed as a special officer for estimating requirements of stamps of treasury and sub treasuries of Gujarat State. For this local depot has been appointed, and nodal points has been constituted for timely supply of stock of stamps to each treasury and branch depots and necessary stock of stamps is supplied to each treasury and branch depots on time. Accordingly, other important duty of stamp office is to maintain supply of all types of stamps for catering demands of local and branches depots in the state.

Stamp vending work in the State is being done by (1) Stamp vendors by virtue of their office and (2) licensed stamp vendors. Two out of six counters under control of Head office of stamp are working in Ahmedabad city. From these counters stamps are sold to public by Government commercial banks, local bodies etc. on payment in cash.

Whereas for except for Ahmedabad city, for other districts of the State, non judicial stamps exceeding Rs. 2000 headed in transaction in the districts are sold through treasury and sub-treasury offices. Under notification of GR RD No. GHM-88/ 302/ MSTP-1086/318/H Dt.3-12-88, this limit of sale have been cancelled and now the licensees can sell stamp of any value.

Office of stamps at Ahmedabad supplies any urgent requirement of stamp vendors of local depot and branch departments from its own stock.

For refund of approved spoiled judicial and non-judicial stamps by general courts and District Collectors and for verification of statements of rebate issued to licenced stamp vendors by sub-treasury, Asst. Stamp superintendent at Ahmedabad acts as a controlling officer.

The Head Office at Gandhinagar fixes stamp duty on documents presented for adjudication of stamp duty under Indian Stamp Act, 1899 and Bombay Stamp Act, 1958. Government officers certify documents presented after recovery of deficient duty and penalty and given refund of spoiled and unused stamps and he looks after all work of administration of stamps.

The power to destroy spoiled stamps by people or treasury is only with the Head stamp office.

Under section 207 and 209 of the Gujarat Panchayat Act, 1993, provision has been made in Gujarat Panchayat Act to impose additional stamp duty of 15 percent and 20 percent on documents by Taluka Panchayats and District Panchayats respectively and under Gujarat Act 10/1088, the Government of Gujarat under articles 17, 20, 26, 28, 30, 36, 45, 52 and 57 under section 3-A of Bombay stamp Act has decided to impose additional stamp duty of 25 percent of 35 percent besides the stamp duty as per rate in force at that time imposable on documents for transfer of immovable property in urban areas.

The Head office has the responsibility of verification of proper imposition of stamp duty and recovery and thereafter distribution of between Districts and Taluka Panchayats. The Stamp Superintendent is working as an officer of coordination of figures of stamps of whole of Gujarat State and put in annual statements.

**(2) Reduction in rate of stamp duty.**

The total rate of stamp duty in instrument of transfer of immovable property was 5.95 percent which was reduced to 4.90 percent. Thus the Government has provided relief in stamp duty of stamp of 1.05%

**(3) Rationalization of rates of stamp duty.**

There were 27 different rates of stamp duty in the state which were reduced to only 9 due to the implementation which it has become smooth and transparent and reduction in disputes and number of documents has been increased considerably.

**(4) Increase in income of port, security and commodities.**

Under Article 24 of scheduled of 1 of the Bombay Stamp Act, 1958 as there was a fixed rate of Rs. 20 before 1-4-06 for instruments of delivery order at ports, there was no receipt of stamp duty at all in the state. After amendment brought since 1-4-06, the rate of 1% on imported goods is in force.

**(5) Relief in stamp duty.**

Following relief is granted in rate of stamp duty in transactions of share securities and commodities.

- X Under notification of RD Dt. 12-7-60 from 7-6-06 under articles 5 (D)(A)(F)(G) and article 39 (A)(B)(C)(D) the rate of stamp duty has been reduced to Rs. 1 for Rs. 1,00,000 or its part.
- X Under notification of R.D. Dt. 5-10-06, from 30-8-06 under articles 5(6) and articles 39(F) the rate of stamp duty has been reduced to 20 paise for Rs. 10,000 or its part.

**(6) Payment of stamp duty by franking machine.**

In order to check sale of fake and bogus stamps in the state and to make available payment of stamp duty easily from the nearest place of their residence to public an important policy decision has been taken by the State Government for payment of stamp duty by franking machines through authorized banks and co-operative banks of 'A' class Audit for banking business u/s. 22 of Banking Regulation Act to the nationalized and scheduled banks. Under order of 18-1-2005, procedure has been fixed for use of franking machines and its authorization. Accordingly, licence for franking machines has been given to various banks in the state.

As per provision of order Dt. 12-8-99, 106 licences have been issued to institutions for payment of stamp duty for its use up to 31-1-2008.

**2. Stamp Department (Valuation machinery).**

Accepting recommendations of Gujarat Taxation Inquiry Commission, the State Government has constituted stamp duty valuation machinery in view of amendment made in Bombay Stamp Act of 1982 to 1985 for increasing income of stamp duty.

(A) Recovery of stamp duty as per market value of the property in conveyance deed.

Pursuant to the recommendation made for constituting machinery for making the structure of tax smooth and dynamic and to remove disparity made by Gujarat Taxation Inquiry Commission, an establishment in stamp department of stamp duty valuation machinery consisting experts of R & B Dept. and Revenue Officers has been set up whose head is Superintendent of Stamps. Ready reckoner is prepared by this machinery and handed over to registration officers of the state and amendment has been made for recovery of stamp duty as per approximate market value of property of instruments of transfer of property.

Pursuant to the recommendations of the Commission, the State Government has started preparing estimates of approximate market value of various areas of urban and rural areas stage wise by valuation machinery set up for valuation of property in cities having population of one lakh first and more and its areas of complexes in the State.

Under Bombay Stamp (Gujarat amendment) Act, 1982, provision for recovery of stamp duty as per market value of immovable property included in other instruments of transfer for ownership of property is being implemented



since 1-5-84. However, after a writ petition filed in Hon'ble Gujarat High Court against implementation of this Act, the court had stayed implementation of this Act from 18-12-84 and due to that no action could be taken by Collectors u/s 32-A of the Bombay Stamp Act. With the result, cases of 316 lakh documents for fixing market price of property were pending before District Collectors and office of Sub-Registrar by November 1988. During this period, it was certified by Gujarat High Court in verdict of Sp. Civil Application. No. 1892/87, the rights for fixing market value u/s 32-A were delegated to officers of level of Dy. Collectors.

For disposal of pending documents under section 32-A of the Bombay Stamp Act 1958, power for disposal has been delegated to the Dy. Collectors, Stamp Duty Valuation Administration under section 32-A. Ready reckoner have been prepared for market value of immovable property and it has been implemented since 1-11-99.

The powers to fixed market value under section 32-A have been delegated to total 28. Dy. Collectors of State. Inspection branch of valuation administration checks whether the Dy. Collectors conduct their work as per the rules of Government and a programme is fixed and cases are checked and review is carried out for cases disposed of by the Dy. Collectors incorrectly u/s 53.

### **3. Registration Department.**

Registration Department is mainly concerned with implementation of Registration Act, 1908 (16 of 1908). The main function of registration Department is registration of documents, maintenance of permanent record of registered document under Registration Act 1908. Its aim is to check fake and fabricated documents, detail of price of movable and immovable property, transaction of consideration produce conclusive evidence of genuine documents and safety of ownership documents. This department gives authenticated records by hand written or photocopying methods for documents produced for registration for transaction of immovable and movable property and thereby it serves people. The registration fee charged under the Act is for service of people. Thus the main aim and object of this department is preparation of authentic records by copying by hand writing partially and/or by photocopying transactions of immovable and movable property and thereby to serve the people. Along with this it has to make available to the Government sufficient stamp duty on documents produced for registration under Bombay Stamp Act.

2. Inspector General of Registration (IGR) is head of the Department and he has jurisdiction of the whole Gujarat. Settlement Commissioner was working as inspector general of registration up to 14-10-81 by virtue of his office but on sanctioning a separate post of superintendent of stamps and Inspector General of registration from 15-10-81 the same has been filled. The duties and functions of the said post are as under:

(A) He exercises general supervision on all Sub Registrars of the state and makes rules consistent with Registration Act with approval of the Government.

(B) He is Inspector General of Registration for marriage for (1) Indian Christian marriage Act, 1872. (2) Parsi Marriage and Dissolution of Marriage Act, 1936 (3) Spl. Marriage Act, 1954 and (4) Bombay Marriage Registration Act, 1953 and under Court Fee Act, 1959 he is Chief Controlling Revenue Officer. The

work of registration of marriage under Bombay Registration of Marriage Act 1953 has been transferred to Health and Family Welfare Department since 1-1-2008.

(C) The office of Inspector general of registration has Inspector General of Registration, Dy. Inspector General of Registration and four Asst. Inspector General of Registration out of which one is Asst. Inspector General of Registration (Government Photo registry) and other staffs help him. Inspector general of registration exercises supervision and control on offices of all registration officers, Dist. Registry offices and offices of Inspector of registration.

4. Formerly there were 18 offices of Inspector of registration. Thereafter, on sanctioning new posts of 6 Inspectors of registration in 6 newly formed districts at present there are total 24 offices of inspectors of registration as under : (1) Ahmedabad (2) Gandhinagar (3) Palanpur (4) Mehsana (5) Rajkot (6) Jamnagar (7) Junagadh (8) Bhavnagar (9) Vadodara (10) Surat (11) Panchmahal (12) Bharuch (13) Amreli (14) Bhuj (15) Sabarkantha (16) Surendrangar (17) Kheda (18) Valsad (with Dang dist.) (19) Navsari (20) Narmada (21) Anand (22) Dahod (23) Patan (24) Porbandar. Inspectors of registration help Inspector General of Registration in inspection of offices of State in tour programmes. They inspect once in a year, the offices of their subordinate sub registry books of registration, lists, accounts and other records and prepare a list of inspection about errors found and negligence or acts of wrong procedures. They verify records for proper registration fee and proper recovery of stamp duty. Thereafter, they issue proper orders for inspection list. They forward one copy of inspection list to Dist. registration officer and one copy to Inspector General of Registration.
5. District Collector works as District Registrar by virtue of his office. He is assisted by District Registrar and Sub-Registration Officer in his work. At Taluka levels, Sub Registration officers are working under control and supervision of District Registration Officer. 24 districts have offices of Inspectors of registration and 150 sub-registration officers are working at Taluka level under control of Dist. Registration Inspectors.
6. Registration officers of Grade-I category are appointed in district Head quarters as sub-registration officers and offices with heavy works for valuation and as sub-registration officers at Taluka places of II grade. They accept documents of registration of property and fix estimated market value of property for tax recovery in their jurisdiction. Sub Registrar at Headquarters is also marriage officer under Special Marriage Act, 1954 under his jurisdiction and he helps District Collector in his duties under Stamp Act. Sub registration officers at Taluka are Marriage registration officer under Bombay Marriage Registration Act 1953 and Parsi marriage and dissolution of marriage Act, 1936.
7. Office of photo-registry office has been separated completely from photo litho press and has been placed under administrative control of Inspector general of registration from 1-9-80. For administration of photo registry office, a post of Inspector General of registration has been approved by Revenue Department, who works on advice and issue circulars and instructions to inspector general of registration in administrative and policy matters for its smooth conduct.

8. For safety of registered documents registered by the party and to prevent any erasure or tampering in it, photo copy of microfilming of documents was carried out. This system was introduced in Bombay state in 1927 and on bifurcation of Bombay state into Gujarat, the work of photo copy of documents by microfilming in Gujarat state was implemented from 1-9-1980. Government photo-registry was put under control of R.D. and has been placed under direct control of IGR, where work of photo copy by microfilming method was done for all documents registered in whole of state. In changed circumstances, in order to expedite the work, photo copying was accepted through computerization of documentation as pilot project from year 1997. Old method is time consuming and machinery is also old on account of this the work also accumulates progressively. In order to remove these difficulties, for photo copy of “documentation by computerization the system of documentation gini” was accepted. Scanning of documentation through total 12 documentation retrieval systems at Gandhinagar and other district level is being carried out. Record of scanned documents is preserved in one hand copy and C.D. A total six lakhs documents are produced for registration annually in whole state it is necessary to give back these documents to the applicants very speedily.

9. **Under Registration Act 1908.**

Registration of documents of movable and immovable property is being done. The work of registration of documents of transfer of property and other instruments is being done in registration Department of Gujarat State. Registration of documents, valuation of property of documents, photos of parties, finger prints scanning of documents are done through computerization. Thus, all 150 offices of sub-registers in the state are completely computerized.

5. **Gujarat Revenue Tribunal.**

1. On bifurcation of greater Bombay state and separate Gujarat state coming into existence, Gujarat Revenue Tribunal has been formed. This tribunal has been constituted under Gujarat Revenue Tribunal Act 1957. In Gujarat State, separate Tribunal exists since 1960. The tribunal consists of one chairman and members decided by the Government. Generally 1 + 4 total 5 members' office works as tribunal. An officer of rank of Dy. Collector acts as registrar.
2. This office works as quasi-judicial body. It deals with revision applications/ appeals/ review/ restoration application preferred under various acts of law, and say orders are issued and final disposal of applications by hearing of parties are undertaken.

6. **Gujarat State land use Board.**

1. To prepare a long term scheme for use of land resources (land, water and trees) of the state, to take steps for increasing awareness in people for importance of conservation of land resources and its balanced use, and to ensure coordination of activities of various departments of Government. With this object, Gujarat State Land Use Board has been constituted as non-statutory advisory committee under GR RD No. LND-3995-1178-A Dt. 6-6-1997. The Chief Minister is the Chairman of the said Committee. The Members of the Committee are Ministers of Agricultural and Co. Operations Department, Industries and Mines Department, Narmada Water Resources and Water Supply Department. Urban Development &

Urban Housing Department, Forest & Environment Department & R.D. besides Chief Secretary, Secretary, (Expenditure), Principal Secretary (Finance), Secretary of above 7 departments and five experts in field of water management are members of the Committee. Member Secretary of the committee is Commissioner of Land Reforms, Gujarat State.

**7. Special Secretary, (Appeals)**

On abolition of post of Commissioners, the Government has appointed Spl. Secretary (Dispute) as quasi-judicial authority to decide appeals and revisions preferred under various Acts against order of Collectors. He has been empowered to hear appeals and revisions under various acts related to special secretary (Dispute). He has been appointed as secretary (Revenue) of the Government.

**8. Gujarat State Disaster Management Authority (Principal Secretary and Commissioner of Relief)**

In wake of terrible earthquake strike on 26 January, 2001, many villages and cities suffered heavy casualties and large scale destruction of life and property in the state. Due to this earthquake Gujarat particularly districts of Kachchh, Rajkot, Jamnagar, Surendranagar and Patan public life was greatly affected and disturbed. Pursuant to this, in order to take steps of rehabilitation and resettlement in quake affected areas of the state in time limit and maintain co-ordination among various departments on permanent basis, the Gujarat State Disaster Management Authority was constituted under Societies Registration Act, 1860 and Bombay Public Trust Act, 1950 under G.R.GAD Dt. 8-2-2001. Thereafter on passing of Gujarat State Disaster Management Act, 2003 by the State Government, Gujarat State Disaster Management Authority was formed on 1-3-2003.

Constitution: (By GR Dt.11-8-2003)

1.	Hon'ble Chief Minister	Chairman
2.	Hon'ble Finance Minister	Member
3.	Hon'ble Revenue Minister	Member
4.	Chief Secretary	Member
5.	Principal Secretary/ Secretary R.D.	Member
6.	Commissioner of Relief, Gujarat State	Member
8.	D.G.P., Gujarat State,	Member
9.	Principal Secretary F.D.	Member
10.	Principal Secretary H.D.	Member
11.	Principal Secretary U.D.D.	Member
12.	Secretary, R & B	Member
13.	Addl. Chief Executive Officer	Member-Secretary

**Main Objective:**

- (1) The Authority, subject to provisions of the Act, shall be primarily liable for encouraging organized and coordinated scheme of disaster management for prevention and alleviation of disaster by state, local authorities, independent persons and communities.
- (2) (A) The authority shall work for disaster management, and rehabilitation, reconstruction, valuation and assessment after disaster, central planning, co-ordination and supervision of it.

(B) It shall be liable to implement urgent relief work of R.D. and other Departments. However, it shall help in framing urgent relief policy to State Government.

(C) It shall inform State Government and Department of Government for progress and problems of disaster management.

(D) Disaster Management shall encourage general awareness and education for urgent planning and response.

(3) It shall help and support to the State Government, Collector, officers of State Government and local authority in performing works as directed to it.

Its head quarter shall be at Gandhinagar and its jurisdiction shall be whole Gujarat State. In order that Gujarat State Disaster Management Authority gets advice and guidance of experts of various fields in its implementation, a state advisory Committee under the auspices of this authority has been constituted under resolution Dt. 27-2-2001 and amended GR Dt. 29-2-2001, by rehabilitation and reconstruction division of D.A.D.

In order that voluntary organizations extend public participation to Government in rehabilitation work, the committee shall provide guidance to State Government.

In order to evolve a long term strategy for natural disaster in State on permanent basis and plan disaster management, a task force of experts of various fields has been constituted under GR GAD Dt. 13-3-2001.

The work and liabilities of the task force shall include the following:

1. With a view to dispatch relief on time and speedily during natural calamities and under take rescue works and to suggest effective steps for preparedness, a special study group should be constituted consisting of rescue work, implementation, training to people and various experts.
2. To review current schemes for management programme at state/ District/Taluka levels at present.
3. To prepare disaster management plans for various disasters. In order to ensure implementation of schemes of rehabilitation made by World Bank in time bound manner, Central Implementation Review group under chairmanship of Chief Secretary of the State has been formed.

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# Functions of Collector

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# Chapter

# 4

## Collector

Collector is the head of revenue administration of the District. The State Government appoints him under section 8 the Land Revenue Code, 1879. The Divisional Commissioner was looking after implementation and supervision of the land revenue code in ex-Bombay state. He was supervising and guiding the Collector. From 15<sup>th</sup> August, 1960, the post of Divisional Commissioner was abolished and the powers of land revenue code and other acts were delegated to the Collector by the Government and with the result the Collector is responsible for implementation of provisions of various Acts of his district.

With time, the work load of the Collector has increased because he is important link between the Government and people for implementation and administration of law. He being representative of State Government at district level, he has to discharge most important duties in administration. As he coordinates all officers of district and conducts administration of district, he is Chief Co-coordinator of the District. He also acts as a District Magistrate.

Section 8 of the Land Revenue Code 1879 deals with the Collector which is as under:

“The State Government shall appoint in each district an officer who shall be Collector and who may exercise, throughout his district, all the powers and discharge all duties conferred and imposed on a Collector or as an Assistant or Deputy Collector by the Act or any other law for the time being in force and in all matters not specifically provided for by law shall Act according to the instructions of the State Government”

Looking to these provisions it is clear that he has to perform two fold duties.

- (1) Duties under law.
- (2) In other matters, he shall Act according to the instructions of the State Government.

Looking to this, the scope of the Collector is very wide and he has wide responsibilities. There is no definition of Collector in law but looking to the above provisions it can be said that at district level he is pivot of the State Government.

He is a head of district treasury and for administration of treasury he is liable to audit department. He has powers to control and guide the municipality. He is associate member of District Panchayat.

Looking to his legal, administrative powers and work he can be identified as under:

The word “Collector” has a broad meaning in the present democratic structure which may be defined as under:

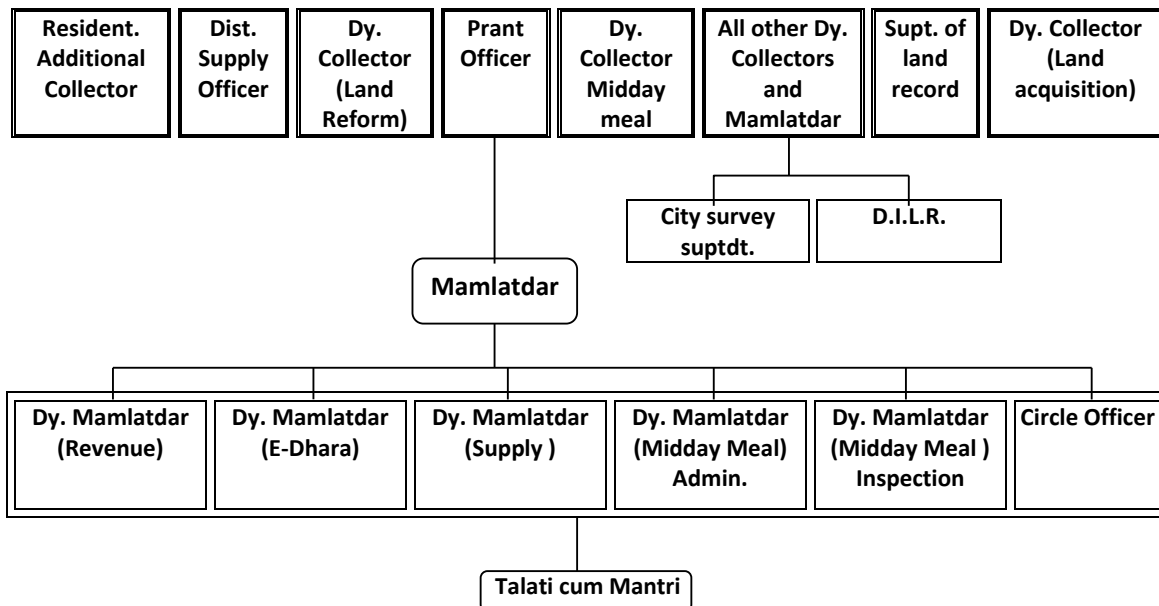
- C - Chief of the District
- O - Organizer of all events
- L - Land Manager & Land Revenue Administrator
- L - Law and Order
- E - Equity based justice and Emergency manager.
- C - Custodian of Revenue Records and co-ordinator.



- T - Treasurer and Trustee of Government land.
  - O - Origin of District Administration.
  - R - Reviewing authority
- (1) Under section 8-A of the Land Revenue Code, 1879, the State Government may appoint additional Collectors.
  - (2) Under section-9 of the above code the State Government appoints Assistant or Dy. Collectors who works under the Collectors.
  - (3) Under section-12, The Taluka Mamlatdar appointed by State Government is revenue officer under control of Collector.

**1. Administrative set up at district level**

**Collector**



**Control of Collector on Important Subordinate Revenue Officers.**

The Collector has to exercise supervision and control over his three subordinate important Revenue Officers like Circle Officer, Mamlatdar and Prant officer. He has to ensure that these officers perform duties and functions delegated to them and exercise powers properly.

**1. Circle Officer:**

Circle officers work under direct control of the Mamlatdar. In one taluka on average their villages are allocated two circle officers. They have been assigned special responsibility of preparing revenue chapters and updation of revenue records and custody of Government land. The Mamlatdar exercises effective check on him by review and supervision of his work. His duties are described here under. Those points are important for his work. The duties of circle officers are as under:

**Duties of Circle Officers:**

There is no provision in land revenue code for his appointment but he is appointed by administrative order. He supervises civil administration and Land Records of all villages of his circle under order of Mamlatdar. He has to visit all villages from time to time, he is being informed of qualification of Talatis and his conduct about condition of crops, condition of people and he has to report immediately to his superior officers for any act required of him and implement it immediately. Particularly the Circle Officer is to perform the following functions.

- (1) He has to verify records of rights and recover assessment after examination of estimates of area of various crops and helps in preparation of Anawari of crops of village.
- (2) With the intention of finding encroachment on land, erect boundary marks on Govt. waste land and rectification of it.
- (3) Inspection of census of people and cattle.
- (4) Inspection of birth and death certificate statements.
- (5) Inspection of statements of well, tanks.
- (6) Verify recovery and find out reasons for pending recovery. Check balance of Talati and verify proper deposits in treasury.
- (7) Verify certain receipts of people by oral questions and by comparing note with books of account. Put signature in token of it being correct and write at the end of the book of account of the village the no. of holdings examined. During tour he should verify 50 percent of receipts for various remittance of land holders and 10 percent receipts of Aval Karkun, Mamlatdar and T.D.O. should be checked with the original receipts. (Govt. circular of RD Dt. 01-10-70)
- (8) Checking of diary of Talati, put signature in remark column and note briefly in his diary.
- (9) Supervise work of preparation of record of rights.
- (10) Supervise implementation of all resolutions and other orders issued for villages by Mamlatdar.
- (11) After tour being over, prepare statement of taluka and perform office duty as per instruction of Mamlatdar.
- (12) Verify whether all fragments are entered into the result of records and notices issued to concerned parties in prescribed form.
- (13) Verify whether there is any violation of resolutions of The Bombay Tenancy and Agricultural lands Act and Bombay Prevention of fragmentation and consolidation of Holdings Act.
- (14) Verify whether the tenant who tills land genuinely is recorded in the record of rights and if there is any inconsistency, it has been reported to the Mamlatdar properly.
- (15) As per section 26(2) of the Bombay Tenancy and Agricultural lands Act, whether the land lord issues receipts for tenancy and whether land lord recovers excess tenancy or inform of service or labour and for all these cases, whether registered to the Mamlatdar.
- (16) To tally registered supplied to Talati showing account of book of V.F.9 with stock book.
- (17) To verify construction to check violation of ribbon regulation Rules and if yes, steps are taken or not.

- (18) To verify the terms of lands of grant of land on administration of tenancy which cannot be appointed or/and transferred by the grantee for compliance.
- (19) To tally electoral rolls prepared by village officers.
- (20) To inspect all minor irrigation works falling in his circles at the end of monsoon and reporting its result to the Mamlatdar.
- (21) To inspect from time to time encroachments, violation of terms, plots of village site lands, granted or leased land on special terms and non-agricultural plots.
- (22) To verify social disability of Harijans and see that whether any violation of Act of removal of social disabilities have taken place.
- (23) To experiment of cutting crops necessary for fixing of Anawari of crops and assessment of tenancy under Bombay Tenancy and Agricultural land Act, 1948.
- (24) To tally actual farm condition and check whether statement/ register of inconsistencies to be regularized in maps, atlas and record of rights.

He should not point out errors only while inspecting work but he should take steps to rectify errors.

The aim of inspection is to point out errors and expose these deeds and set right errors before further damage and in experienced Talatis are informed on time.

It is the rule that complete inspection of every village in circle should be carried out every year. However, if circle being big or due other reasons, it is not possible to complete inspection of all villages every year, the Mamlatdar is responsible for full inspection of villages of his circle every year and inspection of all villages every year is carried out. When camp of Collector is held at a village of circle officer, up to his tour of circle, he should act as per his instructions and when asked by him, he should accompany him for inspection.

He should supply relief in scarcity period by virtue of his office. He should observe changes in weather so that he can discover signs of impending scarcity first and when he is called upon he can report the position of his circle immediately.

Except the period of 1<sup>st</sup> of July to 15<sup>th</sup> September he should send his tour programme to the Mamlatdar every Saturday he wishes to under take on which day and in which villages for the following fortnight. He can change his programme for special reasons.

He should tour generally for 20 days in a month in fair weather (October to June) and at least for 30 days on average in July to September. During fair weather he should pass 15 night halts outside headquarter of his circle in every month. For any reason if such tour can not be completed he should make up the deficiency in the next month.

The Circle Officer should submit his diary to the Mamlatdar in prescribed form every month from June to September and for remaining months at every fortnight. He should send his diary directly to sub divisional officer under his signature. In diary he should not ask for any other and if needs any order for any matter he should make a separate order. He should comply with remarks made by Mamlatdar and Prant officer. The office copy of the diary should be produced before the supervisor/officer for his inspection. The Collector should issue guide lines – instructions after inspection of diary of circle. Thus it is the duty of the Collector to supervise and control the function of the Circle Officer.

**3. Mamlatdar:**

The office of Mamlatdar has assumed important status from ancient times. The word “Mamlatdar” is derived from original Arabic World MUAMLA (Mamla) means complicated matter or case and the officer who solves such matters or issues is Mamlatdar. The Mamlatdar is the Head of revenue administration consisting of average 80 or more groups of villages.

**Appointment of Mamlatdar**

The State Government appoints Mamlatdar under section-12 of Land Revenue Code. For appointment, duties and powers of the Mamlatdar following provisions are made:

**Section-12:**

The chief officer entrusted with the local revenue administration of the Taluka shall be called a Mamlatdar. He shall be appointed by the State Government.

“His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act or by any other law for the time being in force or as may be imposed upon or delegated to him by the Collector under general or special order the State Government”.

A decision or order of the Mamlatdar in performance of the duties and exercise of powers imposed or conferred upon him or delegated to him under this section shall be subject to provisions of chapter- XIII.

Thus, Mamlatdar being Revenue officer, he is also executive magistrate under section-20 of the Indian Criminal Procedure Code, 1973.

The Mamlatdar is a gazetted officer of the State Government. As the Collector is the head of the district, the Mamlatdar plays role of head of Taluka. He is responsible to Prant officer and Collector and solves problems of people by coming in direct contact with them. Thus the Mamlatdar has a multiple role to play at Taluka level.

The powers delegated under Land Revenue Code and various Acts of revenue administration and powers delegated by State Government or Collector are his duties and powers.

**4. Duties and Powers of Mamlatdar**

- (1) Conduct revenue administration of Taluka and act as chief coordinator of taluka.
- (2) Supervision and inspection on work of revenue personnel of taluka.
- (3) The origin of any revenue chapter is the office of Mamlatdar. So that detailed report and proposals of revenue chapters should be sent by such manner to the superior officer that they are settle or decided without further queries.
- (4) Mamlatdar is custodian of land record of Taluka. Hence his duty is to preserve Land Records and updation from time to time, preservation of public property being his primary and fundamental liabilities. Right to property of people and settlement of revenue issues arising from them is his main role.
- (5) Preservation of Government land and constant vigilance that no encroachment is made on it.
- (6) Recovery of Government dues and prevention of theft of Government property.

- (7) Mamlatdar has to administer office affairs along with revenue administration skillfully as Tour/ Field officer. As tour of Mamlatdar is vigilant and record inspection effective, so the administration shall be efficient and honest.
- (8) It is the primary duty of the Mamlatdar to ensure that the administration of office is as per provisions and rules of it and standing orders from time to time.
- (9) It is his responsibility to ensure that while implementing laws, no violation is made of prescribed process of law and strict compliance of office procedure for administration.

**Use of seal:**

As provided under section 22 of the LRC, the Mamlatdar has to use 1 inch round seal, made of brass, copper or lead. But in the State, new rubber seals are used.

**5. Field work of Mamlatdars prescribed by Revenue Department.**

1. Appendix – A : 10 (ten) villages in a year.
2. General inspection of records. : All villages of Taluka in a year.
3. Days of tour : 175 days
4. Night halt : 84 nights.
5. Visit of villages of taluka : Visit of all villages every three month.
6. Inspection of record of Dy. Mamlatdar/ Circle office : Once in three months.
7. Clerk : Inspection of all clerks of office once in every 3 months.
8. Target of inspection of Khedut Pothi. : 1100
9. Work of fixing Anawari by trial of crops of all villages of Taluka.
10. Inspection of S.No, Hissa No, field inspection, Inspection of crops (V.F.No. 7/12) for  
Inspection of crops :  
Right of possession :  
Tenancy right.  
Boundary Marks :  
Other inspection and work of raising cases from it.
11. Land revenue :  
Education cess :  
Tagavi :  
To take light/ strict steps for other recovery
12. Work of rewriting of 7/2 and certification. : At every ten years by rotation at all villages of taluka.
13. Work of finding out new cases of encroachment during tour.

6. **Case work (relating to Revenue Department)**
  1. Section 37 (2) of L.R.C.
  2. Section 61 of L.R.C.
  3. Section 5 of Mamlatdar Court Act
  4. Section-3 of Saurashtra Felling of Trees Act
  5. Rule 108 (1) of L.R. Rules 1972. (disputed entries)
  6. Admission of names in water statement of V.F. No.12
7. **As Mamlatdar and Agricultural Commission.**
  1. Case work under The Bombay Tenancy Act, 1948.
  2. Case work under ceiling Act
  3. Work of recovery of purchase price/tagavi.
8. **As Executive Magistrate.**
  1. Power under section 107, 109, 110 and 145 of Cr.P.C.
  2. Primary inquiry of arms license for self-defence/ crop protection.
  3. Sanction for loud speaker.
  4. Sanction for rally/meeting.
  5. Maintain of law and order as Executive Magistrate.
  6. Work of taking dying declaration.
  7. Filing inquest/Panchnama.
  8. Protocol.
  9. Public auction on of unclaimed property.
  10. Identification parade.
9. **Mamlatdar (Recovery of Government dues)**
  1. Recovery of land revenue of certain orders.
  2. Recovery by light/ heavy steps under provision of LRC amount due from other department.
10. **Licence under Essential Commodities Act, 1955 and controlling officer.**
  - (1) Target of Inspection (Annual)
    1. Annual Inspection of Pandit Din Dayal Grahak Bhandar.
    2. Inspection of licence of petrol pump: 24 licences.
    3. Inspection of licences of Kerosene: 24 licences.
  - (2) Issue of new licences and file case for violation of licences as licence officer under Essential Commodities Act and declaration of stock order 1981.
  - (3) Action under minor acts relating to supply.
  - (4) Issue permits every month to Pandit Din Dayal Grahak Bhandar and inspection.
  - (5) Supply card to all persons under P.D.S.
11. **Entertainment officer:**
  - (1) Registration of cable connections
  - (2) Preparation of primary proposal for video/cinema house.
  - (3) Assessment of tax on all cable connection/video houses/ cinema house every year.

- (4) Recovery of entertainment tax.
- (5) Primary inspection of hotel/guest houses.
- 12. Mid-day meals scheme:**
  - (1) Work with (Dy. Collector) of appointment of staff or M.D.M. Centre.
  - (2) Inspection of at least 10 centres every month.
  - (3) Inspection of pay to sanchalak/distribution of cheques of advance of centre of MDM Taluka.
- 13. Duties of Asst. electoral regi. Officer.**
  - (1) Revision of electoral roll as per date of qualification of 1<sup>st</sup> January every year.
  - (2) Issue of Photo I-card to all voters.
- 14. Duties of Asst. Electoral Officer:**
  - (1) Duties of Asst. Electoral Officer in Legislative Assembly Election.
  - (2) Work of process of election secret, just and smooth.
  - (3) Conduct of voting/ counting and maintenance of law and order.
  - (4) Implementation of model code of conduct for election.
- 15. Election to local self Government bodies.**
  - (1) Election of Co-operative bodies, Co-op. Banks, Taluka Sangh Market Yard, Cotton Gin etc. under co-operative Act
  - (2) Electoral roll and election of village/Taluka and Dist. Panchayat.
- 16. Certificate of various Kinds.**
  - (1) SC, ST, Baxi Panch, Creamy layer, SE.C.
  - (2) Solvency certificate, age, domicile, general resident, resident of 3 yrs.
  - (3) Income, farmer, land holders, small and marginal farmer, heir ship, immovable property, character.
  - (4) Widow/ divorcee/ dependent, religious and linguistic minority.
- 17. Work of other departments other than R.D.**
  - (1) Social welfare and women and child department.
    - 1. National family assistance scheme.
    - 2. Scheme for destitute, old/disabled person.
    - 3. Widow help scheme.
    - 4. Antyodaya Yojana.
  - (2) Health & P.W.D.
    - 1. Work of family welfare.
    - 2. Indian Epidemic Act, 1987.
    - 3. Vaccination and eradication of polio.
  - (3) Cooperatives Department.
    - 1. Election of co-operative bodies established under Co-op. Act
  - (4) Home Department.
    - 1. As sub jail supdtd at taluka level.

2. Maintenance of law and order at the time of religious festivals such as Dashera, Mohrrum, Rath Yatra, Janmashtami.
3. Implementation of anti child labour Acts.
- (5) Agriculture Department.
  1. Agri. census; Agri. fair.
  2. Economic survey of people.
- (6) Work to be done with co-ordination of other departments.
  1. Sankalp Siddhi Yatra, World population Day, Asmita Din.
  2. Gokul Gram Yojana, Gram Sabha.
  3. Conduct of exam of S.S.C. & H.S.C.B. and law and order problem.
  4. Maintenance of essential service in event of strike by employees.
  5. Work of Swachchhata Abhiyan.
  6. Pension to Ex. serviceman and freedom fighters.
  7. Under guardian of minor and court of wards Act
  8. Allotment of agency under Narmada Shrinidhi, Small Saving Scheme and achieve target.
  9. Natural calamities such as flood/ flood relief, storm, earthquake, big accidents.
  10. Checking and scrutiny of primary proposal of mines, mineral loyalty.
  11. Supply of potable water to all villages of Taluka.
  12. Implementation of scheme so that there is no death of starvation.
  13. Observation of national festival.
  14. Development of villages of Taluka under discretionary grant/incentive scheme.
  15. Allotment of residential plots in land committee in consultation of Taluka Panchayat under Sardar Awas Yojana and Indira Awas Yojana to availability of residence to persons of BPL and Shram Yogis.
  16. Issues of coupons under SGRY scheme and employment.

**18. Appointment, power and duties of Prant officers.**

Under section- 8 and 9 of the LRC 1879, the Prant officer enjoys power of land revenue administration and exercises power of Sub Divisional Officer by virtue of his office. The Prant officer is a coordination officer of taluka under offices of his central and exercises control on affairs of other offices of the State Government. Moreover, he supervises work local self Government bodies and revenue work of transferred to Panchayats. He acts as Asst. Electoral Officer of Lok sabha and election officer of Vidhan sabha. He also works as election registration officer and electoral officer in election of local self Government bodies.



**19. Revenue Work:**

(1) The Government has fixed targets. Norms for fundamental revenue work of the Prant officers which are as under:

Sr. No.	Date of revenue work	Annual target/ norm fixed.
1.	Days of tour	150
2.	Night halt	96
3.	Village record inspection Complete Prant Prant of one taluka Prant of Two taluka	General full (Appendix. A) 120 per taluka - 5 25 per taluka - 5 40 per taluka - 5
4.	Inspection of farmer ledger.	1050
5.	Inspection of record (Circle officer)	All in every four months.
6.	Visit of villages	All in five year in sub division.
7.	Visit to Subordinate offices	As per schedule.
8.	Verification of entries of records of rights	1400 to 1450
9.	Disposal of land acquisition cases.	Two cases in every two months.
10.	Inspection of settlement	Upton 15 March (As per programme)
11.	Disposal through tilling of cultivable govt. waste land.	As per provisions of govt. Resolution/circular.
12.	Detection of encroachment and its removal, upkeeps and care of govt. property.	As per provision of circular Resolution. (Visit of one place of govt. S.No. each month)
13.	Disposal of case. dispute filed under various Act	
	Detail of cases	
	Appeal under L.B. Rules 08(5) case under violation of term under L.R.C. Rule 79(1)	
	Case under self cultivation ordinary section 54 Inquiry appeal for inquiry appeal for inquiry appeal under LRC section 203 Case under Prevention of fragmentation Act1947. Revision appl. Under section 23(2) of Mamlatdar Court Act 1906. City survey appeal Chapter case u/s 93 of Bombay Prohibition Act B.P. Act 56 (deportation) Rent Act Section 23 (1) CRPC 133.	As per conti. Cir. RD No. GNT-1080-J. Dt. 10-6-80 Revenue case/ dispute should be disposed latest in 6 months.

**20. Other important works**

Sr. No.	Detail of work	Department
1.	As Sub Dvn. Magistrate.	Home
2.	Certificate for organization of entertainment pro, arms licence, Hotel licence.	Home
3.	Fairs, Pilgrimage, Festivals, Cultural affairs.	Sports, Y. C/ & C. Activity,
4.	Assembly Election	GAD
5.	Elections to Lok Sabha	GAD
6.	As Electoral Regi. Officer	GAD
7.	S.S.C., H.S.C. Exam.	Education.
8.	Supervision of Municipalities	HD & U H.D.
9.	Election to Dist. level co-operative institution.	Agri. & Co-op.
10.	Election to Dist. Panchayat, T.P. / Nagarpalika.	State Election Commi.
11.	Prevention of unauthorized mining.	U & Mine.
12.	Assistance to destitute, old and widow	S. J. & Emp.
13.	Recovery of sales tax under professional tax Sales Tax Act	F.D.
14.	Taluka Co.op. Committee.	GAD
15.	Essential Commodities Act	F & A.C.S.D.
16.	Campaign for entry of girls in schools.	E.D.
17.	Mid day meal centres.	E.E.
18.	Gram Sabha	P & R H D.
19.	Pulse Polio Vaccination	H & F.W.
20.	Abolition of Bonded labour.	Lab & Emp.

**21. In three important matters the Prant Officers have to work intensely as under:**

(1) Create new financial resources and make effective recovery.

1. To expedite non-agriculture assessment, land revenue, education cess, violation of term and dispose of Government waste land and thereby increase govt. receipt.

2. To increase receipt by stamp duty recovery, assessment and increased registration.
  3. Increase receipt through vigorous efforts of hotel licences, video, cable T.V. theatre and hotel, inspection and recovery of entertainment tax.
  4. Work of minerals, to prevent illegal mining and make efforts to increase royalty.
  5. To prevent malpractices, increase receipt and prevent tax evasion under Sales Tax Act
- (2) To provide more facilities to citizens.
1. To strengthen P.D.S. active enforcement PBM, issue of ration cards and Antyodaya Yojana.
  2. Solution on issues of urban areas and regulation on administration of Municipalities.
  3. Implementation of schemes for Child welfare and social security assistance to widows and destitutes and old persons.
  4. To play an effective role in disposal of issues presented in Gram Sabha and revenue activities handed over to Panchayats.
  5. Training under E-governance, Civil Centre, issues presented in Lok Darbar and implementation of citizens Charter in true spirit.
- (3) Efficiency in Revenue Record Management and Revenue Inspection.
1. To perform field duty as per norm of the Government.
  2. Effective scrutiny of sub ordinate officers at Sub Divisional level and inspection of land records.
  3. Check work of city survey.
  4. Campaign against encroachment, recovery of Government dues, cases of violation of non-agri. land, recovery of non-agri. assessment, disposal of record of right entries.
  5. Strengthening of process of tenancy and land acquisition.
  6. To ensure disposal of application in time bound manner.
  7. To take effective steps for functioning E-Dhara, Land Record computerization revenue promulgation.
  8. Effective implementation of disaster management and rehabilitation.

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# Chapter

# 5

## Collector: Implementation of various Acts.

### 1. Revenue Laws:

- (1) Gujarat Land Revenue Code, 1979 and Gujarat land Revenue Rules, 1972.
- (2) Bombay Tenancy and Agri. land Act. 1948 and Tenancy and Agricultural Land Rules, 1956.
- (3) Saurashtra Gharkhed, Tenancy Settlement and Agri. Land Ordinance, 1949.
- (4) Bombay Tenancy and Agri. Land (Kachchh Region) Act, 1958
- (5) Gujarat Tenancy and Agri. land (Amended) Act, 1997
- (6) Gujarat Agri. land ceiling Act 1960.(Amended 1976) and Rules there under
- (7) Land Aquisition Act 1894 and amended Act, 1992.
- (8) Revenue Account Manual (including Dist. Taluka/Villages)
- (9) Guardian of Minor and Wards Act and Hindu Inheritance Act, 1956.
- (10) Bombay Prevention of fragmentation and consolidation of Holdings Act, 1947.
- (11) Vada Manual 1968.
- (12) Mamlatdar Court Act, 1906.
- (13) Saurashtra felling of trees Act, 1951.
- (14) Limitation Act, 1972.
- (15) Treasure Trove Act, 1878 & Rules, 1958

### 2. Magisterial Acts.

- (1) Criminal Procedure Code, 1973.
- (2) Arms Act, 1959 and rules made thereunder in 1962.
- (3) Indian Penal Code, 1860.
- (4) Bombay Police Act, 1951.
- (5) Indian Evidence Act, 1872.
- (6) Civil Procedure Code 1908.
- (7) Poison Act, 1919 and Rules 1963.
- (8) Gujarat Prevention of Aanti Social Activities Act, 1985.
- (9) Gujarat Prison (visitors) Rules, 1974.
- (10) Explosives Act, 1884 and Rules 1974.
- (11) National Security Act, 1988.
- (12) Passport Act, 1967
- (13) Bombay Habitual Offenders Act, 1959.
- (14) Gujarat Police Manual, 1975.
- (15) Explosive Substance Act, 1908.
- (16) The Official Secrets Act, 1923.
- (17) Act for Administration of Oath, 1969.
- (18) Prevention of Atrocity against SC/ ST Act, 1989 and rules there under, 1995.
- (19) The Bombay (Hotel and Lodging house) Rent Control Act, 1947.
- (20) The Motor Vehicles Act, 1988.

**3. Recovery Acts.**

- (1) Gujarat Entertainment Act, 1977
- (2) Luxury Tax Act, 1977.
- (3) Bombay Cinema (Regulation) Act, 1956.
- (4) Bombay Stamp Act, 1958.
- (5) Gujarat Mines and Minerals Act, 1952.
- (6) Village Abolition of Indebtedness Act, 1976.
- (7) Indian Registration Act, 1908.
- (8) Cinematography Act
- (9) Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.
- (10) Gujarat Court Fees Act, 2004

**4. Public Distribution System Acts.**

- (1) Essential Commodities Act, 1955.
- (2) Essential Commercial and stock declaration order, 1981.
- (3) Petroleum and Gas Rules, 2001.
- (4) Petroleum Act, 1934.

**5. Urban Development Acts.**

- (1) Municipality Act, 1963.
- (2) The Gujarat T.P. & Urban Devel. Act with Rules 1976.

**6. Election Acts.,**

- (1) Representation of People Act, 1950.
- (2) Representation of People Act, 1951.
- (3) Delimitation Act, 1972.
- (4) Registration of Voters Rules, 1960.
- (5) Election Conduct Rules, 1961.

**7. Other Acts.**

- (1) Gujarat Panchayat Act, 1993.
- (2) Water Pollution (Control and Prevention) Act, 1974.
- (3) Cooperative Act, 1961
- (4) Scarcity Manual
- (5) Disaster Management Act, 2003.
- (6) Indian Epidemic Act, 1987.
- (7) Indian Forest Act, 1927
- (8) Prevention of Child Labour Act.
- (9) Prevention of Bonded Labour Act.
- (10) Indian Electricity Act, 1951.
- (11) Right to Information Act, 2005.
- (12) Copy Right Act, 1957.
- (13) Merchant Shipping Rules 1974.
- (14) Press and Book Registration Act, 1867.
- (15) Indian Telegraphic Act, 1885.
- (16) Arbitration and Conciliation Act, 1996.

## Chapter

## 6

**Collector: Coordination with Govt.'s other Departments.**

Sr. No.	Work	Department
1.	Law and order as Dist. Magistrate.	Home
2.	Arms licence, PASA, NASA, Jail explosive licence, entertainment programme.	Home
3.	Fairs, pilgrimage, festivals, cultural programmes.	Youth Services, Agriculture.
4.	Assembly and Parliamentary Elections	Election Dvn. GAD.
5.	Election to Municipality/ Corporation.	State Election Commission
6.	Gram/ Taluka / Dist. Panchayat Election.	State Election Commission.
7.	Election of Co-operative institutions.	Co-operation
8.	SSC, HSC Board Exam & UPSC/GPSC Exam.	Education, D.o. P.T. & G.P.S.C.
9.	Gujarat Municipality Act, 1963.	Urban Development.
10.	Permit for Mines, Minerals recovery of royalty.	Industries and Mines.
11.	Appeals for assistance of destitute and old persons.	Social Justice and Empowerment.
12.	Dist. Co-ordination; Committee/ Dist. Planning Board.	GAD
13.	Essential Commodities Act, 1955.	Food & Civil Supplies Dept.
14.	Girls Education and Mid-day Meal.	Education Deptt.
15.	Gram Sabha, Tirth Gram, Panchvati, Audit Paras.	Panchayat Dept
16.	Work of Committees of Rural Develop.	Rural Development.
17.	Pulse Polio Vaccination, Family Welfare Work.	H & F.W.D.
18.	Child Labour, Safety of factories labour welfare.	Labour & Employment.
19.	Agri. Insurance damage to agri. work of NABARD.	Agricultural Dept
20.	Transport Committee.	Transport Dept.
21.	Water and Village Sanitary Committee.	Water Supply Dept.
22.	Vigilance Committees for S.C., S.T. Spl. Component Plan.	Socila Justice & Emp. & Tribal Development Dept.
23.	Appointment of Govt. Pleader	Legal

## Chapter

## 7

### Collector: Committees under Chairmanship of Collector and District Magistrate.

The Collector is the administrative head of district administration. Various schemes and programmes are implemented as per the policy of the State Government by various offices of other departments of the State Government at the district level. In order to ensure that the schemes and programmes are properly implemented and the targets are achieved (physical and financial), they have to be checked, supervised coordinated by Collector and District magistrate through various committees are constituted under chairmanship of Collector and District Magistrate. Its member secretary is head of respective departments in the district. Its meetings are held on monthly, quarterly, half yearly and annual basis. More meetings can be convened as required. The details of these important committees are as under:

#### Committees under chairmanship of District Collector and Magistrate.

S. No.	Name of Committee	Member Secretary
1.	District Civil Supplies and Consumer Protection Advisory Committee.	Dist. Supply Officer.
2.	Dist. Police Advisory Committee.	Dy. Supdt. of Police, Headquarter.
3.	Special Prison Advisory Board.	Suptd. Spl. Prison.
4.	Prison Visitor Board	Special Supdt, Prison.
5.	Dist. Soldiers Welfare Committee	Dist. Soldier Welfare Officer.
6.	Bajpainagar Vikas Yojana	Dist. Planning Officer
7.	Dist. Urban Develop. Agency (DUDA)	Dist. Planning Officer.
8.	District Vigilance Committee	Labour Officer of Govt. (Rural)
9.	District Environment Committee & Site Selection Committee for disposal of hazardous waste.	Dy. Con. of forest (Extn.)
10	Dist. Executive Committee (for implement of Disability Act 1995)	District Social defence officer
11.	Hospital Advisory Committee	Residential Medical Officer Class-I
12.	Local Committee for organization of Navratri garba/ras competition at Dist. level	District Sports Officer.
13.	District Crisis Group	Asst. Director, Industrial Safety and health.
14.	District Tourism Development Committee	District Manager, Guj. Tourism Corp. Ltd.
15.	Vigilance Committee under (Prevention of Atrocity) for SC and ST Act, 1989 and Rules, 1995.	Dist. Backward Class Welfare officer
16.	District level advisory Committee for implementation of agricultural Minimum Wages Act.	Govt. Labour Officer. (Agri.)

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S. No.	Name of Committee	Member Secretary
17.	Spl. Plan Implementation Committee for SEBC or vikasti castes.	Social Welfare officer (Vikasti Caste)
18.	Committee for review of implementation of 20 point programme of P.M. for welfare of minorities	Social Welfare Officer (Developing Castes)
19.	Child Welfare Committee	Dist. Social defence Officer.
20.	Juvenile Justice Board	Dist.Social Defence Officer.
21.	District Accomodation Committee.	Exe.Eng. R & B (State) Dept.
22.	Committee for employing physically handicapped persons.	District Employment Officer
23.	District Planning Board.	District Plannning Officer
24.	Dist. Executive Committee (Planning)	District Planning Officer.
25.	Constitution of District Level Committee for review of welfare activities of salt workers in salt units.	General Manager, District Industries Centre.
26.	Single Window Industrial follow up (Swift)	General Manager, DIC
27.	District Industrial Executive Committee	General Manager, DIC
28.	Spl. Component Plan Committee	Dist. Welfare Officer.
29.	District Health Society.	Chief District Health Officer.
30.	District Surveilance and Co-ordination Committee for prevention of infectious diseases.	Chief District Health Officer.
31.	Pt. Dindayal Upadhyay Antyodaya Swachhata Bazaar Yojna (Sanitary)	Dist. Backward Class Welfare Officer Class-I
32.	Jawahar Navodaya Vidhyalaya Committee.	Principal, Jawahar Navodaya Vidhyalaya.
33.	District Level Committee under National Green Corps Scheme.	Dist. Education Officer.
34.	Child Labour Rehabilitation and Welfare Fund Society.	Asst. Labour Commissioner
35.	District Literary Committee	Dy. Dist. Continuing education. Officer.
36.	National Human Resources Development Committee.	Exe.Eng, W.S. & S. Board.
37.	Dist. Land Valuation Committee.	Town Planner
38.	Committee for allotment of land to Government servants.	Res. Addl. Collector
39.	Committee for grant of land on lease for fishery.	Dy. Dir. Fisheries.
40.	Committee for disposal of Govt. land through public auction.	Resi.Add.Collector
41.	Committee for grant of land for prawn rearing centre.	Dy. Dir. Fisheries
42.	Dist. Prohibition Committee.	Dist. Prohibition & Excise Officer.
43.	Task force Committee for abolition of child labour.	Asst. Labour Commissioner.
44.	Dist. level Committee for social forestry.	Dy. Cons.of Forests.
45.	Dist. level Committee for prevention of violence women.	Dist. Social Defence Officer.
46.	District Vigilance Committee.	Dy. Supt. Of Police, ACB.
47.	District Water and Sanitation Committee.	Ex. Engr. Public Health R & B
48.	District Level Banker's Committee.	Lead Bank Officer.



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<b>S. No.</b>	<b>Name of Committee</b>	<b>Member Secretary</b>
49.	District level pulse polio steering committee.	Chief Dist. Health Officer.
50.	SC Spl. Scheme.	Dist. Backward Class Welfare Officer.
51.	Tribal Area Sub-Plan.	Project Administrator
52.	District Patients Welfare Officer.	Civil Surgeon.
53.	District Level School Admission Committee.	District Primary Education Officer.
54.	Reliance Rural Development Trust.	Director, DRDA
55.	District Akshay Urja Committee	Director, DRDA
56.	District level Tirth Gram Pasandgi Samiti.	Dy.DDO.
57.	Dist. level Panchayati Yojana Pasandgi Samiti.	Dy.DDO.
58.	Law and Order Committee.	Dy. DSP (HQ)
59.	District Library Committee.	District Librarian.
60.	District Coordination and Complaint Committee.	Resident Additional Collector.
61.	District Kanya Shala Praveshotsav Samiti.	District Primary Education Officer.
62.	Committee to prevent adulteration of petroleum products.	District Supply Officer.
63.	District Vigilance Committee (SC)	Vigilance Officer (SC)
64.	District Examination Committee	District Education Officer.
65.	Eco Club implementation and Evaluation Committee.	Dist. Education Officer.
66.	House assistance implementation committee under Ambedkar Awas Sahay Yojana.	Dist. Welfare Officer (BC)
67.	Committee for resolution of issues of Non-Resident Indians of Gujarat	Resident Additional Collector
68.	Dist. Sports Council	Dist. Sports Officer.
69.	Monitoring and review committee for mid-day meals at Dist. level.	Dy. Collector (MDM)
70.	Dist. Advisory Committee	Resi. Additional Collector.
71.	Dist. Record Survey Committee	Head of Office, Dist. Records
72.	Committee for solution of issues of Dist. Sevadal soldiers and its family.	Resi. Addl. Collector.
73.	Dist. Level Cash Assistance Committee.	GM, DIC
74.	Dist. level committee under section 166(5) of the Electricity Act, 2003.	Electric Inspector
75.	Dist. Employment Committee.	Employment Officer.
76.	Dist. Blindness Control Society.	Ophthalmologist, General Hospital
77.	Bonded Labour Abolition Committee.	Dist. Labour Officer.
78.	Advisory Committee for Child Marriage Prevention Act	Dist. Social Defence Officer.
79.	Committee for safety of sweepers and its monitoring and training.	Dist. Social Welfare Officer.
80.	Special Investigation Team	Superintendent of Police
81.	E-Seva Society	Resident Addl. Collector

## Work of Collector - For Priorities

Sr. No.	Revenue work	Law and order	Public Distribution Election	Financial Source
1	2	3	4	5
1.	Tour/night halt/record inspection.	Law and order	Public distribution system.	Recovery of land revenue in municipality areas.
2.	Case disposal	Arms Act	Essential commodities Act	Recovery of entertainment tax
3.	Disposal of cases and appeals	Bombay Police Act	Dindayal grahak Bhandar Parvana.	Alien recovery
4.	Settlement & record promulgation	Criminal procedure Code	P.B.M. Act	Issue of recovery certificates.
5.	Encroachment	Licence for explosives	Kerosene Licence	Recovery of non-agri. tax and spl. Cess
6.	Gram Panchayat audit para	IPC	Rice mill licence	Recovery of audit paras.
			<b>Election</b>	
7.	Inspection of subordinate Revenue Offices	Cinema Act and rules.	Gram/ Taluka/ Dist. Panchayat.	Recovery under court decree.
8.	Inspection of other offices	Video licences	Municipalities/Municipal Corporation Election.	Recovery of mineral tax & Royalty.
9.	-	PASA/ NASA	Vidhan sabha, Lok sabha/Co-operative societies Electoral Roll/Polling Booth	Recovery of Sales Tax.

**Important points for above priorities:**

1. Updation of revenue records, maintenance and increase effectiveness of revenue work.
  - (1) The Collector should tour/make night halt as per prescribed norms every month.
  - (2) Dispose pending applications and classify cases properly in a time bound manner/ programme.
  - (3) Disposal of pending entries in record of rights under E-Dhara, arrange for timely availability of 7/12 copies to farmers.
  - (4) To complete E-Dhara record promulgation accurately and within time limit.
  - (5) To launch campaign for removal of encroachment and effective recovery of Govt. dues.

- (6) Periodic inspection of subordinate revenue officers.
  - (7) To conduct E-Dhara training to E-Dhara Dy. Mamlatdars and Spl. Revenue Training to Revenue personnel/ officers and training of computer skills ( CCC and CCC+).
  - (8) Pay proper attention to service matters of personnel/ officers.
  - (9) Effective disaster management planning & rehabilitation.
2. Civil Supplies/ Law & Order issues/ Election.
- (1) Effective PDS: conduct frequent surprise checks, abolition of ghost ration cards.
  - (2) Cases of PBM, cases under Essential Commodities Act, 1955, surprise checking of kerosene licences, prevention of adulteration in essential commodities.
  - (3) Carry out review for effective implementation of schemes of social security, assistance to widows, aid to destitutes and old age persons.
  - (4) Important issues of citizens of urban areas such as clean drinking water, sanitation and traffic control.
  - (5) To pay attention to solve issues of people of urban area.
  - (6) Monitor services being provided by civic centre, arrange for prior and sufficient training to district employees under E-governance, disposal of cases of public grievances in time bound manner and review for timely disposal of applications under citizen's charter.
  - (7) Co-ordination with district police administration for maintenance of law and order.
  - (8) To ensure that elections to the Parliament, Assembly and local self-Govt. bodies are conducted in a free, fair and impartial manner.
3. **Financial resources:**
- To accord priority to recovery of Govt. dues.**
- (1) Review of recovery of land revenue, recovery of education cess, revenue recovery certificate and other recoveries in Revenue Officers' meetings.
  - (2) Action to prevent encroachment on Govt. land in urban areas and restore encroached lands.
  - (3) To intensify recovery of cess on land of urban areas and city survey areas.
  - (4) To pay attention to recovery of entertainment tax. Besides, review of surprise check of Hotel licences, video licences, cable TV and cinema houses.
  - (5) Receipt of registration fee through registration of documents, and strict action for recovery of stamp duty.
  - (6) To make effective inspection of village records for recovery of non-agricultural assessment.
  - (7) Make list of survey Nos. of land having minerals in the district and prevent illegal mining. Periodic review of recovery of royalty.
  - (8) Compliance of audit paras in which issues of recovery are raised in audit of Gram Panchayats.
  - (9) Alien recovery is sometimes hidden as Govt. receipts, for which a set up should be created.

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# Land Records

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## Chapter

## 9

### Village Land Records

District, Taluka and Village are important units for land revenue administration and therefore, it is necessary to maintain revenue records at all the three levels. F.G.H. Anderson was the pioneer who prepared Village Forms in 1914 and thereafter in 1929, prepared manual of village accounts including forms of Taluka/ District. Accordingly, he has prepared 18 forms of village, 33 forms of Taluka and 6 Forms of district, which are being used till to day in the management of land and land records.

The land revenue law commenced with regulation No. 17 of 1827 and this regulation was framed to safeguard the rights of the State and persons based on principles of assessment laid down and for recovery of assessment. In this regulation, primary responsibility of payment of land revenue was imposed on the land holder and in that way, the Raiyatwari system of revenue commenced with this regulation. After this regulation, amendments were made gradually and later by codifying all those laws and regulations, Land Revenue code, 1879 was enacted. Accordingly, the implementation of this law commenced wherein responsibility of payment of land revenue was imposed on land holder. Thereafter, the Gujarat Land Revenue Rules, 1972 were framed under this law and made applicable to whole of Gujarat State.

Land and its administration are in forefront in the economy of the State. Accounts should be maintained in prescribed form for effective management of land; out of total land with us how much land is cultivable; how much is non-cultivable; how much is under cultivation; and of this how much land is of dry farming and; horticultural or kyari land can be known from the accounts maintained. Owing to other priorities, in due course, systematic deficiency has crept in maintaining civil accounts of village. It is necessary to focus more attention on management village land records. As we already have the accounts, primarily exercise is supervision and maintenance. In order to reiterate certain matters regarding village record, it is placed for your attention.

#### **Village Land Record:**

F.G.H. Anderson had published “Manual of Revenue Accounts” preparing 18 types of Village Forms containing details village lands, its assessment, tenure, survey number, area, assessment of agriculture, yield of agricultural land, proceeds other than agriculture, miscellaneous land revenue, mutations as per record of rights of land, about rights on land, details of crop, receipt being for recovery of assessment, detail of challan regarding crediting the amount recovered, detail of crop, Tulwari Patrak, register of birth-death, register of income-outgoing to be maintained by the Talati, file of circulars etc. preparing village record forms and maintaining them, annual report to be sent by Talati, inspection of Village Form by the competent officer. According to the manual, preparing revenue records at village level as per 18 forms and maintaining the same is the primary responsibility of Talati. And in order that this revenue record is maintained and preserved properly, inspection by Circle Officer, Mamlatdar, Prant Officer and Collector during visit of the village is an important function. For such inspections of village forms, Appendix-A for “General record inspection” and complete inspection are prepared and scrutinized during inspection. The Collector has to issue

programme during beginning of every revenue year for inspection of such village land records and as per targets fixed by Government Appendix-A and general record inspection of all records has to be carried out.

**Village Form No. 1 (Akarbandh)**

Form No. 1, which is also called Akarbandh. It is the basis of all accounts of land revenue. Therefore, its importance is for adjustment of area of land and adjustment of yield. This form is provided to the village after revision settlement, in which information of survey number wise land, assessment and tenure is shown and correction is made as per changes and maintained permanently in this way. In this form, rate is shown on top of form for every class of land and survey numberwise tenure of land, area, assessment, rights of passage and easement are shown, classwise details of dry, kyari, horticultural lands, which trees are reserved etc. are also shown. It is important that the abstract of this Form is prepared on completion of revenue year. Based on details of changes in all types of areas and assessment, changes is made in Akarbandh as per Kami-Jasti Patrak and this form is maintained at District level in the office of the District Inspector, Land Records, and copying the same, Talati maintains it in village record. Abstract of this form is very important and should be written afresh year in which changes are made. This abstract is a base of Tharav Bandh (V.F. No.V).

N.B.: The following instructions are issued in consolidated Resolution, Revenue Department No. NSHJ-102003-2600-J, dated 18-12-2004, they should be observed strictly.

As laid down in the ‘Revenue Accounts Manual” under the head of abstract of Village Form No.1, areas and assessment of land are shown, however, following method of classification of land should be incorporated in Village Form No.1

The classification of land as per type of right on land should be mentioned in column (2) of Village Form No. 1.

- (A) ‘Old tenure’ under this category, lands under Raiyatwari type under section 63 of the Land Revenue Code and the lands for which the possessor has right to sell and make partition, should be considered.
- (B) “New tenure” the land which is restricted under section 73 A of Land Revenue Code.
  - 1. Restricted lands under section 73 A of the Land Revenue Code.
  - 2. The land with right of possession with restricted right under section 43 of the Tenancy Act and under other similar sections.
  - 3. Land with restricted possession rights under various Land Reforms Acts.
- (C) Devsthan Inami Lands.
- (D) Types of lands not falling in (1) to (3) above should be written clearly.

As mentioned above, classification should be shown in Village Form No.1 and abstract of that should be drawn as shown in the said Village Form. When the Revenue Officer goes to village, entries therein should be examined along with mutations in Pahani Patrak. A should ctions be taken, if any act is found contrary to any tenure or right of records. As regards this, the Collector should give necessary instructions to the Deputy Mamlatdar, Circle Officer and Talatis and if any Talati, while tour s found to be violating any violation of condition contrary to law, he should report to the higher officer and the higher officer should take necessary action.

**Preparing Village Form No.1: Determine assessment and correction.**

This is the basic form of revenue accounts and it is prepared by the Survey Department when settlement is made at village. This form remains under implementation up to 30 years which means till the time of settlement. The assessment which is shown in this form is which fixed at the time of settlement.

It is likely that this form may be corrected from time to time. Correction may be considered due to washing away the land, or due to re-measurement or change in area due to such other reasons. When land is given for public works or taken back from public works, all the entries are made as correction. Correction becomes necessary in the following occasions.

- (1) Agricultural land is converted in to non-agricultural land.
- (2) Land acquired for public purpose.
- (3) Government waste land given in Santhani.
- (4) Land becomes less due to washing away.
- (5) Due to assignment of land for public purpose.
- (6) Cancellation of assignment made for public purpose.
- (7) Due to change in areas under section 7A and when the boundary of village is changed or two villages are amalgamated in such occasion.
- (8) Consolidation of Survey numbers,
- (9) Tenure is change like when Inami land is resumed.
- (10) Town planning scheme is finalized.
- (11) Land is consolidated.
- (12) Due to clerical mistake, recorded area of land is changed.
- (13) When Akar Jod Patrak is received.

Thus for correction of items 1 to 9, the Revenue Department makes report to survey Department and correction is made accordingly. As regards item 10 reports comes from the consulting surveyor and for 11 to 13 reports comes from the Land Records Department. Survey Correction Kami-Jasti Patrak is carried out as per report from the Land Revenue. When change takes place in the area or assessment, Kami-Jasti Patrak prepared accordingly and sent. With regard to change in tenure, Kami-Jasti Patrak or Information statements are not sent, but correction is made in record and if changes are to be made in abstract, Intekhab is sent and got-made. This form is related to Taluka Form No. 80-A, 8-B and District form No.1 and 2.

**Village Form No. 1-A Forest Register:**

This form has to be maintained wherein more than five survey numbers are assigned for forest. Where less than 5 survey numbers are assigned for forest, details thereof are given in Village Form No. 1, in column No. 21. Only forest is to be shown as protected forest, reserved forest or forest being administered by the Revenue Department etc. Whatever class it has to be shown land entered in or deleted from is related to Taluka form No. 8-A and Taluka form No. 8-B and the District Form No. 1/2.



**Village Form No. 2: Statement of other permanent yield.**

This form has to be maintained in three parts for showing other special yield other than agriculture.

- (1) Lands not entered into survey numbers such as village site, road and such other land not covered under total area shown in G.F. No.1.
- (2) The land which is out of original survey number (Even if it is pot Kharab), but at present as per section 48 of the Land Revenue code and Rule 81 of the Land Revenue Rules converted into non-agriculture and recovery of non-agricultural assessment is entered. In this part, plot wise all details have to be entered.
- (3) The land which is assessed or non-assessed, is granted for agricultural practice or for raising fruit-bearing trees or rearing Babul tree, without ownership right, at separate rate, land given on lease under special conditions and granted revenue free. During review, it can be found that the land is put to use for the purpose for which it was granted.

Thus the Village Form No. 1 shows the yield of agricultural produce, in the same manner Village Form No. 2, is useful for yield other than agriculture and other special yield from non agricultural land is shown in this form.

There are three parts of this form, **Part-I:** In this part the land out of village site and out of lands not entered in survey number for expansion of raised platform, when given for house are entered.

**Part-II:** In this part, lands which are given for non-agricultural use out of survey number and on which rent or assessment is to be recovered. They are entered in this part. Land granted at concessional rate is entered in this part.

**Part-III:** Lands entered for agricultural practice with special terms and conditions are entered. In this, special lands to be reclaimed or lands given for cultivation with concessional assessment are entered.

In this form, the lands given on lease for five years or more period should be share entered. If lease is less than five years, the yield of such land should be taken in form No. 4 as miscellaneous yield.

From this form, it can be easily found as to when the period of lease expires. So that lease can be renewed in time when the lease period expires or possession of land can be taken back. Details of this form are also taken in Tharav bandh, the scrutiny of observance of conditions of the lease becomes easy with this form.

In order to enter this fact in Village Form No.1 and Village Form No. 5 abstract of this form has to be drawn every year.

**Village Form No. 3 (Statement of Inami land)**

- (1) Full amount of particular part of the revenue of the survey number shown as Inam in the Village Form No. 1 was given to the respective Inamdar. Now Inams are abolished after the Devsthan Inam Abolition Act, as passed in 1969, which means no such Inami lands have remains between the Government and land holders.
- (2) Inams were of seven types (1) Saranjam and political Inam (for military service), (2) Jat Inam (3) Devsthan Inam, (4) Watan Inam permanent (non servant), (5) Watan Inam (hereditary), Non-servant of pargana Watandar Servant, (6) Village servant (a) Raiyat useful (b) Government useful (Chakariyat) Revenue, hereditary. (7) Miscellaneous work other than agricultural, for other public purpose.

- (3) If the use for which land was granted ceased or put to any other use without permission, the exemption of that land is cancelled and made liable for full assessment.
- (4) When the land is granted for public or charitable use, agriculture or use other than agriculture, subject to recovery of full or reduced assessment, then it is to be shown as Inam of class – VII. (Rule-32).
- (5) There were mainly two types of occupations in Saurashtra, Girasdari and Barkhali Girasdari, as Talukadars, Bhagdars and Mul Girasiya had occupation ownership right, they used to enjoy yield of villages. Barkhali includes Inamdar, endowment holder of former Government, Jivaidar, Kherati Inam holder, Chakariyat and Pasaytas. Barkhalidars have no ownership right on land, they were only entitled for use. In Junagadh, Rajkot, Bhavnagar etc. various states there were different account systems of this occupation and Inam and on merger of this State in 1948 and as per the Saurashtra Land Reforms Act, 1951 and as per other land reforms laws class of Girasdars and Barkhalidars has been abolished.
- (6) In Kutch there were types of occupation and Inam like Girasdari, Melthiras, Bhayati, Chakariya, Danodi, Dharmada Kherati, Kami Pasa and Varduka. In this occupation or Inam, whole village, particular part of village, whole or part of land were given revenue free and whole or part with exemption of land revenue. In 1958, on coming in to force of the Kutch Inam Abolition Act, the occupation Inam ended, except Devasthan Inami and subsequently with Devasthan Abolition Act in 1969, they also came to an end.
- (7) In whole State, section 38 of the LRC and land revenue exemption (class-7) remain in force. Thus in respect of class-7, it should be seen whether the conditions of endowment are observed properly or not. It is the duty of the Talati to report breach of such conditions. On abolition of various Inams and on regrating land on new tenure, necessary assessment is to be recovered. Now since Inami lands do not exist, this form is preserved permanently only for record.

This form relates to Taluka Form No. 8-A and 8-B and District form No.1/2 and Taluka form Nos. 2 and 3.

**Village Form No. 4 (Miscellaneous land revenue statement).**

Revenue received is of two types under LRC and rules.

- (A) Permanent revenue, in which permanent assessment on agricultural land under possession and fixed assessment on non-agricultural land.
- (B) Fluctuating miscellaneous revenue is for land given for less than five years. Miscellaneous revenue is not fixed income, it cannot be decided in advance as to how much that will come every day.

As regards such revenue (1) Yield of waste land given mainly for cultivation assessing for the period less than five years, (2) Yield of land cultivated by order on non-assessed land, (3) Amount of occupancy right of the land given for agriculture (4) Yield from grass organising (5) Water tax, occasionally to be credited to land revenue. (7) One fourth penalty to be imposed as per section 148, (8) Notice fee (9) Fee fixed for giving information as per chapter in record of right. (10) Assessment for sowing without permission and amount of sale if crop is attached as per section 61. This yield is entered in three ways in the Village Form No. 5(1) from the report of Talati or other village employee for such yield. (2) from application of the applicant. (3) from orders received from Taluka. Talati has to fill the form for such fluctuating yield and on filling necessary details, it is to be sent to Taluka and the same is entered in form No. 4 of Taluka. This form is linked to Taluka form No. 8-B and District form No.2.

**Village Form No. 5 (Tharav bandh)**

This form is called Tharav bandh. Permanent and fluctuating both types of overall fact of demand of land revenue are shown in this form. Moreover, changes in area and assessment and reasons of change in permanent yield are shown in this form. When change is made in respect of permanent yield inquiry has to be made. Inquiry of all aspects has to be made in fluctuating yield. The fluctuating yield is subject to small or largr changes. But when there is a major change or difference, reason should be shown. Details of Village Form Nos 1, 2, 3 and 4 come in this Tharav bandh. And there is a Tola Patrak No. 11, which shows details of every survey number, possessorwise due and details of recovery which is tallied with V.F. No. 5. That means in V.F. No. 5, total of the whole area and whole yield is shown and in Village Form No. 11 it is shown based on irrigation. Holdingwise explanation that any yield remains to be posted or recovered can be known because V.F. No.5 and 11 should tally in all respects. This form is connected with Taluka form No. 8-A, 8-B, 9-A, 19-B and District Form Nos. 1 and 2.

**Village Form No. 6 (Record of Rights)**

Record of Rights is a statement of right of land holders, in which changes of the lands being held by him are recorded. Record of Rights is an important component of Raitwari revenue system, in Government record it is record of important proof evidence, for which detailed explanation is given in chapter -X (A) of the LRC, 1879 and chapter-15 of the LRR, 1972. In this form heirship, distribution in family, purchase by absolute sale document, encumbrance, free from encumbrance and orders made in respect of land etc. are entered. Notice is served to all interested persons as per section 135-D of the Land Revenue Code, and on maturity, the decision to approve/ disapprove is taken by the competent officer.

Instructions have been issued under consolidated Resolution, Revenue Department, No.HKP-102003-2727-J dated 1-12-2003 for keeping record of rights up to date. Village Form No. 6 was maintained by Talati and has remained with him. But now with computerisation of land records, E-Dhara centres have been opened in every office of the Taluka Mamlatdar, in which the Dy. Mamlatdar E-Dhara is appointed. Therefore Village Form No. 6 are taken by the office of the Mamlatdar from the Talati and since the implementation of this system in Taluka, different types of application forms are maintained from taking entry from E-Dhara centre. Accordingly, on receipt of application, the same is scrutinized and action is taken. Now, the Government has issued instruction to send notice of 135-D from E-Dhara Centre to the parties by UPC on making entry in Form No. 6 and the same is to be implemented. Thereafter, the competent officer such as Mamlatdar, Deputy Mamlatdar (Revenue)/ Circle Officer etc. approves/ disapproves the entry. Appeals against this decision comes before the Prant Officer (Details about V.F.No. 6 are given the chapter of Land Record Computerisation)

**Dispute Register:**

When any one raises dispute regarding any thing other than dispute of heirship right or any private persons with regard to any change, that entry is made by Talati in dispute register for disposal. Disputes of heirship are disposed of in heirship register. Its entry is not made in this register. There are 7 columns in this register, in which first column is serial number of entry of dispute register, second column is the Village Form No. 6, in third column, survey for which there is dispute, in forth column the area, in fifth column the date of raising dispute, in sixth column details of dispute with name and in

seventh column the order of Mamlatdar or Prant, are mentioned. The complaint taken by Talati is also recorded in this form. Under Tenancy Act, the disposal of dispute about status of tenant is not to be entered in this because the same is to be disposed of under section 70 of the Tenancy Act.

**Village Form No. 7(12) (Pahani Patrak)**

Form No. 7/12 which is called joint form 7/12, which includes Pahani Patrak. Before the joint form was made, one separate register was maintained for writing Pahani Patrak, instead of that form No.12 is given below form No. 7. Contents of 7A are included in Form 12. This form is Pahani Patrak or CoP register and on inspection on the site as to which crops are sown in the land, survey number, details of area, cultivator and method of cropping are recorded. In this, details of cultivation- fallow land, mixed crop land, tree, irrigated crop, source of irrigation, fruit bearing trees etc, are included.

Above part of 7/12 is index of form No. 6, whereas the part below is of a form of crop register giving figure of sowing, fallow and crop. Now, register for form No. 12 is written as per survey number and serial number of Hissa. Thus, this combined Form is known as 7/12 Pahani Patrak. Pahani means inspection. When Mamlatdar goes to inspect Pahani Patrak, he takes with him this statement of loose pages which are bound in paper board and inspects on site the details of crop on field, details of area, detail of possessor and method of cultivation. Talati has also to enter crop and sowing in this form to the site. Mamlatdar and Prant Officer have to take Nimitano of entries at the site of this Pahani Patrak. When Talati goes to make Pahani Patrak he should inform his visit in advance and should suggest that agriculturists remain present and should make all entries on the site. The Talati should find out sowing of Pot Kharab, unauthorised sowing in waste land when he prepares Pahani Patrak. He has to specifically see that what is sown in total area of every survey number and which part is waste, so that no part is left without being entered.

Now vide government in Revenue Department Circular no. LRC-102012/15/41, dated : 16/03/2012, the Government of Gujarat has separated village form no. 12 from the earlier combined form No. 7/12, thereby making form no. 7 and 12 separate and independent of each other.

Henceforth to have a copy of one's land records, one needs to have a copy of form no. 7 only. Village Form no. 7 carries details of survey number, area, type of land tenure, name of the holder, details of other rights, the holder's possession of cultivable land, Pot kharab and its 'Aakar'.

While the separate form no. 12 now carries the year, farmer's name, season, crop sown and its area, mode of irrigation and details of trees and method of cultivation. The mutation entries in village form no.6 will have to be reflected in form no. 12 though, for the holder of land this is an important document.

The yearwise, seasonwise data of form no. 12 for given villages will have to be entered by Talati cum Mantri. He will lock the data and thereafter copies of locked data will only be available. If the locked data is required to be modified, the authority for the same lies with the Mamlatdar. The modification order by Mamlatdar will be entered in form no. 12 at E-dhara centre.

The District Development officer has, at the time of field inspection, to inspect 1 village of every Taluka and maximum 20 villages. Prant Officer has to inspect five villages

of every Taluka. Taluka Development Officer has to inspect 25 villages under his charge. VF No. 7/12 is verification is done in different directions, of about ten survey numbers situated away from the village, to inspect as to whether true entries of crop, sowing, area, method of ploughing have to be made as in filed. He has to make note, with signature and date on last page of 7/12 as to which numbers were inspected. Thus, inspection of 7/12 is an important part of field inspection.

Entries of tenancy are important in record of rights and it is important as to who cultivates and how he cultivates the land. Moreover, if the land is continuously kept fallow, as per tenancy law, land has to be taken by Government. Therefore, Pahani Patrak is an important record.

**Mode of cultivation is entered in the following manner.**

- (1) The main possessor cultivates himself; with members of family or with hired labourers number or mode should be written. If he cultivates with hired labourers, word "labour" should be written.
- (1-A) Possessor himself cultivates or cultivates with members of his family (Mode-1)
- (2) Possessor or his agent cultivates land with labourer and he always exercises supervision (Mode-2).
- (3) If cultivation is carried out by other than this mode, he is considered tenant (Mode-3).

**Village Form No. 8 A- Khatavahi of land holding (Khata) of cultivators.**

This form is a Khatavahi of land, in which the name, holding number of the person who holds land, total survey numbers of holding its area and assessment are shown. This form is linked to Village Form No. 6 and 7/12. Change has to be made according to the entries made in Village Form No. 6. Details as to how much land the holder holds can be obtained from this form.

Land Revenue code was amended with effect from 16-12-1986 with addition of sections 135-LL to section 135-T and Land Revenue Rules were amended to add chapter- 15. Rules 113 A to 113 K, chapter on Khedut pass book and Khedut Khatavahi was added and covered under the law. Pass Book is to be maintained in two copies, one copy for the cultivators and the other to remain with the competent officer. The responsibility of maintaining and updating cultivator's pass book lies with the competent officer.

**Village Form No. 8-B: Khatavahi of credit-debit.**

This form is required to be filled every year, all amounts due in revenue year, amount recovered and the amounts paid by landholder in earlier years, which is known as surplus, is also shown in this. In this, each last holding may be bound as a book. The last holding to be maintained is called monopoly, auction or Makta holding. Makta holding means yield is fixed at village but not the land holder who will pay. Any miscellaneous receipt of land revenue, as soon as it is entered in Form-4, entry there of is to be made in this form. For any waiver or deferral of payment, entry is made in this and the amount to be recovered is decreased. As per Education Cess Act, 1962, it is decided that Panchayat has to raise education cess. After the making entry of education cess Village Form No. 8-A, Talati has to make entry in Village Form No. 8-C, but no change is to be made in Village Form No. 8-B. This form No. 8-B will show recovery of land revenue.

This form shows, from Village Form No. 8 amount of permanent yield due and land revenue is recovered from the land holder. Thus, this form is very important for the purpose of recovery.

**Village Form No. 9- Receipt (Rojmel)**

This is a receipt of recovery of land revenue, made in triplicate. Talati has to give first copy to the payer. Talati has to produce in treasury with challan of Form No. 10 at the time of paying remittance at Taluka and third copy remains with Talati as an office copy. It is decided to close the account every day and the balance should be entrusted to Sarpanch and his signature should be taken on last column of the daybook. Number of receipt given should be written in Khatavahi of Village Form No. 8-B and Khata number of Village Form No. 8-A and 8-B should be written, so that reference may remain against each other. For recovery, Talati has to enter all day book available in village in prescribed stock register. At the end of revenue year, (31<sup>st</sup> July) the daybooks which are continued and permission of the Taluka Development officer has to be sought for using in the following year.

**Village Form No. 10 (Challan)**

As per Village Form No. 9, land revenue recovered by issuing receipt has to be remitted to Taluka. Rules for remittance are given in the Revenue Accounts Manual. The amount of recovery of land revenue has to be shown in ascending order from 1<sup>st</sup> August, three copies of this challan has to be prepared, first remittance should be got recorded in F. No. 4 of Taluka, Talati has to pay in authorised bank of Taluka. One copy of that challan has to be kept in treasury, second copy in Taluka and third copy in village record with Talati. This form has to be inspected so as to ensure that remittance is credited regularly so that no amount remains to be paid for a long period and cases of misappropriation of Government money may not happen by the Talati. This form is connected with Taluka Form No.1.

**Village Form No. 11 – Tala Patrak and Lavni Patrak.**

This form is demand of land revenue and Tala Patrak of outstanding recovery. When agricultural land and non-agricultural land is partitioned, land holders accounts are changed, totals are made from holding and recovery is also made on the same basis. Total area is taken from Village Form No. 1. Thus, even if a small mistake is committed, accounts do not tally. It is decided to make this Tala Patrak so that any mistake may not be made. Details of land held except agricultural land of village site are not be entered in this form, because non-cultivated is deducted in Tharav bandh. Year wise information of outstanding both deferred and non-deferred dues are available. In every column of this form total has to be tallied with Village Form No. 5, 8-B and 9.

This form is related with Taluka form No. 4, 5 and 7.

**Village Form No. 13, Tulwari.**

In this form standing crop is posted. All cropped and fallow land has to be totaled and has to be totaled and tallied with Form No.1. If more than one crop is taken details thereof have to be shown. This form is useful for crops being harvested in the relevant area and scientific analysis of use of land. Crop planted for more than one time, machinery, type of irrigation for crops, sowing of improved seeds, fruit, tree, fuel wood are shown in this statement.

As per area of survey numbers recovered in Village Form No. 1, detail of crop has to be shown in this form, and in abstract of Village Form No.1, it has to be tallied with total area. Now for Tulwari, computerisation of Village Form No. 7/12 is done. Using the software, abstract of Tulwari has to be prepared in Village Form No. 12.

This form relates to Taluka Form No. 20

**Village Form No. 14 – Register of birth –death.**

Under the Act of the Government of India, registration of birth-death has become compulsory. This form is maintained in form 14, 14A, 14B, 14C and 14D, in all five forms.

- Form – 14 – Responsibility is of Talati to maintain for entry of birth -death.
- Form – 14- A This is a register of small pox. The responsibility of maintaining this form is of health organisation.
- Form – 14- B – Epidemic report is to be used when influenza, yellow fever, small pox, cholera, plague, jaundice etc. spread. The health department does the work of controlling these diseases.
- Form – 14-C – Daily report of disease.
- Form – 14- D – Report of cattle disease, when epidemic outbreak in tamed animal, this is to be sent. It is maintained by the Animal Husbandry Department.

The Registration of Births and Deaths Act, 1969 came into force from 1-4-70 in the state of Gujarat, under section-4 of the said Act. Talati-Mantri of Gram Panchayat, Chief Officer for municipal area and Range Officer for forest area are declared as local officer. This Form provides very much important information. Its use in census is important on the basis of which development plan of the country is formulated.

On receipt of information of birth/death Talati has to enter in this Form. This is important for availing Government services and issue certificate for going abroad, for admission in primary school, and this heirship of land if land holder is an agriculturist.

**This form is related to Taluka Form No. 21 Village Form No. 15 Register of Village Cattle and economic condition.**

This form has to be prepared every year, for the village in which information of cattle and economic condition is entered. Entries of Government and municipal cattle are made and stud-bull left loose is also entered in that. Details of resources of village have to be entered at proper places in this Form as per orders made from time to time, in which entries of handloom, oil mill, vapour and oil run machines, sugar factories, wooden and iron sugarcane press for manufacturing jaggery etc. local equipments are entered. Details of entries of this Form has to be completed by January 15<sup>th</sup> and abstract thereof shall be sent to the Taluka Development officer.

This form relates to Taluka form No. 22.

**Village Form No. 16 – Form of water sources.**

This form is prepared every two years, in which water sources such as small well, tube well, step well, tank, well in survey number or village site have to be entered. Details of water sources may become available in famine circumstances. As a part of five year plan, many works were undertaken under non-plan for making water available. Check-dam is one example. This form should be completed before December 31. The touring officers should check the same by the end of April, so that the abstract can be sent to Taluka before 10<sup>th</sup> of the month of May.

This form relates to Taluka Form No. 23.

**Village Form No. 17 (Receipt – Issue Register)**

This is a form for entering papers received by Talati and those sent by Talati. And Talati has to show the details of reply given entering on the very day the chapter/letter is received.

**Village Form No. 18 (File of Resolutions – Circular)**

Files of Resolution – Circulars sent by the Collector/ District Development Officer/ Prant Officer/ Mamlatdar/ Taluka Development Officers, and other Government offices should be prepared and maintained upto date of verification and has to be checked at the time of record inspection whether this file is maintained or not.

**Annual accounts to be closed by Talati**

Before the end of July of every revenue year Talati-cum-Mantri should first post, if any amount is left out to be posted in Village Form No. 8-B; Thereafter, tallying total amount of miscellaneous land revenue with Village Form No. 8-B posted in proper head in Village Form No. 4 and total amount be entered in Form No. 5, outstanding amount to be recovered in Form No.11, should be tallied with Tharav in Form No. 11, should be tallied with abstract of Village Form No. 10 and Village Form No. 9 and after tallying, at the end of 31<sup>st</sup> July, close all accounts of village record and send report to the Taluka Officer.

**Taluka Form:**

As regards forms to be maintained in Taluka and District from village land record, F.G.H. Andersen has issued “Manual of Revenue Accounts” that means “a book of civil accounts of Talukas and Districts of Gujarat State, Forms prescribed therein should be maintained in Taluka/ District. Total 1 to 22 forms have to be maintained in Taluka details of which are as under:

**Taluka Form No.1:**

Work of collecting village accounts is carried out at Taluka level and this Form is not prepared by revenue but treasury, as Annual Form. In this recovery, outstanding of previous year, permanent and fluctuating current year non-Tharav bandh matters and refund matters have to be recorded. In this, details of permanent and fluctuating recovery, date wise, village wise challan number, are recorded. This form has to be maintained at Taluka Panchayat.

**Taluka Form No. 2 (Permanent Register)**

This is known as lease register. This is a permanent register kept for recording non-agriculture or special purpose lease and contracts. This is duplicate of Village Form No. 2. Time of lease is as per declaration and rent separate for every lease. This form is useful for proper control on yield at Taluka level and control may remain on accounts kept by Talati.

**Taluka Form No. 3 (Inami Land)**

This is a form of Inami land based on Village Form No. 3. All Inams of Gujarat are abolished, but only Inams of class-7, in which land is granted for public purpose under the Land Revenue Rules remain as of now. After tallying this land and Taluka form No. 9, it is sent to Collector for writing its total in district form No. 3. This form has to be maintained in the office of Mamlatdar.

**Taluka Form No. 4 (Recovery outstanding register)**

This is annual form demand of joint land revenue and detail of its recovery is shown in this. On the demand side, land revenue outstanding of permanent land, revenue postponement, matters relating to deletion of demand and recovery are shown. This form has to be tallied with form No. 9 and 11. This form has to be maintained by Taluka Panchayat.



**Taluka Form No. 5**

This is recovery outstanding form, in which one column is such in which amounts of demand of current year recovery or amount paid in advance for subsequent years is shown. Total of Taluka form No. 4 and 5 is shown below the form. Total of consolidated land revenue is available from this form. This form has to be maintained by Taluka Panchayat.

**Taluka Form No. 6 (A) and 6(B)**

- (1) The form is of remedies of ordinary and others rictness. The use of this Form is this that district Form No. 6 can be filled up.
- (2) Control can be exercised on miscellaneous land revenue (Penalty, notice fee, auction cost).

**Taluka Form No. 7**

This form is prepared form abstract of Village Form No. 11. That is a form of authorised outstanding. In that classification can be done viz. (1) which is not recoverable. (2) doubtful and (3) recoverable. It is prepared from abstract of Village Form No. 11. It shows authorised and unauthorised outstanding of Taluka form No. 5 and unauthorised outstanding and details of all types of exemption.

**Taluka form 8 and 8-B : Moje Var Tarij.**

8-A is as an abstract of areas of villages, where as 8-B is an abstract of revenue villages. This form is made as a total of villages of taluka as total of Village Form No. 5. This is an annual form to be maintained in the office of the Mamlatdar.

**Taluka form No. 9**

This is final grand total of Taluka form 8. It is useful for making explanations for all increases –decreases in area and assessment. It is a total of 8-A and 8-B, in which increase and decrease of area and assessment are shown.

**Taluka Form No.10**

This is calculation form of local cess fund. Actual amount of local cess payable to panchayat is now recovered separately. Tallying with Village Form No. 11, separate accounts of land revenue and local fund prepared on basis of Village Form No. 4 and 8-A have to be maintained. It is to be maintained in Taluka Panchayat.

**Taluka Form No. 11:**

This is a form of posting installments. There are certain other recoveries except land revenue such as amount of material disposed by auction, excise fee, contract etc. which are recovered by installments. It is to be maintained in Taluka Panchayat.

**Taluka form No.12:**

This is a register of mutation regarding cash price. After abolition of Inams, now such cash payment does not exist. With respect to religious matter such payments are cancelled. In Saurashtra, permanent payments in lieu of lands are continued for Devsthan. They are to be entered in this form.

**Taluka form No. 13:**

This is a form of sub-posting of village level allowance.

**Taluka form No. 14:**

This is a cash book of payment of village service. Abstract of form No. 12 has to be tallied with form No. 14. Total amount of payment has to be remitted to the treasury at the end of every month. This form is the account of Treasury.

**Taluka form No. 15:**

This is a register of payment of witnesses and prisoners. It is a register of entry of expenditure to be incurred in criminal and revenue court.

**Taluka form No. 16:**

This is a register of receipt and expenditure of permanent advance. Expenditure is incurred from this for contingent expenditure. Thereafter, bill is made, recouped and credited. It is maintained as per financial year. Contingent expenditure made from this in the taluka.

**Taluka form No. 17:**

These are accounts of deposits remitted to the Mamlatdar, which means it is deposit account. Taluka form No. 17-A for the amount that may be received from the parties towards allowance and traveling expenses of witness form 17-B for the amount that may come first as deposit for copy and search fee and form 17-C for the unpaid amounts which have to be kept as deposit. The Mamlatdar should examine this register every month so that misappropriation may not take place. Form No.17-D is a deposit account. Amounts of deposit revenue and criminal accountst are maintained in this register. Amount of penalty of pound, compensation, penalty, matters relating to sale of unauthorised property come as criminal deposit, whereas in revenue deposit, compensation of land acquisition, amount of earnest money of sale of Civil Court Darkhast come in revenue deposit.

**Taluka form No. 18:**

Form No. 18-A is important for knowledge of prevailing prices of various food grains when it is found that considerable increase or decrease has taken place in prices in which Taluka Development Officer should show the reasons. In form 17-B, entries regarding skilled labourer, ordinary labourer, agricultural labourer, agriculture wage of men and women are made. It is important for the Minimum wage Act.

**Taluka form No. 19: (Rainfall register)**

Wherever there are rain gauges, they are kept at Taluka offices. They are maintained for four months of monsoon. This form is maintained for some years. From this Form, average rainfall can be known.

**Taluka form No. 20:**

This form is an agricultural form. This form is prepared from Village Form No. 13. Estimate of area and position of crop is required in this. Details of irrigated crops, waste and fruit bearing trees are collected in this. This register is maintained for 30 years. It is useful for revision settlement.

**Taluka form No. 21:**

It is prepared from Village Form No. 14 and 14-A, Report regarding this has to sent to the Assistant Director of the Public Health Department. When contagious disease break out, daily statement will be sent in Village Form No. 14-A from Sarpanch to Taluka Development Officer. For cattle diseases, Taluka Form No. 21 is to be maintained like Village Form No. 14-A.

**Taluka form No. 22:**

This form is for enumeration of cattle head census. This is a five yearly form. It is like Village Form No. 15. The DILR consolidates Agricultural form-2. Reasons have to be recorded as to which variety is decreased – increased.

**Taluka form No. 23:**

Ten year form of water sources, it is prepared from Village Form No. 16. On sending this fact to the D.I.L.R. he will prepare forms and sent to the Director of Agriculture.

**Forms of District:**

- District Form No. 1 : This annual Form is prepared from Taluka Form No. 8-A and 9-A.
- District Form No. 2 : This annual Form is prepared from Taluka form No. 8B and 9B
- District Form No. 3 : Overall form of district is made by consolidating Form No. 3
- District Form No. 4 : Taluka Development officer sends from Village Form No. 11 and from all Forms, district Form is prepared. This is a form for five year.
- District Form No. 5 : Taluka Development officer sends at five years, and on the basis of that District Form No. 5 is prepared.
- District Form No. 6 : This is mere by a compilation of Taluka formNo.6-A and 6-B.This form is attached with annual administrative report.

**Significant revenue matters for village land record besides Record of Rights.**

**(1) Amalgamation of Survey numbers:**

- (1) With the approval of the Collector and from the application of holder any survey number or sub-division of survey number, may be amalgamated with any abutting survey number.
- (2) Any sub-division of survey number, which is held by one holder under one and same tenure maybe amalgamated with any abutting sub-division of the same survey number.
- (3) When two survey numbers are amalgamated single entry will be made in records for two or more part of land. The first number of amalgamated numbers will be given as identification number. Any boundary marks exist in between land amalgamated will be removed and village map will be corrected accordingly.

As per administration of survey department, when a new non-agricultural number is made from survey No. 25, new survey number becomes known and written as No. 25-B and old survey becomes 25-A. If we continue No. 25 for old survey number, it may be mistaken as original survey number which is not proper because the land from that has gone to other number.

When survey numbers are amalgamated, as per Land Revenue Rule (3), the amalgamated survey number will bear the lowest of the numbers. For example, survey No. 23, survey No. 25 and survey No. 27

are amalgamated, then new survey number is which the area of all these survey number is amalgamated will be know as survey number 23. Against survey No. 25 and 27 such entry will be made that those survey numbers are amalgamated with survey No. 23. That means the entry of survey No. 25 will not remain in serial number and similarly entry of survey No. 27 will not be there. In the same manner, between survey No. 26 and 28 no entry of survey number will remain.

**2. Kami-Jasti Register:**

Village Form No. 1 is called Akar bandh. Changes take place in that from time to time and corrections have to be made to bring it up-to-date, which is called Kami-Jasti Patrak. It is called K.J.P. in English. Change of assessment of agriculture is made because of that change or change is made in area of survey number, or new survey number is made. On reporting to the survey department about such change, the survey department will prepare Durasti Patrak (Kami-Jasti or Durasti Patrak) and on the basis of that change will be made in form No.1.

Such changes are due to the following occasions.

- (1) Conversion of agricultural land into non-agricultural
- (2) Acquisition of land for public purpose
- (3) Sathni of Government waste land
- (4) Washing away of land holding
- (5) assignment of Government land for public purpose
- (6) due to regional changes under section 7A of Land Revenue code.
- (8) Amalgamation of survey number
- (9) Due to change of land tenure
- (10) Due to finalization of Town Planning scheme.
- (11) On implementation consolidation scheme after approval.
- (12) Because of clerical mistake in writing survey numbers or assessment.

In this chapter papers regarding No. 1 to9 are sent to survey department from the revenue department, whereas for No.10, papers are sent by the consulting surveyor. As regards matter relating to Nos. 11 to 13, land record department itself prepares papers.

Survey Department prepares this Kami-Jasti Patrak and sends copy to village. When change is to be made in area or assessment it is called Kami-Jasti Register whereas when there is no such change, what is sent is called "Suchana Patrak".

Because of increasing urbanization and industrialization, permission of non-agricultural is obtained by holders of agricultural lands/land holders. Thus, the responsibility is of the Mamlatdar to see the measurement of lands being converted from agricultural to non-agricultural purpose, grant sanads,prepare K.J.P. and to make changes in revenue records accordingly. Some lands are acquired for non-agricultural public purpose. Experience shows that effect is not given in records regarding such lands. Non-agricultural assessment is not recovered. Therefore, instructions should be issued to Mamlatdar, to make changes in records regarding all such lands, get K.J.P. prepared and give the effect in revenue records and complete the work in co-ordination of D.I.L.R. for which periodic review should be held.

**Revenue Officers: Field work.**

1. For the work of district revenue officers, the Government has laid down annual criteria for their tour/ night halt and inspection of village record in their area by issue of orders from time to time.
2. With increase in their work, facilities of transport and for better liaison administration and people for development process, the Government has fixed norms for tours, night halt and inspection of village record and verification of farmers' ledgers by District/ Taluka officers in their jurisdiction during a year which is as under:

(1) Norms for tours - night halts - (Government circular R.D. No. PTA-1090-260-D-Dt. 17-1-90)

Sr. No.	Office	Norms for days of tours		Norms for night halt	
		Present	New	Present	New
1	2	3	4	5	6
1.	Collector (all except Dang, Gandhinagar)	100	75	60	36
2.	Collector, Dang	50	40	30	24
3.	Collector, Gandhinagar	50	75	30	36
4.	Resident Additional Collector (A) One Taluka (B) More than one taluka	60 90	50 75	20 50	10 36
5.	Asst./ Dy. Collector	175	150	125	110
6.	Mamlatdar	175	175	100	84

(2) Inspection of village record and verification of farmers' ledger.

Sr. No.	Officer	Norm for inspection of village record				Norm for verification of farmers' ledger.	
		General		Appendix A		Present	New
		Present	New	Present	New		
1	2	3	4	5	6	7	8
1.	Collector (all except Dang, Gandhinagar)	50 to 60	50	10	10	600	500
2.	Collector, Dang	-	25	5	5	600	300
3.	Collector, Gandhinagar	25	50	05	10	300	500
4.	Resident Dy. Collector (A) One Taluka (B) More than one taluka	25 40	25 100	5 5	5 Per taluka 5	- -	300 540

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Sr. No.	Officer	Norm for inspection of village record				Norm for verification of farmers' ledger.	
		General		Appendix A		Present	New
		Present	New	Present	New		
1	2	3	4	5	6	7	8
5.	Asst./ Dy. Collector (A) Present to four Taluka	150	120	5	5 per taluka	1050	1000
	(B) Present to Two talukas	25	25	5	"	-	-
		40	40	5	"	-	-
6.	Mamlatdar	1) If 125 Villages are there all villages in one year.	As per current norm	10	10	1050	1100
		2) If 125 to 250 villages are there all villages in 2 years.					
		3) If more than 250 villages all villages in 3 years.					

**Note:** Under consolidated notification of R.D. Dt. 31-12-99 and circular of Commissioner of Revenue Inspection of Gandhinagar District No. VHT-Diary- 291-2004-Dt. 28-6-04, the norms for tour-night halt and inspection of records for Collector, Gandhinagar and revenue officers have been revised.

### 3. Tour and Inspection:

The Collector is administrative and field officer who works as an important organ of land revenue administration of the district. He has to work as manager of land and custodian of land records as well as conservation of records. He/she has to inspect changes in village records on various transactions of land, status of Government land, disposal of issues by public contact, disposal of pending work by inspection, check on sub ordinate offices. All these can not be done effectively without field visit. Constant tour and inspection can make administration dynamic. His work extends from revenue matters to magisterial works. In these circumstances, touring assumes important aspect.

**(1) Inspection:** It includes village records of Talati, site inspection, Inspection of subordinate officers of Prant/ Mamlatdar, inspection of record of Circle Officer, Police station and surprise visit during tours.

**(2) Public Contact:** Direct access to people to understand issues of public so othat people can meet without any hitch- is first step towards ideal administration. Hence public contact during tour with Collector, Prant officer, Mamlatdar and Circle Officer is important.

(1) In order to discharge above two duties properly, norms of tours, night halts, verification of village records and farmers ledger by Collector, Dy.

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Collector/ Asst. Collector and Mamlatdar have been fixed under circular of R.D. No. PTA-1090-260- D Dt. 17-01-90 and No.MHP-1091-1190-L Dt. on for that norm.

- (2) Under instructions of Cir. No.Tasha-2 - TPS-2485 Dt. 30-7-85 A compliance report of inspection of Appendix-A record of Circle Officer and general inspection of record of Talati are to be obtained and filed. And a separate control register of villages taluka wise for inspection of record of villages carried out should be maintained during revenue year.
- (3) Besides above revenue and magisterial work, the Collector has to inspect cinema halls, Din Dayal Grahak Bhandar and other Licences, Godown of foodgrain, Police Stations, other offices of District and Centres for Mid Day Meal scheme.
- (4) As per the circular R.D. Dt. 25-10-67, the Collectors should give wide publicity of these programmes when he visits so that people can approach them without any hindrance. During tours, he has to visit residence of S.C. people and in general dispose on site the issues of people of village in general and pay attention to the issue of development works.
- (5) Generally the Collector has to attend the office for two day in a week where he has to dispose and decide cases of appeal, disputes and revision cases under various laws and meet people regarding their problems. Moreover, he has to remain present at head quarter for monthly meeting of various subjects of various Departments. In these circumstances if the tours are organized as per planned schedule for remaining days, targets fixed can be achieved quantitatively. For this purpose, he has to plan for next month before last week of month and tour programme is organised meticulously so that annual target fixed can be fulfilled both for work and tour of every month.
- (6) The Collector should keep upto date detail of visit to villages of the district in his office so that in five years all the villages are visited.
- (7) (1) While inspecting general record of village, he has to match ledger of farmers and record of Talatis (2) Inspection of Din Dayal Grahak Bhandar. (3) Inspection of Mid day meals centres of primary schools. (4) Issues arising in Gram Sabha, its solution and detail of development work in Government schools. (5) Verification of destitute, infirm, disabled, widows and Rashtriya Kutumb Sahay beneficiaries and create awareness of these schemes.
- (8) Visit to Mamlatdar office of Taluka under his control.
  - (1) Review of detail presented in taluka besides pending information of important letters and pending proposals.
  - (2) Inspection in prescribed form of records of Circle Officers besides clerks in taluka.
  - (3) Verification of time limit of pending papers and whether they are properly marked in worksheet or its abstract.

- (4) Whether the files have been updated for classification of record of Taluka office, destruction of records as per classification and update on files of standing orders.
- (5) Disposal of cases of inspection of sites.
- (9) With introduction of land record computerization, now the work of Village Form No.6, 7/12 and 8-A is done at E-Dhara centre at Taluka level. This centre should be visited and checked to verify whether there is delay in issue of copy of Village Form no. 7/12, 8-A to the applicants and if the holders are experiencing difficulties, they should be removed. To take action for disposal of pending entries of Village Form No. 6 and issue instructions for proper updation of record at E-Dhara Centre.
- (10) At Taluka levels also the civic centres are active. These centres issue necessary certificate to people by charging prescribed fee immediately. For this, proper accounts are to be maintained for fee to be charged. Accounts are to be verified for its correctness. Moreover, assessment of nature of application by visit of site..
- (11) Besides, this take surprise visit of other offices taluka level such as City Survey Superintendent etc.
- (12) Visit should be taken of police stations, sub jails etc. at taluka level and facilities available should also be checked.

#### 4. Inspection of record.

For inspection, certain forms are prescribed for which short detail is as under:

##### Appendix - A

- (1) For this purpose, a detailed form has been prepared covering all Village Forms such as Form No. 1 to 18 for detailed inspection. They should be consolidated for all lands of village - agricultural and non-agricultural, village site, Govt. waste land and gauchar and accounts, maps, land rename, non-agri assessment, Edu. Cess, other useful accounts, matters of interest for rights of land etc. and are verified and matched. Verification of detail of Village Form No. 1 to 18 for population of village, cattle, sources of irrigation should be done.
- (2) Collector should visit village and test chavadi, visit site, inspect record and fill the form.
- (3) Verify tilling of land and land granted under new tenure for agricultural purpose under Agricultural Land ceiling Act and is issued by the person to whom it is granted.
- (4) Verify whether the land granted for non-agricultural purpose or for special purpose under conditions is used for the purpose for which it is granted.
- (5) Verify whether it is has been mentioned on top of 7/12 form for new tenure/restricted land tenure.
- (6) When land of new tenure/ restricted tenure is converted into old tenure for agricultural purpose as per rules, writing is made in Village Form No. 7/12 whether it is eligible to premium for non-agricultural purpose. Take up Village Form No. 7/12 of a particular village and entries shown in it should be tallied with Village Form No. 6.



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- (7) To select 10 survey Nos. for survey from village on map of the village and tally it with area in 8-A. Entries of all record of right and promulgation should be read and verified for legality and interest-rights of holders.
- (8) To verify whether conditions of new tenure for registrar of the village are fulfilled and maintain register of all sr. Nos. of new tenure. Restricted tenures at every village and its updation.
- (9) Verify whether amount of penalty is credited in Village Form No. 4 as miscellaneous receipts and whether they are recovered regularly.
- (10) 10 receipts be selected at random from revenue receipts and of education cess issued to holders by Talati should be cross checked with receipts with office copy of record of Talati with land holders.
- (11) Verify whether notes are entered regularly after inspecting register for encroachment in village and action taken under sections 61 and 202 of LRC.
- (12) Verify whether any transfer has been made in violation of provision of revenue code in favour of non-agriculturists in inspection of Village Form no. 6 and if such transfer has been made, then legal action should be taken.
- (13) Verify whether provisions of Tenancy Act LRC have been violated.
- (14) Verify whether file as per Appendix-A, filled previously at village is available and errors pointed out in have been rectified or not. They should be verified and give instructions be given to the Talatis to implement them.
- (15) Maintenance of Government waste land and visit to verify use of land assigned or ny encroachment made on it.
- (16) Pay special attention to issue of recovery of Government dues.

### 5. General Inspection of village records (Village and Kasba)

While inspecting village records the following points should be inspected invariably.

1.	Village Form No. 1	:	Assessment (Akarbandh)
2.	Village Form No. 5	:	Resolution (Tharavbhdh)
3.	Village Form No. 6	:	Index of mutation entry
4.	Village Form No. 7/12	:	Detail of Survey Nos.
5.	Village Form No. 8-A-B	:	Account of land holder and ledger
6.	Village Form No. 17	:	Register of letters issued and received in village.

#### Verify following details in common points:

- (1) Verify whether Village Form No. 1 is upto date.
- (2) Statement of land of new tenure.
- (3) Statement/register of Govt. waste land/ register for Survey No. of rivers, rivulets and banks.
- (4) Encroachment register.
- (5) Verify whether action has been taken for recovery of Govt. dues.
- (6) To check whether a register is maintained for waste land under urban land ceiling Act.
- (7) Check whether action has been taken for depositing old record.

- (8) Talati is regular in visit/ writes diary regularly.
- (9) File of change for exchange is maintained up to date.
- (10) Entry is made in 7/12 for land acquired or to be acquired (section 4 of notification) whether there is exemption in revenue verify from people.
- (11) File of circulars has been updated or not?
- (12) Whether days for visit of Talati are fixed? And verify that during those days whether Talati remains present.
- (13) Verify whether compliance of settlement of audit has been made by Talati.

### **Inspection of employee records.**

Inspection of table of the employees is to be carried out as per chapter 10 of office procedure and its appendix as prescribed by GAD for offices except Sachivalaya. Besides this, starting right from table inspection of clerk to persons attached with supply department forms are prescribed for inspection of cinema, luxuries tax, hotel inspection etc. The Collector should be conversant with this and inspect the same accordingly.

### **7. Inspection of Subordinate office.**

- (1) Under circular of Commissioner of Revenue Inspection No. MTK-VHT-Office Inspection-242-2005 Dt. 13-9-2005, Inspection of offices of Prant and Mamlatdar must be carried out as per questionnaire of office inspection.
- (2) Declare stipulated programme for settlement and accordingly, settlement of taluka entry should be audited. Prepare a note and decide about its compliance.
- (3) Municipality offices under his control should be inspected. Send a note and verify the matter for compliance.
- (4) Visit offices under Revenue Dept. such as city survey superintendents DILR etc. and review their work.

The Collector should inspect regularly above offices and carry out surprise inspection of subordinate offices.

### **8. Inspection of Police station.**

#### **A. Inspection of subordinate police stations as part of magisterial work.**

- (1) Collector performs important function as District Magistrate. Hence, inspection of police station is also important.
- (2) As District Magistrate he should not neglect inspection besides case work and permission.
- (3) With inspection of police station he can be conversant with work of record and its details and co-ordination becomes smooth. There are prescribed forms for inspection which can be issued.

#### **B. Visit of sub Jail.**

- (1) In jail visit board, Collector and District Magistrate is chairman of core committee. He convenes meeting of core committee regularly every three months.
- (2) He should visit sub-jail periodically verify this prisoners and whether their condition, food served to them and other facilities are given to them as per rules.

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### 9. Settlement audit.

As stated in para of "Inspection and Audit" of Appendix of Revenue Accounts Manual, the Collector and Prant officer have to audit settlement for accounts of village records of Talukas. Before, that the T.D.O. has to carry out primary settlement before completion of October after sending of district form for closure of accounts at end of first August after closure of accounts for village records at end of 31<sup>st</sup> July. Thereafter, as per the programme of taluka, Collector and the Prant Officer has to complete audit for settlement of Taluka of his sub divisions up to 15<sup>th</sup> March before completion of revenue year for audit is handed over for any reasons audit work for settlement is not completed upto 15<sup>th</sup> March, a proposal for its reasons should be made to the Collector and complete the work of pending settlement.

As per G.R. R.D. Dt. 20-6-80 (L Br.) the taluka officer has to carry out test audit of all villages of Taluka before settlement and a certificate to that effect issued. Such certificate should be issued from T.D.O. on time. Cases in which no settlement audit is done on time by Prant officer, a proposal with reasons of it should be made to Collector for ratification. In case of Collector such proposal for ratification should be made to the Government.

Meaning of settlement as per manual of civil accounts of Taluka and District is "demand".

- (1) This process is audit of accounts of past years and partial inspection that the accounts of current year are upto date and it is a partial test of work of village officers.
- (2) Settlement audit is a test of correct correspondence of village with taluka accounts. It is a matter not between people and Govt. but T.D.O. and village Accountant. So this inspection should be carried out at taluka.
- (3) It is desirable that the Collector should meet all village officers once in a year. However, for review of this, presence of people or Sarpanch is not required.
- (4) The T.D.O. has to carryout settlement as early as possible after end of August and after dispatch of district form but before October.
- (5) If any serious mistake is found in account included in District form by T.D.O. or Prant officer before February, in order to correct the mistake before consolidation of Dist. form in annual report, they should inform D.D.O. However, if the mistake is not big enough, it shall be reconciled in accounts of year.

It is felt that if inspection and audit are carried out by following master key for cross checking of Village Forms during settlement audit, it would be very easy.

- (1) Comparison of Village Form No. 5 with Village Form No.1 to 4.

Column No.5 of Village Form No. 5	Detail	Village Form No. and Column		Detail
		Village Form No	Column	
1	2	3.1	3.2	4
1.	Total Rakabo and assessment.	1	Abstract	Gross total of village in abstract.
3.	Non assessed cultivable	1	2A	Abstract- Non assessed.
4.	Non cultivable	1	A	Abstract Total of B
5.	Set a part for spl. Work and for public work.	1	2A + 2B	Abstract

## Collector Manual

Column No.5 of Village Form No. 5	Detail	Village Form No. and Column		Detail
		Village Form No	Column	
1	2	3.1	3.2	4
6.	Forest	1A	2A	Abstract
7.	Bungalows and Factory etc.	1	3	Abstract
8.	Kiln furnace wood shop, gymnasium etc.	1	3	Abstract
9.	Use for non agri. purpose	5	7+8	Total
10.	Not usable for total agricultural purpose.	5	3 to 9	Total
		1	A	B Total +3-A
11.	Remaining can be used for agriculture.	1	A	Abstract
12.	Assessment /nam	3		Class 1 to 6
13.	Assessed cultivable non- possessory land.	1	B in A1	Abstract non possessory Government.
15.	Remaining possessory cultivable whose assessment is included Judi or Jama	1	A	Date: deduct Remaining non possessory.
12 to 13		5	11	
16	Govt. old tenure	1	A	Abstract 1(A) old tenure
17.	New Tenure	1	B	Abstract 1)A 2 old tenured
18.	Inam with Judi	1	1D	1-D Inam
19.	Land charged less assessment for special reasons.	1	1(A)	Exemption or less assessment by resolution.
16 to 19	16+19 Equal is to 15			
20.	Agricultural produce of land granted on non-assessment lease.	2	(3)	
21.	Land granted for cultivation and gross of assessment (including judi)	5	15 +20= 21	
22.	Village Form No. 2(2) B of S.No.	2	Total of Part- II	
23.	Out of Gaam Thaliya	2	Total of part- I	
24.	Deduct Inam of Class-VII	3	Abstract loss	
25.	Permanent except fixed agriculture.	2	Total of part 1+2	
	Area of land and abstract			

## Collector Manual

Column No.5 of Village Form No. 5	Detail	Village Form No. and Column		Detail
		Village Form No	Column	
1	2	3.1	3.2	4
26.		5	21+25	
27.(1)	Land on which local cess is not to be imposed.	4	6	
27(2)	Land on which to local cess is to be imposed.	4	7	
28.	Total permanent produce	5	26+27	
30.	Local cess on miscellaneous produce.	4	5	Abstract
32.		5	29+30+31	
33.	Gross demand	11	17	
33.	Area of land from which produce is derived.	5	21+25+26	

(2) Tally of Village Form No. 5 with Form No. 8(A)

Column of Village Form No. 5	Detail	Column of T.N. No.8(A)	Detail
1	2	3	4
1.	Total Rakabo as per Village Form No. 1	3	Gross area
3.	Non assessed cultivable land	4	Non assessed agri. land
4.	Non cultivable	5	Non cultivable
5 plus	Set apart for special and public work as per abstract of Village Form No. 1 plus forest.	6	Allotted for for spl. and including forest for public use.
9.	Total of land for use except agri.	7	Used for village site or house and for non agri. use including plot of city survey.
13.	Land granted of non-possessory assessed cultivable.	8	Cultivable assessed un possessory.
16.	Govt. old tenure	10	Govt. common
17.	New tenure	11	Govt. limited.
18.	Inami with Judi.	12	Govt. Inami
19.	Land granted at less assessment for special cess.	9	Cultivable assessed, non possessory revenue exempted or of spl. less rate.

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(3) Tally of Village Form No. 5 with taluka form No. 8(B)

Column N. 5 of Village Form	Detail	Column of T.F. No. 8(B)	Detail
1	2	3	4
1.	Talati Rakabo as per No. 1	3	Land not assessed for agri. for example gross fixed revenue including lease for house of land out of village site.
20.	Total rakabo As per No. 1	3	Land not assessed for agriculture, e.g. aggregate fixed revenue including lease ouse of land for lease out of village site.
22.	Survey No. out of Village Form No.2(2) B		
23.	Out of village bottom		
15.	Set apart for work and public work as per abstract of V.F. No. 1	4	Land allotted for use including spl. and public forest.
12.	Inam of class 1 to 6 as per V.F.No. 3	5	Clear alienation
24.	Inam as per class F 7		
13.	Land granted of assessed cultivable non possessory land.	6	Loss due to assessment of cultivable non- possessoryland
14.	Land granted on exemption or on spl. Agreement at reduced assessment.	7	Of revenue exemption or of spl. reduced rate.
15.	Govt. old tenure land	8(A)	Land of Govt. occupancy general restricted Tenure.
17.	New tenure		
18.	With Inami Judi.	9	Inami class- 7
19.	Land granted at reduced assessment as spl. case.	8(B)	Land of govt.; occupancy of spl. reduced rate land.
20.	Land granted at non assessed lease	8(C)	Land of govt. occupancy, non-assessed out of leased.
25.	Area and proceeds of land except fixed agricultural.	10	House and non agri. (Class-7 with judi.)
27(1)	On which local cess is to be recovered.	11	Fluctuating miscellaneous land revenue.
27(2)	On which no local cess is to be recovered.		
32.	Total local cess	12	Local cess
33.	Total gross of area and revenue which yield revenue	13	Total : Total of consolidated land revenue col. 8 to 12.

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4. With Village Form No. 5 8(B) and 8 of total of Village Form No.11

Column Village Form No.11	Detail	Village Form No. and Column		Detail
		Village Form No	Column	
1	2	3.1	3.2	4
3	Govt. (Granted at reduced rate by spl. Resolution) including.	5	16	plus old tenure.
			17	plus new tenure
			19	Land granted at reduced assessment by spl. Reason.
			20	Agricultural produce of land leased which is assessed.
4.	Inami	5	18	With Inami Judi.
5.	Other than agricultural	5	22	Total of Village Form No. 2(b) of S.No.
6.	Loss of Inami land	5	12	From class to 6 of Inami V.F.No. 3
7 to 12	Deferred / Not deferred for arrears of land revenue	8(B)		Last year's V.F. No. 8(B)
13 to 16	Land revenue - Continuous/ Permanent/ Fluctuating Claim	5	33	Area of land whose proceeds is available and gross total of joint land revenue.
17	Gross claim	5	33 plus	
		11	7 Total of 7 to 12	
18.	Concession or written off.	8(B)		Statement of concession granted by Mamlatdar.
<b>Exemption to small holder</b> : Under Section 45(2) of Rule 19 GH to 19 F exception of land revenue can be granted to holders who have land as per para-16 of ceiling limit as on 1-8-72.				
19.	Deferred	8(B)		Can be verified by Anawari order of Collector.
20.	Recovery	9		Last line of abstract Te.No.4
21.	Non-deferred but pending	8(B)		Comparing by verification of each holding.
22.	Additional Recovery of recovery for later years	0		See the Summary and T.F. No. 4
23 + 24	First second installment	11	7 to 15	Arrear plus permanent claim

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(5) Tally of Village Form No. 4 to Village Form No. 6, 9, and 11.

Column Village Form No.4	Detail	Village Form No. and Column		Detail
		Village Form No	Column	
1	2	3.1	3.2	4
5	Total local cess	5	30	Local cess or miscellaneous proceeds.
6.	Land revenue	5	27(1)	On which local cess is to be recovered.
7.	Total Net land revenue	5	27(2)	On which no local cess is to be recovered.
	Recovery	9	6	Abstract
	Fluctuating pending	11	16	Abstract
5+6+7		11	16	



**Acts and powers relating to land administration**

Various Acts, under which the Collector has to work mainly include the following:

1. Gujarat Land Revenue Code 1879 and Gujarat land Revenue Rules 1972, thereunder.
2. Bombay Tenancy and Agricultural Land Act, 1948 and Gujarat Tenancy Rules 1956 (with amendments) thereunder.
3. Land acquisition Act, 1894. with Amended, 1992
4. Gujarat Agricultural Land Ceiling Act, 1960 (Revised Act. 1976) and Rules thereunder.
5. Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.
6. Saurashtra Gharked Ordinance, 1949.
7. Bombay Tenancy and Agricultural Land (Vidarbh Pradesh and Kachchh Region) Act, 1958.
8. Saurashtra Felling of Trees Act, 1951.
9. Mamlatdar Court Act, 1906.

Powers delegated to Collector under LRC, 1879 and Gujarat Land Revenue Rules 1972.

As provided u/s 8 of the Gujarat Land Revenue Code the State Govt. shall appoint in each district an officer who shall be the Collector. He shall exercise all powers and duties delegated in entire district and where not specifically provided in the Act, he shall have to act as per the directions of the Government. Thus the Collector has to perform two types of duties (1) duties prescribed in the Act and (2) where it is not provided in the Act, he shall perform his duties as per the directions of the Govt. As per General clauses Act, 1904, he is the principal officer of revenue administration of the district.

Collector is the head of Revenue Administration for entire district Due to decentralization of powers, he is conferred more and more powers.

He has been delegated powers to provide relief in case of natural calamity such as famine, floods, fire etc. He has been conferred the following powers under Gujarat Land Revenue Code, 1879 and Gujarat Land Revenue Rules, 1972.

Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
1.	Section-7	-	Prepare proposals alter limits of or amalgamate or constitute new villages at district level as it is within powers of State Government.
2.	Section-10	-	Subject to general orders of the State Government, Collector may place any of his assistants or deputies in charge of revenue administration of one or more talukas in his district.

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Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
3.	Section-12	-	He shall entrust duties and powers under general or spl. orders of govt. to Mamlatdars under him in the district.
4.	Section-17	-	He shall prescribe which register, accounts and other records shall be kept by village Accountant.
5.	Section-25 to 28	-	He shall order to have collect recovery of land revenue or other Government dues or papers record to be delivered to him if he fails to do so, if any person he may cause him to be apprehended and send him in civil jail. He shall recover such amount from him or his surety as arrears of land revenue.
6.	Section-37	Rule-29	Where any property is claimed by a person which is not his property, the Collector may pass order at revision order with ref. to order of Mamlatdar or Prant officer.
7.	Section 37-A	Rule-29	Collector extinguish right of public or individuals in or over any public road, lane or path not required for use of public.
8.	Section-38	Rule-73	The Collector shall set apart land/assign for spl. purpose.
9.	Section-39	GR RD No. JMN-3979-565- Gata/ 18-12-81	The Collector shall regulate the use of land situated in village and recorded as pasture or grazing land. If dispute arise about use for grazing of cattle, the order of Collector shall be final.
10.	Section39-A	-	Decide value of any natural product removed unauthorziedly from land set apart for special purpose of Govt. property which shall be final.
11.	Section-42	Rule-58	Road side trees shall not be felled without permission of Collector.
12.	Section-43	GRRD No.4347(17) 25/6/1902 & Cir.No. LAQ-2278-61-LA Dt.10-4-78	Collector has power to recover value for trees used unauthorziedly for own use.
13.	Section-44	-	Collector shall regulate supply of wood and timber for domestic use or for other purpose.
14.	Section-47	Rule-72	Collector shall decide assessment of land washed away by water.
15.	Section-48	GR R.D.No.GM-76/97/(A) LR-10-76-7945/L Dt. 8-7-76 and Rule-80	The Collector has got power to alter assessment of land revenue of land used for agri. purpose, residence, industrial, commercial and for any other purpose.
16.	Section-48 (4)	Rule 75- 76-77-78-79	Penalty for violation of rule in case of prohibited use as per chapter-20 Rule-133.
17.	Section-52	Rule-80 AA	To assess land unassessed when settlement done.

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Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
18.	Section-53	Administrative order No. 23	To maintain register of Dumala land -To be maintained in form of Appendix O.C. prescribed in Admi. Order No. 23 of Land Revenue Rules 1972.
19.	Section-55	Rule-70B and 70D	Right for use of water, the right to which vest in the Government and in respect of which no rate is leviable under the Bombay Irrigation Act, 1879 can be sanctioned by Collector. Such sanction shall be granted as per rule 70B of Guj. Land Revenue Rule 1972. For use of Govt. water without permission of Govt. there is no provision for penalty. Maximum rate is Rs. 125 per hectare.
20.	Section-56, 57	Rule- 121	Power to resume holding of person not paying land revenue. Action for resumption and sale can be done as per Rule 121 of Guj. Land Revenue Rules 1972.
21.	Section-58	-	The Collector has power to penalize person for non-issue of receipt for land Revenue.
22.	Section-61	Rule-103	Penalties for unauthorized occupation of Govt. land, forfeiture of crop and remove such structures. There is a provision for penalty under rule 103 of Gujarat land Revenue Rules 1972, for penalty accordingly. If there is an encroachment on agri. Land, penalty of Rs. 5 or tenfold of agri. assessment whichever is more and if it is non-agricultural one it can be 100 fold of assessment and a penalty of Rs.250 can be charged irrespective of area of encroachment.
23.	Section-62	Rule 38, 39, 40, 41, 42, 42A, 43B, 43C, 43D, 43E, 44, 45, 46, 47, 47A, 47B	Land which is not in occupation or use can be given in Samthani as per conditions laid by Govt. - Rules are made for disposal of land under G.L.R. Rules 1972 which are as under : - Under Rule 38 and 39 S.Nos. of non possessed land shall be disposed by sale or auction for agriculture. - Rule 40 is for disposal of private land. - Rule 41 is for disposal of riverbed or basin land. - Rule 42, 43, 43B, 43C, 43D, 43E, 44, 45, 46 and 47 are for non possessory land for building or other agricultural use. - Rule 47 A is for making balcony. - Rules 47B is for allowing doors in govt. had.
24.	Section-63	-	Power to dispose off land vested in Government.

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Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
25.	Section-64	GRRD No. 9108.33, Dt. 21-11-1938.	Power to grant small riverbed lands on temporary rights.
26.	Section-65, 66, 67	Rule-100	The Collector shall grant use of land for purposes other than agri. He power to remove unauthorized land use. With the implementation of Panchayat raj Act, now these powers are exercised by the Dist. Panchayat in rural areas and Collector in urban areas. - Provision for penalty exists. Under Rule 100 of G.L.B.R. 1972. Provision exists for penalty as per Rule. 100, for Section 66.
27.	Section-68	-	The Collector shall grant occupation of unoccupied Govt. land with conditions for certain period.
28.	Section- 69A	Rule 79-A	The Collector has powers to pay compensation to any land holder for mines, mineral or quarries in land vested to Government. - Under rule 79A of G.L.R. Rule 32, time limit for application is prescribed for compensation. Application Proforma is prescribed in L.1.
29.	Section-72	-	The Collector has power to manage land without heirs or taken by Government.
30.	Section. 73-A	-	Before introduction of settlement survey and after declaration of notification no holdings or land shall be assigned to other without previous sanction of Collector.
31.	Section 73A, 73AA, 73 AB, 73AC, and 73 AD	Rule 57 K, 57L, 57M, 57N, 57O, 57P, 57Q, 57R & 57S.	- The land held by S.T. persons shall not be transferred without previous sanction of Collector in scheduled areas, DDO has powers in scheduled areas. - Provisions have been made mode under Rule 57 K, 57L, 57M, 57N, 57O, 57P, 57Q, 57R, and 57S of G.L.R. Rules 1972.
32.	Section 79-A	-	Summary eviction of person unauthorizedly occupying land.
33.	Section-80	-	The Collector recover amount from where amount is paid by other than agriculturist.
34.	Section 84A	-	Power of granting suspensions or remission to inferior holders.
35.	Section-85	-	If superior holder recovers land revenue from inferior holder directly, power to penalize superior holder.
36.	Section-116	-	Division of Sr. Nos. into new S. nos.
37.	Section- 117B	-	If any sub division of S. No. is relinquished or is forfeited in default of payment, the Collector shall offer at such price as he thinks proper to occupant of other subdivision and in all such

## Collector Manual

Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
			events, the occupant refusing the land, the Collector shall dispose the as deemed fit by him.
38.	Section 117 J	-	Collector shall print settlement report and publish as per prescribed manner.
39.	Section-121	-	If there is dispute over boundary of a field where no previous survey is made but there is dispute over boundary after survey, the case shall be decided by Collector. In short, if it is found that the land is in other boundary, the occupant of such land shall be evicted summarily from land.
40.	Section 124	Rule 27, Admi. Order No. 21, Rule 26.	After survey settlement, charge of boundary marks shall be with Collector. It is the duty of Collector to erect boundary marks, maintain and repair them. After implementation of Panchayat Raj Act, these powers are vested into the Panchayat.
41.	Section-125	Rule-27 Adm. Oredr No.21 Rule-26	Any person who erects willingly the boundary marks, shall be liable for fine not exceeding Rs.50 and half the amount shall be given to informer.
42.	Section 126	-	Power to fix boundary in village, town or city for homesteads.
43.	Section- 128	Rule 81	Under section 128 the Collector shall decide cases for exemption by summary trial.
44.	Section 132	Rule 19	After completion of survey of city, town, village site the Collector shall decide survey fee by issue public notice.
45.	Section 135 F	-	Any person neglecting to furnish information or produce documents in time shall liable to, at discretion of Collector to pay fees not exceeding to Rs. 25 which shall be leviable as arrear of land revenue.
46.	Section-141	-	In order to secure land revenue the Collector may prevent reaping of crops or its removal or may appoint watchman.
47.	Section 142	-	The Collector may prohibit whole village from reaping or removal of crop. The land for which offence is committed shall be liable up to double of land revenue as penalty.
48.	Section- 149	-	Power to recover amount of land revenue due by Collector or Asst. Collector/ Dy. Collector on receipt of certified statement of Collector of any other district as if demand is in his own district.
49.	Section- 153	-	The Collector may declare occupancy in respect of which areas of land payment is due

## Collector Manual

Sr. No.	Powers delegated under Act.	Powers delegated under Rules.	Subject
1	2	3	4
			to be forfeited to Govt. and sell and credit proceeds.
50.	Section- 154	-	The Collector may also cause defaulters immovable property to be sold.
51.	Section -155	-	The Collector also may cause the right, title and interest of defaulter's sale of immovable property against arrears.
52.	Section-157	-	Arrest and detain of defaulter.
53.	Section-168	-	Sale of prescribed articles can be made in shortest possible time by auction.
54.	Section-176	-	If the proceeds of sale which is eventually made below that the price bid by such defaulting purchaser the debt once shall be recoverable from him by Collector as arrear of land revenue.
55.	-	Rule 108 (5) Rule 108 (6)	Power to decide under rule 108(5) of L.R. Rules if appeals are presented in prescribed time against decision of Asst./Dy. Collector under Rule 108(5). If revision appeal is made, he has power to decide under Rule 108 or suo moto revision (for record of right only).
56.	Section 178	Rule 125	At any time within 30 days from date of sale of immovable property application may be made to Collector to set aside, the sale on ground of some material irregularity or mistake or fraud in the process.
57.	Section 202	-	The Collector has power to evict any person wrongfully in possession of land and prosecute him.
58.	Section 203	-	Power to hear appeal against decision of subordinate Astt./Dy. Collector (for decisions under land revenue except record of rights cases).
59.	Section 211	-	Inspection of village records or in case of suo moto application, power to hear such appeal. (for decisions under land revenue except record of rights cases).

### Record of Rights

There is a provision for record of rights under Rule 135 of Land Revenue code 1879. Record of rights is the most important statement in land revenue records; because it is the main record that shows how rights on land are derived for occupant or land holders and thereafter record the transactions made in record of rights from time to time.

#### Record of rights:

It has been prescribed under section 135 of the Land Revenue Code, 1879 and Rules 104 to 113 of Guj. Land Revenue Rules, 1972 and G.R. of R.D. made from time to time are also to be considered. Under the programme of computerization of land record the State Government has under taken and implemented work of record of rights - entry of mutation in Village Form No. 6 and making entry in Village Form 7/12 and 8-A after certification as per E-Dhara operation Manual. Earlier, this work was done by Talati. Now it is being done by E-Dhara centre of Taluka. So it is wrong to believe that the role of Talati has been made unimportant because papers of decisions made in entries of Village Form No.6 mutation entry, which include 7/12 and 8-A are kept in the file by Talati. The following provisions are made in records of rights in section 135-B of the Land Revenue Code 1879.

#### 135-B Record of rights.

- (1) A record of rights shall be maintained in the format, either manually or electronically or in both formats, as may be prescribed for the village or city survey area and shall include the following particulars :-
  - (a) the names of all persons other than tenants who are holders, occupants, owners or mortgagees of the land or assignees of rent thereof;
  - (b) the nature and extent of the respective interests of such persons and the conditions or liabilities if any, attached thereto;
  - (c) the rent or revenue, if any, payable by such person;
  - (d) such other particulars as may be prescribed in this behalf.
- (2) The said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the State Government may, by notification in the *Official Gazette*, direct that the provisions of this section shall apply in any local area or generally.

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### Form-0 (Rule 104)

#### Register of Mutation.

A single page form with columns on showing the following particulars.

Sr. No. of entry	Type of Right	Survey & Sub division affected	Initials or rent by Inquiry officers
1	2	3	4

### Form - N (Rules No. 104 and 113) Serial No. of Lands

**One page form including columns for following details (Card as per Village Form 7/12)**

(1)	Survey number of field, class of alienation and its : local name, if any
(2)	Sub-division No. :
(3)	Area :
(4)	Assessment :
(5)	Judi or special or non-agricultural land assessment. :
(6)	Holder of resumed land and occupier of alienated : land.
(7)	Record of Rights number. :
(8)	Other rights or encumbrances and such persons. :
(9)	Number in Record of rights. :

### Form - N (Rules 104 and 108) Register of Disputed cases

Serial Number	Number in form O or P	Survey Number and hissa number (or part)	Date of receiving objection	Details of disputes and names	Order of Mamlatdar or Collector
1	2	3	4	5	6

- Record of rights is known as Village Form No.6, Index of land is known as form No. 7/12 and disputed matters are referred as “Disputes Register” in Revenue Accounts Manual.
- Record of right is known as property card in city survey area.
- Changes made after preparing record of rights are called mutation.
- Method of introduction of record of rights for village for the first time has been prescribed in rule 105.



- After implementation of record of rights as above, when the transactions are informed in writing as provided in section 135-C, mutations are accordingly made in record of rights. The provision is as under :

### Section 135- C:

#### Report regarding acquisition of rights:

Any person acquiring the right on any land by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise of any right as holder, occupant, owner, mortgagee, assignee of the rent thereof, shall make a report of such acquisition of such right, either manually or electronically, to the designated officer within the period of three months from the date of such acquisition, and the said designated officer shall at once, give a written acknowledgement of the receipt of such report to the person making it.

Provided that where the person acquiring the right is a minor, or otherwise disqualified, his guardian or other person, having charge of his property, shall make the report to the designated officer:

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the designated officer.

**Explanation I:** The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

**Explanation II:** A person in whose favour a mortgage is discharged or extinguished, or lease is completed, acquires a right within the meaning of this section.”

### 135-D Mutation Register and Register of disputed matters.

- (1) (a) The designated officer shall enter, manually or electronically by the automated process, in a register of mutations, every report made to him under section 135C or any intimation of acquisition or transfer of any right on land made to him, either manually or electronically under section 135C from the Mamlatdar, or a court of law.
  - (i) When a claim or document of rights is produced before the designated officer, he shall, through bio-metric ID or any other mode as may be prescribed, verify the identity and the lawful rights of the transferor and the transferee.
  - (ii) Upon completion of verification, the necessary entries shall be made in the register of mutations in the manner as may be prescribed and the notice of the transaction under section 135D shall be served to the persons interested therein.
- (2) Whenever a designated officer makes an entry, either manually or electronically in the register of mutations, he shall at the same time intimate to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein in the manner as may be prescribed.
- (3) It shall be the duty of the designated officer to enter the particulars of the objection if any received from any person either manually or electronically, in a register of disputed cases and to give written acknowledgement of the receipt of such objection to the person making it in the same manner.

## Collector Manual

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(4) Orders disposing of objections entered in the register of disputed cases shall be recorded, either manually or electronically, in the register of mutations, after disposing it within the period as may be prescribed for this purpose and the same may be intimated to the concerned person having interest in the said mutation.

(5) Where no objection is raised by any person having interest in the transaction, either manually or electronically, within a period of thirty days, the mutation entry shall be certified electronically through an automated process or manually, as the case may be.

(6) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(7) In the event, where the automated process of certification of entries has not been initiated, the entries in the register of mutations shall be verified and if found correct or after correction shall be certified in the Mutation Register, within a period as may be prescribed, by a Revenue Officer not below the rank of a Deputy Mamlatdar, and the same may be intimated to the concerned person having interest therein.

(8) Where the certifying officer has a reason to believe that such mutation entry violates or contravenes any of the provisions of this Act or any other Act, he shall not certify such entry and shall intimate the same with reasons in writing to the person concerned.

(9) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (2) of section 135B but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies, in such manner and under such procedure as may be prescribed.”.

Method of serving notices to the parties concerned under section 135-D by Talati has been changed and now it has been decided to issue written intimation under section 135-D by R.P.AD from E-Dhara Centre. This should be implemented by all Mamlatdars as per circular no. HKP/102007/916/J dated 29-6-2011.

There is a provision of punishment for failure or negligence in providing information as well as responsibility to submit record of rights, interest under section 135-E and 135-F respectively.

Provisions in Manual of Revenue Accounts:

(1) After entering mutations in Village Form No.6, the Talati should ensure that there is no dispute in it. If he finds that there are actual changes in certain cases, he should take objection on behalf of the Government (For example where Devasthan land or land on new tenure has been transferred without sanction.) He should seek orders from Mamlatdar in such cases. If he finds that mutations are under dispute while making entries, he should enter them in the Dispute Register and entry should be made in column 4 of Village Form No. 6. If it is claim for inheritance and has not been decided under inheritance register, the claim should be entered as claim for inheritance.

(2) It is not so that mutation should not be entered because it is not legal or under dispute. The purpose to make entry into Village Form No. 6 is to find out whether the entry is legal and if there are disputes, they should be promptly solved before they become more complicated when any other right has been actually acquired regarding occupation, the Talati should enter it even though it is disputable or illegal. However, when any person makes such claim that he should

have the possession or holds certain rights as occupier, it should be accepted. But if he confesses that he has no actual possession or does not hold certain rights, such claim should never be entered as mutation. He is only eligible to say that he has dispute against the right registered by another person and thus he is entitled to enter into the dispute. If his claim is according to rules, it should be entered into dispute register.

(3) If the Talati finds that the person has taken possession of Government land without permission but the possession is not for longer duration (say, twelve years), the occupier should be heard before getting the possession released. Talati should take measures to get the possession of the land from the occupier and should not enter the illegal possession as newly acquired right. If the person who has to relinquish the possession should oppose it or show legal dispute or objections, which may be hindrance to relinquish the possession, the Talati should make entry in form No. 6 from continuance of the illegal possession to relinquishment of possession.

(4) Next step is to invite objections. He should affix the whole copy of mutation entry at some conspicuous place in the chora and to publish the entries by giving written notice to the persons interested in the said mutation or if there are reasons to believe that they are interested.

Record of rights has been in the form of diary, which contains details of all rights given under formerly registered or unregistered documents, by heirship, by verbally agreeing to or otherwise acquired as well as those of land-owner occupier, mortgagee, farmers, tenants or private rights of those who are authorized to collect tenancy or revenue of the land as well community rights and rights of easement and all Government rights on the land. Then the said rights are entered into index of land as per serial number of survey number of each village and separate entries are made as per possession of sub-part (peta-hissa) of each survey number. As civil accounts are prepared from this statement, a statement of entries of record of rights and Government dues are prepared and each separate occupant becomes responsible to pay directly to the Government, the tax or other dues for the land-holding in his possession. Consequently, there would not be any land holder hence forth who is not in real possession of the land assigned in his name i.e. check-list land holder. Now, word 'land holder; should be construed as a land holder who has holding in Village Form No.8. In other words, no person except true occupier shall have land-holding. It will be from the record of rights that the occupier is responsible to pay judi of alienated land. He will be responsible to pay Government dues for the land taken on lease or taken on other special terms. He will be considered as occupier and this word shall be used for a person responsible for Government alienated or other types of land.

On account of above reasons, record of rights is a most important document in land revenue system in Gujarat State. As the responsibility for Government dues has been introduced in the record, reconciliation of the assessment has become inevitable. Because even though the assessment may be very little, now survey number is not a final and smallest portion for land revenue. In order to precisely allocate the assessment of survey number, it has become necessary to measure its parts. Now, the measurement work has been almost completed. Where the work has not been completed, the assessment continued by the administration, i.e. it has been decided to adopt standard of introducing amount of new assessment decided by inter se allocation by the occupier. Major work of measurement of sub-parts of survey number and to decide their assessment are carried out by pot-hissa surveyors specially entrusted to take extracts from record of rights and to inform the occupiers and to help such persons only. Procedure to administer it and to maintain accounts has been explained in the Land Records manual.

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There are three parts of record of rights: Village Forms No. 6, 7 and 12. Tilling rights of short term farmers or those farmers who may be removed at will and production of crops were jointly entered into Village Form No. 6. Now, it has been replaced by Village Form No.7/12 in a joint folio. All other rights have been entered into Village Form No. 6 in perpetuity. An index is to be made in form No. 7 and it is to be maintained for more years, say ten or more years and then it is to be rewritten. When it is rewritten, all the rights newly acquired are to be incorporated in it and drop all the rights that have been extinguished in mutation record (Village Form No.6) is to be maintained to enter all the rights acquired after preparing Village Form ;No. 6. No. change may be made in Village Form No. 7 except those ascertained and agreed to by the parties. However, the Talati should promptly enter the rights that have been newly acquired and notified or when they come to his notice by personal knowledge or as informed by others. In order to ascertain such rights, the Talati should inform all the interested parties as stated in detail in the ensuing part. As there is Government interest in alienated land, the Government should be informed regarding alienated lands. All the objections should be introduced in a separate register and the Mamlatdar should decide such issues. The disputed entries are confirmed after examination by Circle Officer and other superior officers. Every such entry is to be ascertained prior to entry of newly acquired rights into the index of rights. Every officer should take care that mutation register and index are maintained as per occupation and possession in complete condition and without any flaw.

### **New Parts (Hissas)**

When the disputes are solved and there is no dispute on whatsoever type and when the mutations are entered into Form No. 6, the Talati should see whether there are any changes in the maps in which survey number of sub-parts are situated.

When there arise de novo parts on account of existing whole survey number or part of survey number, such new parts are required to be re measured and shown them in the map. Following procedure should be observed in this regard.

A register should be prepared in following form:

<b>Number of mutation entry (Village Form No.6)</b>	<b>Survey Number</b>	<b>Type of change to be made in the plan</b>	<b>Who made the change and date.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

If there is new part and existing parts are amalgamated or there is no dispute of whatsoever type and when the mutations are entered into Form No.6, the Talati should enter the particulars in column Nos.1 to 3 in the register. If such situation arise on account of acquisition of land and by proper measurement (for example town formation), the Talati should inform new area etc. in writing and should insert amendment that it has been prepared first from 'improvement register of survey' and the surveyor who has decided the case of on receipt of compendium with settlement of assessment (Part improvement), the Talati himself shall amalgamate parts to improve maps of sub-parts. If the parts are situated in different survey numbers, he shall be required to prepare addition-subtraction register and the parts will not be amalgamated without sanction of the Collector. In the remaining matters the Talati should only fill in the register and report to the Mamlatdar regarding number of such cases with him along with reasons to the Mamlatdar. Separate parts of different survey numbers may not be

amalgamated till the Collector accords sanction to amalgamate two or more survey numbers. After getting sanction, they may be drawn again as amalgamated parts/hissas. The District Inspector Land Records should be referred for such amalgamation work and prepare a register, because survey records shall have to be revised. Such sanction for kami fasthi should not be accorded for trifle reasons.

**Method of making changes pertaining to the properties entrusted to Gram Panchayats in record of rights under section 28-B of Bombay Village Panchayats Act, 1933.**

- (1) Mamlatdar should prepare a list of properties entrusted to Panchayats under resolution No. 6-251 dated 9-6-1950 of Local Self Government and Public Health Department as per instructions issued on point No. 1 of Government Memorandum No. AK 1853 dated 17-2-1954 and should mention the conditions laid down therein, if any and issue copies thereof to the Gram Panchayats.
  - (2) List prepared by the Mamlatdar should be sent to the Talati of the respective village. On receipt of the list, the Talati should make separate entries for each entrusted land to the panchayat in Village Form No. 6, i.e. record of rights. Where the entrusting is subject to any conditions, the Talati should write all the conditions in mutation entries.
  - (3) After certification by Aval Karkoon or Mamlatdar the changes made in record of rights by the Talati as stated above, the Talati should enter these entries in true record of rights as under:
    - (A) If entrusting is unconditional, he should show 'Gram Panchayat' instead of 'Government' as occupant and entry serial number of mutation should be shown in a circle as usual;
    - (B) If entrusting is conditional, the Gram Panchayat should be shown as occupant as stated in (A) above but following should be noted inter alia under the heading 'other rights' of record of rights and the serial number of mutation entry should be shown in the circle at last as usual.
- "Ownership of the Gram Panchayat is conditional".**
- (4) After making entries of mutations by Talati for all matters in the list sent by the Mamlatdar, he should note down serial number of mutation against every point and should return the list to the Mamlatdar (Government circular No. PVPS-1855-P dated 28-1-1956 and amendment dated 28-1-1956 and letter No. VPS-1856/58005-P dated 10-9-1956 of Local Self Government and Public Health Department).

**Consolidated resolution of Revenue Department regarding updating of record of rights:**

Revenue Department of State Government has consolidated about 90 resolutions/circulars for updating record of rights and issued such instructions vide resolution No. HKP-102003/2727/J dated 1-12-2003. Appendices enclosed with these instructions have not been enclosed. As the instructions under the resolution are integral to legal provisions, it is necessary to implement them as under:

Now, making of mutation entries in record of rights and to take decisions on it are done at E-Dhara centers. They should be implemented accordingly. Matters shown in the resolution regarding transactions of the parties should be taken into consideration.

- (1) Talati has to enter the matter reported to him under sub-section (1) of section 135-C in the mutation register and sub-section (2) of section 135 -D of Gujarat Land Revenue Code; and (2) entries should be made therein on the basis of

representation received in writing on acquiring any rights. When the Talati makes entry in mutation register, (1) he shall place a complete copy at conspicuous place in the chavdi and (2) shall inform all the persons interested in changes from record of rights or in mutation register as well all other persons to whom the Talati has reason to believe that they are interested in notice form under section 135- D. After serving individual notices, the Talati should undertake work of certifying the entries after thirty days. This is because concerned parties are required to produce objections in writing within 30 days. The Talati has to compulsorily issue written acknowledgement (Form is in Appendix-1) for written objections.

- (2) It is seen from the complaints received from the public that inspite of the aforesaid specific provisions, the Talatis are not always ready to perform these duties. Not only that they disobey the provisions by their non-observance.
- (3) Government has, therefore decided that if entry is not made in mutation register (Village form No. 6) after a week of receiving order and if he does not serve all legal notices within a week of making entries, the competent officer may initiate departmental enquiry against the concerned Talati and start disciplinary action unless the Talati gives satisfactory explanation for his short coming.
- (4) Instructions are issued to all the Mamlatdars to implement above Government decision that they should minutely check relevant register and make informal talks with village people. For every case of established lapses by the Talatis, they should submit direct report to the Collector after preliminary enquiry under intimation to the concerned Prant Officer. Based on the proposal, Collector should start departmental enquiry against the Talati at fault and should send the report on preliminary enquiry and other papers, if any to the Deputy District Development Officer, who should carry out necessary proceedings to take necessary departmental action and should ensure that the Talati is sufficiently punished and submit the copy of the order to the Collector. The Mamlatdar shall be individually responsible for not informing such cases to the Deputy District Development Officer such cases through the Collector and suitable action should be taken against him also for negligence shown by him.
- (5) The Collectors should inspect diaries of Mamlatdars in view of above and instructed to see that every Mamlatdar should take necessary steps. Each Collector should carefully study such public complaints and if such complaints are often received from same areas, the Mamlatdar concerned should be suitably warned.
- (6) All Deputy District Development Officers are instructed that proposals received from Collector should not be disposed of superficially but should immediately proceed by taking personal care and such complaints received against Talatis should be dealt with carefully and promptly and take necessary, exemplary and adequate measures to punish them, so that they may not repeat their errors. This is because Talatis are in constant touch with people in their day-to-day duties and their lapses in work create ill effects among people. Deputy District Development Officer shall be personally responsible for any leniency shown in taking departmental action against the Talati.

- (7) All District Development Officers are directed to observe the instructions contained in para 6 and to ensure that their subordinate offices also observe them with zeal and diligence. They should inspect their working in this view point and to warn them where they are lacking. Sufficient attention should be paid to all the complaints received from the public.
- (8) (1) All the officers are instructed that all the complaints received from the people against the Talati for not taking steps forthwith on receiving orders are disposed off and a campaign should be carried out at respective stage of administration to ensure that such complaints are reduced to zero.
- (8) (2) **Decision on entries in record of rights.**

There are delays in certification in mutation entries in record of rights. Three months time has been prescribed to certify the entries in time. Accordingly, certification of entries is undertaken after thirty days of serving individual notices and the entries are decided within three months. The Revenue Officers are again instructed to be careful to decide the entries within three months accordingly. If it will come to the notice that the instructions have not been observed, responsibility will be fixed and penal action shall be taken against him, provided the concerned Revenue Officer may satisfactorily explain the reasons for not deciding them within time-limit.

(9) **Heirship:**

(A) Power which was given to the Talati to make mutation entries regarding heirship on the basis of Birth and Deaths register has been revoked by new amendment. According to new amendment the person concerned shall be required to apply in writing regarding rights and shares he acquired by heirship. The Talati has to make necessary entries in that regard. Such entries are to be dealt with by Revenue Officers under Land Revenue Rules, 1879. Application forms to apply to the Talati to change the names by inheritance, will and family division are given in Appendix 2, 3 and 4 respectively. The Talati shall acknowledge the receipt of application in the form prescribed in Appendix-5.

(B) Sisters and daughters are called to the village by Talati for their replies regarding mutation entries regarding heirship of land. Where the sisters and daughters are entitled to share under Hindu Marriage Act in case of heirship, replies of sisters and daughters of the deceased should be obtained and if they are out of station, their statements made before the Sarpanch, Secretary or Circle Inspector of the village and signed by them or thumb-impressions made by them and sent through them should be accepted and they should not be personally called for verification. If the sisters and daughters are in the village itself, their statements made before the Sarpanch, Secretary or Circle Inspector should be considered true and proceed further.

(C) When the heir gets Government fallow land having indivisible rights and unalienated land (new), on account of inheritance the entries should be decided in view of conditions laid down in "form I and Form I-1" enclosed with Land Revenue Rules.

(D) Enter the names in the case of inherited/ancestral and land on new and invisible tenure continuing in the name of eldest brother.

Following point was raised in a meeting of Estimate committee:

If a land-holder in whose name the lands of new tenure, those rented for cultivation received under Tenancy Act as well as those donated for cows, exposes, entries of heirship of all heirs are not made, but it is made in the name of eldest brother, which creates many problems. Particularly when the eldest brother expires, entries of heirship may be made in favour of his direct heirs only. But the names of brothers of deceased who were joint partners may not be entered into record.

Thus lands under new and indivisible tenure, those received under Tenancy Act or donation for cows and received through inheritance rights, even though having joint rights, they are only in the name of eldest brother in Village Form No. 6 and village account 7/12 because of understanding or certain customs. In case of death of the eldest brother these lands are entered in the name of his direct heirs. Thus, other sisters/brothers who have joint rights in such lands are deprived of their rights. In order to avoid such situation, it has been informed to adopt following procedure:

(A) The above lands acquired through inheritance in which even though other heirs have right and share, they are in the name of eldest brother in Village Form No. 6 and 7/12. In such cases, legal proceedings should be initiated and names of brothers and sisters who are legally entitled should be inserted in revenue records.

(B) In the land in the name of eldest brother but having joint rights by inheritance and if he expires, the names of remaining brothers and sisters should be introduced jointly in revenue records by making legal procedure.

(E) **Immediate entry of legal heirs in the record after the demise of the land-holders.**

(1) According to provision in section 135(C) of the Land Revenue Code, if any person acquires right on land by inheritance, survival, division, purchase, gift etc. the person acquiring such rights should report to the Talati in writing within three months from the date of acquiring such right. If the individual/land holder fails to report within prescribed time-limit as provided in section 135-F of Land Revenue Code, the Collector may collect fees upto Rs.1000 at his discretion.

(2) The person who seeks to acquire right by inheritance with reference to above provisions, shall have to apply in writing. However, the land-holders many times do not apply in this regard due to their ignorance of law or other reasons. Consequently entries of inheritance are not made in record of rights or there is delay in making entries.

Many representations are received by the Government in this report. All are informed to follow the instructions mentioned below strictly in order to avoid such occurrences

“Talati has been instructed to examine Deaths register every month as laid down in para 32(2) of Revenue Accounts Manual (Gujarati), Part -3. When Talati examines the register and if the deceased is a farmer land-holder and if his direct legal heirs have not applied/reported for entry of inheritance, he should inform them to apply / report in writing and after getting such application/report in this regard, he should immediately proceed for legal



proceedings. When the touring officer visits the village, he should invariably ascertain whether the instructions are complied by the Talati”.

10. (A) It has been represented to the Government that tenants are decided by procedures on Tenancy Act, while names of all sub-partners are not entered. Consequently they have occasions to lose the land or they experience difficulties to obtain lands for agricultural improvements. When the land is in the name of father, occasions of heirship arise, the other persons except main heir and eldest brothers have to suffer inconvenience in establishing their rights on such lands.

(B) For avoidance of such difficulties as stated in (A) above, Government has decided that when final orders are issued to determine tenants under the Tenancy Act, the name of all partners, sub-partners should invariably be mentioned as entitled persons. Agricultural Land Tribunal should also issue such orders at relevant time, so that other partners or sub-partners may not have to lose land or may not find difficulties in obtaining loan for agricultural improvements in future or such events may not arise at all.

Similarly, when the name of Head of the family of father is to be declared as tenant, details of heirs of the Head of family or fathers should be obtained. The Agricultural Land Tribunal should issue orders while deciding tenants to show their names in tilling rights, so that no complexity may arise at the time of deciding heirship.

11. **Entries to be made for illegal transactions in Village Form No. 6.**

(A) A point was raised whether any illegal transaction should be entered into Village Form No. 6. According to instructions laid down in Revenue Accounts Manual, every entry is to be made for every transaction in Village Form No. 6. Then the Talati has to issue notices under section 135-D of Land Revenue Code, has to publicize and invite objections. It was represented that if the transaction is prima facie illegal, the Talati should not accept the application and he should refuse to make such entry in Village Form No. 6. If the suggestion is accepted, the Talati shall have discretion to decide whether a transaction is legal or not. The suggestion may not apparently be accepted. In view of this, Government has decided that the Talati should make entry of every type of transaction, whether legal or illegal and he should not refuse any application. He should draw attention of higher officer. Where the Government is a party, he should raise objection on behalf of Government. Then the certifying officer should check legality of such transactions and if the transaction seems prima-facie illegal, he should not certify the entry.

(B) According to the procedure of certifying entries in existing record of rights, if the register or correspondence or documents are unregistered, their entries are made in record of rights and they are certified after verification. The Government has felt that all transactions regarding land are important. In order to ensure that they are genuine and explicit, each transaction is required to be registered. It is therefore, decided that the transactions which have been made by verbal agreement or without registering by some writing, they should primarily be entered into by Talati. But he should not certify the entry but inform the parties to make such transactions by registered document and make

procedure as stated in point (c). After making primary entry, the Talati should inform the parties in writing in such a way that parties may register their transactions expeditiously.

(C) The entries which have been entered into record of rights prior to 25<sup>th</sup> May 1966 but pending for certification, should be certified on merits without insisting for registration. The transactions which are subject to registration but have not been registered so far and if they are after 25<sup>th</sup> May 1966, should be informed to register document and then reject. When the document is registered, new entry should be made according to rule.

(D) Entries of transactions of land by illegal verbal agreement or unregistered ones should be decided according to instructions cited above.

(E) Entries of family division should be excluded from the above order, because there is difficulty in making registered document regarding distribution. They should not be informed to produce registered document to certify entries of family division.

(F) When the Talati feels during inspection of the crops that there is name of another person as tenant or otherwise (not as daily wages-labour) in the column of farmer in form 12, the Talati should not make any change in the column of farmer. However, he should send written report to the Mamlatdar/Mahalkari with details. On receipt of such report, Mamlatdar/Mahalkari, should issue notices to the interested parties and should decide it as per procedure of the record of rights. The decision taken by the Mamlatdar/Mahalkari should be informed to the Talati in writing. On receiving the decision, the Talati should make entry in relevant column in Village Form No. 7/12 under intimation to the persons concerned. The Circle Officers and Deputy Mamlatdars working under Mamlatdar/Mahalkari are competent to take decisions in such matters. If there is no decision accordingly, it would be considered illegal. Prant Officers and Collectors should ensure that Talatis invariably implement such instructions.

**(G) Making entry of registered Agreement for sale.**

The Government has published many instructions to update record of rights, but there are no instructions to make mutation entry in Village Form No.6 regarding registered Agreement for sale. Registered earnest money deed is not a sale document. In many cases, mutation entries were made in the Village Form No. 6 on registered Agreement for sale, according to which possession on the site was often changed. Village land record and that of actual possession would be maintained because of making entries of A Agreement for sale in village record. When one person may make Agreement for sale for one property with various persons, legal questions arise. Many times the dealings are cancelled even after executing agreement. Moreover, two entries are made for both dealings viz. registered Agreement for sale and final document in village record. Moreover, after mutation entry in Village Form No. 6 of registered Agreement for sale, they do not execute final document and thus the issues of stamp duty evasions arise. Moreover, many legal problems are likely to arise by such entry. Thus, the problem of making entry in Village Form No. 6 on the basis of registered Agreement for sale was under active consideration of Government.

After careful consideration, it has been decided that when the Talati receives information on registered Agreement for sale from Mamlatdar, he should not make any mutation entry in Village Form No. 6.

11. **(1) Procedure to be adopted while making entries of orders issued by Agricultural Land Tribunal or Appellate of Revision authority under any Land Reforms Act.viz. Tenancy Act, Agricultural Land Ceiling Act.**

When any mutation entries are made under orders of Agricultural Land Tribunal, Appellate or Revision authority under any Land reforms Act, individual notices should be served to the interested parties having public interest under provision of section 135 (D)(2). If any party raises objections against it, mutation entry should be sanctioned instead of entering into disputed register and the respective party should be informed to seek justice in appeal or revision application against the order.

12. **Entry of sales made by registered document.**

(A) The Talati has to make entry based on registered documents list received through Mamlatdar from Registrar by treating it as notice for entry. There are explicit instructions that sub-registrar shall send list of extract of the document in the following month after the month in which sale documents have been executed and the Mamlatdar should send it to the Talati. However, it has come to the notice of the Government that the system is not followed carefully and accurately. The Inspector General of Registration has been informed to issue specific instructions to all sub-Registrars to send extracts of sales documents every year regularly to the Mamlatdar.

(B) It was brought to the notice of Government that extracts sent by the sub-registrars for registered transactions of agricultural land, their mutation entries are not entered into Government record regularly. In certain cases such mutations are not entered into Government record for months together and the land-holders are put to difficulties on account of uncertainty of rights on land. As per instructions contained in para No. 31 under Village Form No. 6 of Revenue Accounts Manual (6<sup>th</sup> Edition), the entries are to be made by considering list of registered documents received through Mamlatdar from sub-registrar as notice for entry. Instructions are often issued to make all entries immediately on transactions of land and should be decided also within prescribed period. The complaints are received by Government that the Talatis make delay in making entries of the order. Instructions have been issued that if mutation entries are not made in Village Form No. 6 within a week after receipt of order or after making entries if all legal notices are not served within a week, the competent officer should carry out departmental enquiry against the Talati concerned and initiate disciplinary action. However, complaints are often raised from the people that there is delay in making entries. The point is often discussed in legislative assembly also. In order to solve the situation, all concerned officers and employees are instructed that the transactions covered in every extract of the sub-registrar should be entered before maximum one month regularly in village record and as a token of ascertaining it, the Mamlatdar should review all extracts in monthly meeting of Talatis. Similarly, the Collectors should also receive the extracts sent by sub-registrar taluka wise

## Collector Manual

in the meetings of Revenue Officers and include them as an item in agenda in the meeting Government has further decided that all Mamlatdars should submit the details of extracts received from the sub-registrar during the month and those decided in following statement:

### Statement

Sr. No.	Name of Taluka	Number of extracts received from sub-registrar during the month	Number of entries made in account of the extract.	Number of cases where entries are not made inspite of getting the extracts.	Reasons for remaining cases.
1	2	3	4	5	6

(C) The list of extracts of registered documents received from Mamlatdar is to be considered as notice to make entry under section 135-C of Land Revenue Code,1879.

It has come to the notice of Government that when Xerox copies of documents registered in Presidency cities viz. Mumbai, Kolkata and Chennai outside Gujarat State are produced to the Talati, entries are made in Village Form No. 6 on that basis and Mamlatdar and other competent Revenue Officer certify the copies. On account of adopting such procedure, the Government suffers loss in income of stamp duty. Apart from this, there is breach of instruction that mutation should be made in revenue record, i.e. Village Form No. 6 on the basis of certified documents received from the concerned sub-registrar of the State as per prescribed procedure. In these circumstances, when xerox copies of the documents are produced for mutations in revenue records or Village Form No.6, they should not be relied but the Talatis and concerned Revenue Officers should make entries in Village Form No.6 on the basis of receipt of extracts from the sub-registrar of Gujarat state with reference to such documents. The Collector should make arrangement that the instructions are scrupulously followed.

Revenue officers pass orders on various Acts and Rules on lands in the State. When mutations are made in Village Form No. 6 on the basis of orders, such mutations should be made after perusal of original copy of order (not zerox). The procedure should be applied to properties with city survey number in urban areas.

### 2. (1) Civil accounts of Village – Revision of Village Form No.6.

Mutation entries are made regarding survey number in Village Form No. 6 utilized at present. Details of various entries made here in before regarding survey numbers are not available. On this account, the entries rejected formerly are sanctioned for want of information of previous entries. Such cases have been brought to the notice of Government. In order to see that such lapses are not repeated and record of rights is also not defective, it has been decided to revise Village Form No. 6 suitably. It is prescribed as under:

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### Village Form No. 6

#### Record of Rights

Sr. No. of Entry	Type of Right	Modified Survey number, its sub-part and its area	Existing transfer entry regarding survey number, sub-part shown in column-3. If the entry has been made formerly serial number of mutation entry Cancelled/Rejected	Whether transferor is a farmer or land holder? From which village?	Signature of Inspecting Officer or remarks.
1	2	3	4	5	6

All Collectors and District Development Officers have been informed to give necessary instructions to the concerned employee/officers under intimation to this department, so that aforesaid revised Village Form should be used.

**13. Entry in Village Form 7/12 of encumbrance of Government Tagavi.**

It has come to the notice of Government that entries of encumbrance on Tagavi paid by Government to the farmers are mostly not made in Government record. All the Collectors are therefore, instructed that whenever Government tagavi is paid, the land which is taken as security towards tagavi, the entry of such security should invariably be made in Government record i.e. Village Form No. 6 (Record of rights). Similarly such securities should be entered in to Village Form No. 7/12 simultaneously, so that the amount paid as tagavi on account of natural calamities viz. flood, scarcity etc. till to date maybe checked on the basis of extracts of form 7/12. Accounts of tagavi mostly maintained by District and Taluka Panchayats may be checked by comparing with them.

**14. Procedure of section 135-D of Gujarat Land Revenue Code.**

It has been brought to the notice of Government that when measurers are taken to make change as per section 135-D of Land Revenue Code in the record of rights of Land, while making mutation entries in record of rights the interested persons are not informed in writing or they are informed very late. It is compulsory to inform them in writing under section 135-D of Land Revenue Code. If it is not done so and the entries are certified, the procedure shall be considered illegal. Such drawbacks in procedure harm the interest of land-holders and tenants. Not only that, it hampers the process also. All the Collectors are therefore, instructed that they should advise Prant Officer and Mamlatdars, when they go on tour to villages for inspections, should see whether the Talati has taken prompt action and if not done so, strict measures should be taken against him. The officers who have sanctioned mutations without issuing notice, should be held responsible and strict measures should be taken against them also.

Every Collector should issue circular that where such procedure has not been followed, notices should be issued within a month. If it is found that notices are not issued immediately under sub-section (2) of section 135, strict action shall be taken against them.

15. **Gram Panchayats should be informed regarding mutations in entries in record of rights.**

(A) Study group appointed by the Central Government for the working of Gram Panchayats has recommended that Talati-cum-Mantris should inform Gram Panchayat for mutations in record of rights, so that the Gram Panchayats may express their views or may oppose in this regard. After careful consideration on these recommendations, it has been decided that in addition to the system has been laid down to make mutations in the entries of record of rights, following system should also be implemented.

Talati-cum-mantri should read out all the entries which have been entered and/or certified after previous meeting, so that all may know about it. Moreover at the annual meeting of Gram Sabha, the Talati-cum-mantri should read out all the mutations entries made after previous annual meeting for their information.

The purpose to implement above system to inform the concerned persons regarding mutations and if they have any objection they may take necessary actions to make amendments therein. All the Collectors are hereby advised to issue proper instructions to local officers and Talati-cum-mantri. Proper vigil should be exercised for their proper implementation. This should be included in the procedure of Panchayat meetings, so that these instructions are implemented properly.

(B) **Posters should be affixed in Gram Panchayat office to give information and to raise consciousness about their rights and duties on record of rights.**

Task mission No. 2 appointed for updating village record and their modernization, has recommended in para 18 of recommendation No. 12, that posters in the form of advertisement and permanent type advertisement Boards should be placed in Gram Panchayat Office at some conspicuous place. In view of the recommendation of the working group, the Government has decided to install permanent type boards in every Gram Panchayat Offices.

16. **Make payment on Kuchcha note - Gujarat State Co-operative Land Development Bank Ltd. Charge of Bank-Record of rights.**

(A) When branch of the Bank inform the Talati-cum-mantri to note down charge on land with copy of mortgaged deed, he should immediately make entry of the charge in record of rights, i.e.; Village Form No. 6. The Branch Manager of the Bank should serve notice under section 135-D of Land Revenue Code to the land-holder. Moreover, it should be published at Chavdi as per rules. Moreover, the Talati-cum-mantri should make Kachi entry of charge with pencil in the column of 'other rights' in Village Form No. 7/12. There is no objection of a copy with Kachi note with pencil in Village Form No. 7/12 is sent to the Bank. Such procedure is legal. This will facilitate the Bank to make advance. After certifying

such entries, of any mutation is entered regarding the said land, the notice should invariably be served to the bank or society as interested persons under section 135-D of Land Revenue Code, so that bank or society may have opportunity to take objections. If the bank takes objection, further procedure should be made in view of it.

(B) The Gujarat State Co-operative Land Development Bank Ltd., represented to the Government that the bank makes advances by taking land as security. However, it is necessary to verify whether the person desiring to obtain loan on land has clear title over the land. According to the revised Tenancy Act, whether the rights of the tenants have been entered or whether they are entered into Tenancy register. If the bank staff is allowed to observe these registers, the loanee shall not be required to produce land record for his land.

According to proviso 3 of rules 135 of Land Revenue Rules, no fee is charged from any co-operative institution to allow inspecting any revenue record. No permission is also required to be obtained in this regard. All the Collectors are therefore informed that if any demand is received to inspect tenancy register of any Agricultural Land Tribunal by Land Development Bank, the authorised staff of the bank should be allowed to inspect the register for verification of rights of loanee. All the Collectors should issue proper instructions to all their Agricultural Land Tribunals.

(c) Land Development Bank represented to the Government that section 48(2) and (3) of Gujarat Co-operative Societies Act, 1961 provides that property under the charge of the bank or society shall not be transferred without the permission of Bank/Society. If such transfer is made, it shall be deemed null and void.

**Section 48(2):** When the interest in property or properties is subject to charge under sub-section (1), the property or interest in property shall not be transferred without previous permission of the society, which will be subject to such conditions which maybe placed by the society.

**Section 48 (3):** If there is breach of sub-section (2), the transfer shall be null and void.

The transactions of land which are informed should be entered invariably when received. However, notices should be issued to the parties on the basis of the entries, which is essential under the provisions of section 135-D of Land Revenue Code. However, when notices are issued to the parties for the entry of mutation for transfer of the land charged by Land Development Bank, then even if the Land Development Bank may or may not represent, the competent Revenue Officer should examine such transactions under section 48(2) and (3) of the Gujarat Co-operative Societies Act, 1961 at the time of deciding transactions of the land and decide whether such transactions are legal under the provision of these sections and decide the entry accordingly.

(D) **Make/sanction entries in record of rights of charge on lands on new tenure.**

The land-holders possessing lands on new and impartible terms obtain loan from Land Development Bank or other co-operative institutions for

agricultural development. As regards charge raised on such lands, notices under section 135(D) of Land Revenue Code are not served to the concerned branch of the Bank. In spite of the existence of charges, such entries in record of rights, i.e. Village Form No.6 is sanctioned. Consequently, the charges raised are some times not protected. Moreover, such entries/transfers may not be sanctioned under section 48(2) (3) and 49(C) of Co-operative Societies Act. All the Collectors and offices concerned are, therefore, informed that if the loan is taken on lands on new terms from Land Development Bank or Co-operative Bank, the notice under section 135(D) of Land Revenue Code should invariably be served to the Manager of the branch from which the loan is obtained. The offices concerned have been instructed not to sanction the entries regarding charge till such borrowing/loan is repaid.

**(E) Entry in revenue record of construction of building of Ashram School/Post Basic School with Government grant.**

Government pays building assistance to grant-in-aid institutions to construct Ashram Schools, post-basic ashram schools and hostels. When recognition of grant-in-aid ashram schools or hostel is cancelled, the institutions directly sell the land and buildings constructed from Government grant without sanction of the Government. Therefore, such Government aided buildings/lands are mortgaged. In the order issued by the Commissioners, Tribal Development sanctioning grant to such institutions, there is a condition to make their entries in land revenue record- record of rights- Village Form No. 6 and also under the column 'other rights' of Village Form 7/12. The Revenue Administration has to make procedure thereof, hence all concerned officers are informed to make procedure as above after receiving such orders from the Commissioner, Tribal Development or other departments/offices of the Government.

**17. (1) To make mutation entries for acquired lands.**

It has come to the notice of Government that when Government acquires farmers' land, timely entries of (kami) are not made in Government records. Consequently irrigation rates are assessed as per old area and the farmers have to pay more charges. Instructions have often been issued to make entries on time and to decide them regularly. However, farmers have on many occasions to pay more money for want of timely mutation entries. The Collectors are therefore informed to see that mutation entries of lands acquired are made in time and proper arrangement is made at taluka and village level to see that the farmers may not have occasions to pay irrigation rates for more lands.

**(2) Entry of Survey numbers of non-agricultural land situated in city survey limit.**

Mutation entries for revenue survey numbers converted into non-agricultural lands in city survey area, is made by Talati. Consequently, city survey records are not updated. The employees/officers performing duties of making/sanctioning entries have, therefore, been instructed to make necessary entries in village record and not to make any mutation entry of non-agricultural survey numbers situated in city survey limit as stated in para 7 of circular dated 10-2-1975 of the Settlement Commissioner.



18. **Maintenance of correspondence of mutation entries in dispute for record of rights.**

One case has been brought to the notice of Government, where in it has become difficult to know background of justification of the decision taken by certifying officer on account of destruction of correspondence for disputes raised regarding mutation entries of record of rights. Generally definite entry is made in the relevant register on the spot and orders are to be issued soon regarding mutation entries in record of rights. Precise reasons are to be shown in brief for certifying or not certifying entries. Representations of the parties are also to be noted therein. Thus, no correspondence is to be made as per prevailing norms or rules regarding mutation of entries in record of rights. However, where correspondence has been resorted to on account of misunderstanding of correspondence system, the correspondence should be preserved at least for five years at village or taluka level, so that higher officer may know in which circumstances the entries were certified. If any question arises at that time regarding entries so made, the circumstances and reasons for certifying entries may be available to higher officers and enquiry officers. Where cases have been filed in Revenue Courts and Civil Courts, their papers should be preserved for five years.

Government emphatically states that no correspondence is to be made regarding mutation entries in record of rights. The decision taken for certifying or not certifying entries is to be noted at local level by showing reasons in brief in prescribed register and representations made by the parties are also to be summarized and noted in the register. Such registers are maintained as per 'A', 'B', 'C', and 'D' list and for the period as proposed in the Accounts Manual. If these instructions are followed scrupulously, no separate correspondence will be required. The question to preserve the correspondence also will not arise. If correspondence has already been made, the above instructions should be followed for preservation of the correspondence.

19. **Entries in record of rights for transactions of tribal land should be certified by Mamlatdar.**

(A) As regards work carried out by special team of R.T.S. Mamlatdar for protection of occupancy rights of tribals land in tribal areas. It has been decided in this regard that entries in record of rights should be included in the work of the team. Such entries should not be sanctioned by officer below the rank of Mamlatdar among Revenue officers as decided vide Rule 107(1) and (2) of Land Revenue Rules. It should be sanctioned by Mamlatdar only. All the entries of transactions of tribals in Dangs district should be decided by Mahalkari.

(B) Collectors are advised to instruct concerned officers and Mahalkari of Dangs district, so that only Mamlatdar only may sanction/decide all entries of transactions of all tribals in the state and entries of record of rights made by R.T.S. team working in Integrated Tribal Development Project area of their district.

(C) There is no change in possession because of entry of charge for borrowing from Co-operative Banks or Co-operative Societies. As the loan which is paid by the institution is not exploitative, the Deputy Mamlatdars have been

empowered to sanction the entries of charge of Co-operative Society or Co-operative Bank.

20. **Informing concerned persons regarding order sanctioning, rejecting mutation entries in record of rights.**

(A) The Estimates committee of Gujarat Legislative Assembly organized a tour to study the working onsite and to get information on work carried out in various offices in the district under Revenue Department viz. Collector office, Office of Prant Officer, Mamlatdar Office, Talati Office from 21<sup>st</sup> July 1969 to 26<sup>th</sup> July 1969. During the tour programme, the committee visited a Talati office at Moti Banugar Village Jamnagar Taluka. During discussions at that time, the committee came to know that persons concerned have not been given the information on sanction or rejections of entries of genuineness of the record so far. The committee recommended to provide information in writing to the concerned persons even if their entries are sanctioned or rejected based on the genuineness of record.

(B) Decision on certifying or non-certifying the entries are taken in the presence of parties at the chora of the village. Thus, the parties are verbally informed. However, after careful consideration of the above recommendation of the Estimate Committee, the Government has decided that information on sanctioning or rejecting entries of genuineness of the record should hence forth be given to the concerned persons in writing.

20. **(1) Power of Dy. Mamlatdar to certify mutation entries of record of rights.**

Questions arise as to which Deputy Mamlatdar may certify the mutation entries of record of rights. In this regard, attention of all concerned is invited to sub-section (6) of section 135-D of Gujarat Land Revenue Code, 1879 and rules 107 and 108 of Gujarat Land Revenue Rules and is hereby informed that Revenue Officers not below the rank of Aval Karkoon/ First Clerk (at Present Deputy Mamlatdar) only are competent to certify mutation entries of record of rights. It means 'Revenue Officers' defined in section 3(1) of Gujarat Land Revenue Code may only certify mutation entries of record of rights. The Dy. Mamlatdar performing work regarding land revenue may certify the mutation entries of record of rights as above. However, Dy. Mamlatdar not performing duties of land revenue may not certify such entries.

In view of above legal position, necessary instructions should be given to all the Collectors to make such arrangement that Deputy Mamlatdars not performing duties as Revenue Officers as stated in section 3(1) of Land Revenue code may not certify the mutation entries and it should be scrupulously followed.

21. **Empower to sanction all mutation entries to Mamlatdar and Agricultural Land Tribunal.**

In partial modification of Government circular No. PWR-1077-16281-L dated 18<sup>th</sup> February 1977 of Revenue Department, the Government has decided that Mamlatdar and Agricultural Land Tribal should decide not only mutation entries under orders pertaining to Tenancy Act and Land Ceiling Act, but all the entries. However, they should decide such entries during their visit to the village after completion of their allotted work. However, special care should be taken to ensure that such work may not hinder or delay their prescribed duties.

22. **Entry of resolutions of Agricultural Land Tribal and Mamlatdar.**

The decisions taken by the Agricultural Land Tribal, Mamlatdar under the Tenancy Act, Agricultural Land Ceiling Act and Land Improvement Acts should invariably be entered into record of rights Village Form No. 6. However, after making such entries it should be placed on public notice and notices should also be issued to all the concerned parties under section 135-D of Land Revenue Code. However, even if objections are taken against such entries, entries should be sanctioned and the parties should be advised to file appeal/revision application against the said resolution.

23. **Prompt disposal of entries in record of rights and ancillary changes.**

(A) Mamlatdar and concerned officers should take care to see that entries in record of rights are decided within three months. Village wise list of remaining entries should be maintained for the purpose, where the numbers of remaining entries are found more, a quarterly visit should be arranged in such villages and it should be ensured that remaining entries are decided properly. For this purpose diaries of Revenue officers should be regularly reviewed.

(B) Talati-cum-Mantri of the village should invariably make mutation entries decided by Revenue offices in other ancillary records, i.e. in Village Form No. 7, 7-A, 8-A, 8-B and Farmers' Ledger on the same day or next day. If ledger of any farmer is not available, it should be obtained immediately and make mutation entries therein within seven days.

23. **(1) Computerisation of entries in record of rights.**

In order to carry out computerization work very speedily and accurately, it is very essential that entries are made and also certified in record of rights within proscribed time-limit. Instructions have, therefore, been issued to frame time-bound programme to make entries and certified them within time-limit and make record of rights updated.

23. **(2) Review of disposal of entries in monthly meetings of Mamlatdar/Prant Officers.**

All the Collectors have been requested to instruct respective Mamlatdars to review entries in record of rights in Village Form No. 6 in monthly meetings of Talatis and Collector may review in the monthly meetings of Mamlatdar/Prant Officers.

23. **(3) Planning of campaign for disposal of entries in record of rights.**

State wide campaigns are often planned for disposal of entries so that entries in record of rights may not remain pending and they are immediately disposed. As a result good results are achieved in disposal of pending cases.

24. **Maintenance of register for remaining mutation entries.**

Village Form No. 6 is maintained for mutation entries of village. In order to promptly know the remaining entries of these types, some Talatis maintain a list of such remaining entries on first page of above form, some Talatis perhaps may not maintain such list of remaining entries. In order to maintain uniformity in the state from administrative point of view, it is essential that every village should maintain a register in order to trace the information of remaining entries properly while inspecting the village record. After making entries in Village Form No.6, a notice is required to be issued under section 135-D of Land Revenue Code. These entries are to be noted in the register after a lapse of one month as per rules. When entries are disposed in the register, an abstract should be made of remaining entries. Whenever, the entries in the register are disposed, a circle

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in red ink should be made in the entries and they should be treated as disposed. Abstract of remaining entries are required to be made at the end of every month. A register of remaining entries should be maintained in following form as per instructions.

Form of register of remaining mutation entries.

<b>Number of mutation entry</b>	<b>Date of entry of mutation</b>	<b>Date of disposal</b>	<b>Remarks.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

25. (1) Certain lacunae are observed by the Government in general working of Talatis and Circle Inspectors in updating the record of rights. All the Collectors and District Development Officers have been advised to instruct Talatis and Circle Inspectors under them to take active measures as follows to remove defects, so that updating of record of rights may be successful:
- (A) Facts of pot-hissa should be entered into pot-hissa register and entries of hissa measurement of the numbers which are measured should also be made in relevant registers properly.
- (B) Relevant modification should be made in taluka map of the village according to the copy of modified map along with Kami-jasthi registers according to the mutation in land tenure and possession. Maps should be updated and necessary modifications should be made in the record as per additions-alteration (Kami-jasti) register and their files should be systematically maintained and invariably put to the notice of inspection officer.
- (C) Type of irrigation, by well or canal should be shown in Village Form No. 7/12. In the column of tiller rights, the Talatis should write the name of tillers every year in Village Form No. 12 invariably, so that no irregularity may creep in and Land Reforms Act may be duly enforced.
- (D) Accounts of recovery of pot-hissa fees should be systematically maintained and recovery thereof should be made immediately.
- (E) Pot number should be mentioned in village map by pencil according to changes in possession of land by various reasons.
- (F) Dy. Mamlatdar, Settlement – should essentially tally the abstract of measurement office with that of District Measurement office while closing accounts of the village at the end of the year.
- (G) Repairs to boundary marks should be completed as per scheduled programme.
- (H) Notings made by Land Records officers during inspection of records should be complied and report should be sent in time.
- (I) The Circle Inspectors should submit their diaries to the District Inspectors regularly.

(J) The Talatis should promptly report encroachment in Government numbers. Mamlatdar should take legal steps under Land Revenue Code, so that encroachment on Government lands may be prevented.

(K) Whenever Taluka/District Revenue officers visit the village for inspection, they should scrutinize the village records in order to update record of rights and uld guide the Talatis and Circle Inspectors.

(L) The Collectors and District Development officers should ensure that above instructions are scrupulously followed.

25. **(2) Delay in issuing Government records viz. record of rights and Phani Patrak - presence of Talatis in Seja.**

Period of seven days has been fixed in entry 307A of rule 137 (3) of Land Revenue rules to give extract of record of rights. Generally, the Talatis should give copies within 24 hours and in any case this should not exceed three days. If delay is more than three days, the Talatis should note down the reasons for delay in application register. Register is also maintained by him in order to see that the copies are given by Talatis in time. Mamlatdars have been instructed to review the registers maintained by the Talati every month in order to take steps for inordinate delay in giving copies. Proforma of application to be made to Talati is given in Appendix-VI. The Talatis also has to issue receipts in form 2 for payment of fees and receipt of written/oral application.

All the Collectors are asked to see that in case the Talati fails to provide copies in time without proper reasons, proposals to take disciplinary action against the Talati should be submitted to the District Development Officer through the Collector by the Mamlatdars. Time-limit to give copies of extracts has been determined. However, if the copies of extracts are not provided in time and if he applies to the Mamlatdar, the Dy. Collectors/Collectors are instructed to see that the copies of extracts are provided to the applicant within four days.

In the meeting held prior to Budget Committee, the members of the committee represented that when Mamlatdars visit villages, the Talatis do not remain present at Seja Village. As a result Mamlatdars are not able to do any work. Government has to taken a serious note. The District Development Officers are requested to make such arrangement that Talatis should not leave headquarter without prior permission of the respective officer when he has to go to the district for meeting or for special reasons and he should invariably be present when Mamlatdar visits the village.

When touring officers visit the village and if the Talati is not present at Seja Village, he should immediately submit the report to higher officer regarding his absence. If he does not satisfactorily explain his absence, disciplinary action should be taken against him and send copy thereof to the Collector.

All the officers/employees have been suitably instructed to see that above instructions are strictly followed and adequate care is taken to see that the people may not have to suffer hardships.

**25. (3) Better procedure to provide copies.**

Government has often issued instructions to ensure that the applicants are provided copies of public documents promptly. According to administrative order No. 2 read with rule 137 (2) of Gujarat Land Revenue Rules, the Talatis are required to provide certified copies of certain records within seven days from the date of receipt of the application and has to provide them within 15 days in other offices. Instructions have been issued that generally Talatis should provide copies within 24 hours and in case of delay exceeding three days, the Talatis should note down the reasons for delay in application register. A register of eight columns (Appendix-VII) is maintained as per form No.1 to ensure that copies are given by the Talati in time.

**25. (A) Mutation list to be kept at Taluka level for record of rights other than by inheritance.**

In order to update and modernize the revenue records of the village, the task mission No.2 was constituted. It has recommended in its recommendation No. 12 that in order to keep village record systematic and up-to-date, village wise register should also be maintained at taluka head quarter for mutation entries by orders/decision at Taluka and higher level and to see whether entry has been made in Village Form No. 6 keeping in view the recommendation of working group, it is hereby decided that –

(1) A register should be maintained as per form attached herewith in Mamlatdar office at Taluka level.

(2) In order to see that Mamlatdar may maintain register at Taluka level, all revenue officers and Taluka Development Officers should send copies of orders made with reference to village land to the Mamlatdars of the respective taluka.

(3) Revenue officers should keep such copies with them while visiting village and check whether the mutation entries are made in column No. 4 of the register. If they are not made, they should get it done by Talatis and write the details of process in column No. 6 of the register.

(4) Each touring officer should take further action keeping in view the action taken by former officers.

### Statement

Sr. No.	Name of the village	Details of order/ decision of the concerned officer.	What changes are to be made in survey numbers on account of order as decided in column No. 3	Whether entries have been made in Village Form No. 6 as per order specified in column No. 4	Action taken by the competent officer while visiting the village.
1	2	3	4	5	6

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26. **It has come to the notice of Government that papers certifying entries of record of rights are not maintained according to instructions laid down in civil accounts manual of the village. Following instruction has been given in para 30 on page No. 100 of Gujarati third edition of 1963.**

39 – The Talatis should make it clear in the entries whether mutations are made on the basis of written reports, extract of sub-registrar, from the addition-deduction (Kami-Jasti) Patrak, revised assessment or by order of the Mamlatdar. He should maintain a file of such papers, so that it may be easily available to him. In fact, the assessment (Akarbandh), Kami-Jasti Patrakis are attached to Village Form No. 1. However, written reports and case papers regarding mutations should be bound in a file as per serial numbers of entries from Village Form No. 6 and a current file should be maintained for the extracts of registration serially.

When entries are made, the Talatis should sign it.

(2) Classification of papers concerning record of rights are made under 'A', 'B', 'C' and 'D'. 'A' class papers are for long duration, 'B' class papers are for 30 years, 'C' class papers are for five years and 'D' class papers are to be maintained for one year or till yearly inspection of the accounts is over. There is a list on page 268 of the above book regarding the period of maintaining papers regarding record of rights, which is as under.

Sr. No.	Subject	Classification	Remarks
65.	All case papers and other clarifying papers regarding preparation of record of rights and entries thereof.	'C' (Five Years)	
67.	Register regarding disputes.	'B' (30 years)	
67A.	Inheritance register and case papers regarding inheritance.	'B' (30 years)	
72.	Notice issued to the parties and notified in the 'Chora'.	'C' (5 years)	Should be maintained till certificate is issued that all mutations are correct.
73.	Counterfoils for receipt of documents and their intimations.	'C' (5 years)	
74.	Notices issued by Civil Courts.	'B' (30 years)	Mamlatdar orders Talati to make entry in Village Form No.6. To be kept with record of rights under section 135-H.
75.	Village wise extracts from the sub-registrar.	'C' (5 years)	-As above-
77.	Village wise extracts index from the sub registrar.	'C' (5 years)	-

(3) Papers pertaining(3) Papers pertaining to serial No. 67 and 67-A from those stated in above statement are to be placed in record department, papers other than those are to be retained by Talati-cum-Mantri of the village. Out of those to be sent to record department, necessary papers are to be retained by the Talatis-cum-Mantri for specified period for scrutiny before sending.

Time-limit shown in the statement to maintain papers is to be considered from disposal of the papers and sent to record.

Record of rights means events to take entry into Village Form No. 6. Kami-jasti Patrak, revised assessments, extracts of sub-registrar on sales of property, inheritance and other orders of Mamlatdar are available on written orders to the Talati records. In the cases of entries of above chapter, papers are to be kept with separate register. In other cases, papers pertaining to entries are to be kept as mutation entries are sanctioned after writing serial number of mutation entries, the officer certifying officer should make arrangement to file such papers. Serial numbers should be given to the filed papers and should make case wise index also. When Talati-cum-mantri is transferred such files should be systematically handed over to the relieving Talatis when it is done so, there may not be any passing of losing papers pertaining to entries. All the Collectors are requested to see that papers pertaining to entries in Village Form No. 6 are arranged accordingly.

**27. Legal position is as under regarding interpretation of the word 'Collector' shown in rule No. 108(A) of Land Revenue Rules.**

As provided in section 135-L of Gujarat Land Revenue Act, Provisions of chapter 13 do not apply to decision or order under chapter 10 of Land Revenue Code. Revision provisions of section 211 of Act, do not apply to revision applications under rule 108(16) of Land Revenue Rules. (See Chanchalba Versus Dahiben – C.L.T. 1969-70). Revision powers may be used as per provisions of section 135-L of Land Revenue Code and rule 108(6) of Gujarat Land Revenue Rules, 1972. Papers of investigation and procedure made by subordinate officers under sub-rule (1) to (5) of rule 108 and Rules 106, 107 may be called for and examined by the Collector to ascertain legality or propriety of any decision or order. He may modify or revoke or reverse such order or decision. Collector has been empowered in sub-rule (6) of rule 108, but this provision is to be considered with the provision of section 10 of L.R.C. Section 10 provides that any Assistant or Deputy Collector in charge of one or more talukas of district shall use and exercise of powers and perform duties vested in Collector under Land Revenue Code and other laws in force then, as long as they are in charge of taluka/talukas. Powers under Section 10 vesting powers to exercise powers of the Collector are very wide. The Dy. Collector may also exercise power and perform functions of the Collector under rule 108(6) of Gujarat Land Revenue Rules. He may, there, use revision powers and call for enquiry papers also. As provided in these rules, he may issue orders also. Para -2 of section 10 of Land Revenue Code shall mean that when Asst. or Deputy Collector uses appellate powers of the Collector, the Deputy Collector or Assistant Collector may replace the word 'Collector' used in law. When Assistant or Deputy Collector is placed in charge of Revenue talukas, order under section 10 of Land Revenue Code does not place any limitation to use mode or type of powers. When Assistant or Deputy Collectors are empowered to use such powers in their jurisdiction, they become competent to use such powers (V.D. Lokhande Versus Umabai 57-BLRC 8(16). Thus, the Dy. Collectors or Asst. Collectors are competent to use revision powers under Rule 108(6) of Gujarat Land Revenue Rules, 1072. It is true that appeal is to be filed before the Collector against the orders of Deputy Collectors



or lower officers. However, from this rule 108(6) may not be interpreted in limited way that Asst. Collector or Deputy Collector are not included to utilize powers vested under section 10 of Land Revenue Rules. It is also true that Deputy Collector who is appellate authority under sub-rule (5) of rule 108, may not be revisional authority and it is not proper to bestow revision power to the same authority. However, it is clear that the Deputy Collector may not use revisional powers against their own orders. These revisional powers may not be used against the order of officer appointed by the Collector to use appeal powers under rule 198(5). On this ground also, limited interpretation of sub-rule (6) of rule 108 is not proper. Deputy Collector or Asst. Collector may use revisional powers under rule 108(6) of Gujarat Land Revenue Rules.

Legal position regarding words, proper period to use revisional powers is as under:

No time-limit has been fixed to use revisional powers under rule 108(6). Such powers, should, therefore, be used within proper period. Proper duration of time may be decided from the facts of the case and type to be used in revision. Hon. Supreme Court and Hon'ble Gujarat High Court have construed three months duration as proper time-duration. (Gujarat state versus P. Raghavan A.I.R. 1967- S.C. 1297 and Bhavanji Bavaji versus Gujarat state 128 GLR 156). In view of above judgments as well as provisions under section 131 of Limitation Act (which do not apply to revision application under Land Revenue Code), duration of 90 days may be considered proper duration for use of revisional powers. However, where time-limit has not been fixed under law or rule, it may not be said that revisional powers are used within time-limit of ninety days. The time-limit depends upon the facts and circumstances of respective case and type of revisional order.

27. **(1) Interpretation of the word 'Collector' mentioned in rule 108(6) of Land Revenue Rules.**

Legal position regarding interpretation of the word 'Collector' has been shown in rule 108(6) of Land Revenue Rules in para 27 above.

In one case, the Assistant Collector took entries in Village Form No. 6 in revision and revoked the orders. The applicants made revision application to the Collector. Opinion of Legal Department was sought when decision may be taken by the court of the Collector against the order issued by the Asst. Collector by using powers of the Collector. According to the opinion given by the Legal Department by its note dated 3-5-91, Deputy Collector/ Asst. Collector may not use revisional powers under rule 108(6) of Land Revenue Rules to take into revisions the entries in record of rights suo moto. In view of opinion of Legal Department, legal position mentioned in para No. 27 of the said resolution shall stand revised to that extent.

28. In Sp.C.A. No. 3609/1979, in the case of Fakaruddin Abdul Mulla Mithawala Versus Ahmedmiya Husenmiya Mogal, the applicant submitted before Hon. High Court that provisions of rule 108(6) of Gujarat Land Revenue rules, 1972 are similar to those under section 211 of Land Revenue Code. Application challenging order of the Collector, Panchmahals was admitted on the ground that the Collector has used his powers after about five and a half years in this case.

The facts of the case are such that name of applicant in this case was jointly entered for the first time with opponents of the case vide mutation entry No. 10218 dated 21<sup>st</sup> July 1973 in the land bearing survey No. 975 of Dahod. The land was originally owned by the opponent. The mutation entry was sanctioned on 1<sup>st</sup> November, 1973. Then after, name of the applicant was shown as sole owner in Government records and names of opponents have been deleted.

It seems that when the Collector came to know the details of background after sanction of mutation entries, he served notice in exercise of his powers under rule 108(6) of Land Revenue Rules, 1972 after five and a half years, heard the parties and revoked mutation entry No.10128. Appeal against order was made to Special Secretary, Revenue Department, who disallowed the appeal on 20<sup>th</sup> November, 1979 and allowed the order of the Collector.

Advocate of the applicant quoted the judgement by Supreme Court in the case of Gujarat state versus Raghavnath (1969) 10GLR 992 and that by Division Bench of High Court in the case of Bhagwanji Bavanji Versus Gujarat State (1971) No. 12/GLR/156 and submitted that no Government officer may utilize revisional powers after a lapse of reasonable period.

In view of agreements on both the sides and facts of the case, the court noted that powers of High Court of Superintendence under article 227 of the Constitution of India are to be used with discretion and is to be utilized in certain court cases only. If any party may not demand such discretionary power with bonafide intention, court may refuse to exercise its powers even though lower authority exercised revisional powers after a long span of time.

(If a party who invoke this discretionary power does not come with clean hands, this court may refuse to exercise that the said power notwithstanding the fact that the authority below exercised the revisional jurisdiction after a long lapse of time).

29. Thus, the implementing officers have to enforce as per instructions of the consolidated resolution. (Appendix may be seen from original resolution. However, when the question regarding interpretation arises, provisions of original resolution are to be kept in view. (consolidated resolution, Revenue Department. No. HKP-102003/2727-J dated 1-12-2003).
30. Instruction of RD circular no: hkp/102011/1061j dated 8-8-11

### **Duties of Mamlatdar for record of rights:**

Mamlatdar have large role in disposal of entries or record of rights. In other words, the Mamlatdar has to perform important duties regarding record of rights. Computerisation of Land Records has been completed in revenue offices. Now, the case papers of entries made in record of rights are maintained by Mamlatdar office instead of keeping them with Talati. It is, therefore, primary duty of Mamlatdar to obtain applications with integral case papers to make entries in record of rights, notice should be served by the Talatis to the beneficiaries under section 135-D of Land Revenue Code and should make speedy disposal of the entries himself and should cause to dispose entries by circle officer or Revenue Aval Karkoon according to distribution.

Mamlatdar has other important ancillary duties to perform viz. disposal of entries taken to dispute register, timely disposal of entries regarding inheritance applications, scrutiny of 'Holder Farmer Certificate' of purchasers of Lands in his own taluka from other taluka, he should be vigilant to ensure that entries of sales of land of wrong holders are not certified etc.

### **Duties of Prant Officer towards record of rights:**

As Prant Officer is immediate higher officer to the Mamlatdar, he should carryout general record inspection, scrutiny of Appendix-A and ensure that record of rights are maintained up-to-date at the time of inspection of Mamlatdar office. If he finds any entry certified ultra vires, the Prant Officer should call for papers on entries and submit to the Collector for revision under Rule 108(6) of Land Revenue Rules.

Moreover, Prant Officer has to hear the appeals under section 203 of Land Revenue matters and decide them. Generally, appeals under this section are concerning record of rights, which should be admitted within 60 days from the date of order of Mamlatdar. If there are proper reasons for delay, the Prant Officer may condone delay and admit appeal, arrange hearing and may give decision after recording reasons.

The Prant Officer has an important duty of promulgation regarding record of rights. By promulgating entries of record of rights after last promulgation, title of the people regarding land is recognized and entries are observed upto the last.

### **Duties/powers of Collector on record of rights.**

It is primary duty of the Collector regarding record of rights to see that entries regarding title of lands are being made within time-limit prescribed in record of rights.

Moreover, Collectors have been entrusted with integral powers under Land Revenue Code. (1) Appeal Powers under section 203 of Land Revenue Code. (2) Revisional Powers under section 211 of Land Revenue Code and (3) revisional powers under rule 108(6) of Gujarat Land Revenue Rules, 1972 regarding record of rights.

#### **1. Appellate authority under section 203.**

The Collector has to hear appeals against orders pertaining to revenue issued by his immediate subordinate officer viz. Prant Officer under section 203 of Land Revenue Code.

It is not necessary that appellant should admit the appeal in person. It may be sent by post also. Appeal is to be made to the Collector against the order of Prant officer within a limit of 60 days. However, if Collector finds that there are proper reasons, he may condone delay and admit appeal. Formerly meaning of '60 days' was construed as 60 days from the date of order, but now it is construed as "60 days commencing from the date on which the party receives order. Decision thereof should be declared in open court and order should be issued within a week.

In appeal under section 203 new evidences/facts may be taken, but it may not be done so in revision under section 211. No appeal may be made to the State Government against the appeals heard and decided by the Collector. However, revision application may be made to Special Secretary, Appeals.

Actwise list of rights which can be taken for revision against appeal orders under section 203 by Special Secretary against Collector is provided.

### **2. Revisional powers under section 211 of Land Revenue Code.**

The Collector has revisional powers under section 211. Main characteristics of revisional power are that he has powers to take them into revision/reconsideration suo moto. However, this right is mostly exercised from the application of parties.

Main difference between Appellate power under section 203 and revisional power under section 211 is that in appeal, the witnesses may be examined further or a fresh, while this is not in revision. In revision, case papers are examined for by perusal of papers of lower court on decided points. There is time limit of 60 days from the date of serving order of the court/officer, while there is no prescribed time-limit in revision.

N.B.: Detailed instructions have been given by G.R., R.D. No. CTS-122005-2809-H dated 23-4-2007 regarding updating of record of rights of city survey areas, which should be implemented by the Collector.

### **Computerization of Land Records and E-Dhara Centre.**

The State Government has started computerization work of form No. 7/12 and 8-A regarding mutations in record of rights at E-Dhara centre of taluka headquarter. Procedure as laid down in E-Dhara manual should be followed as under:

#### **Role of various officers in E-Dhara system:**

With implementation of E-Dhara computerized land record management system, existing work pertaining to Land Records and record of rights undergoes change. In new system also, public contact and discussions are important and roles of various officers viz. Talati, Data operator, competent officer to dispose entries, E-Dhara Dy. Mamlatdar, Mamlatdar, Prant Officer, Nodal Officer and other are equally important.

#### **Role of Talati:**

Role of Talati is major and crucial in the work of Land Records and record of rights maintained at village level. In new system also Talati keeps liaison and consultation with the people. Thus, Talatis and his role are important. The Talati shall perform following works in mutation changes on line.

#### **Village:**

1. The Talati shall keep application forms, forms as per list of necessary documents to be enclosed with application in sufficient quantity in the office.
2. He will affix application forms and list of necessary documents to be enclosed permanently in chavdi for information of the people.
3. When land holder submits application for mutation of title, he will ascertain whether application is made properly, whether necessary papers and documents are enclosed. He shall also ensure whether there is more than one mutation. If so, he will advise the applicant to give separate application for every mutation. He shall accept application form and issue temporary acknowledgement of order book. He shall keep one copy of acknowledgement with the application. He shall prepare his writing in pro forma regarding mutation entry and keep with the application.

#### **At E-Dhara centres:**

4. Mutation case file showing unique number shall be covered with docket sheet at E-Dhara centre by signing in the respective register.
5. File shall be examined and if 135-D notice is to be issued, he will inform the centre.
6. He will ascertain whether following papers are there in the file:
  1. Application and required papers/documents to be enclosed.
  2. Computer generated receipt with unique number.
  3. Separate computer generated 135-D notice of concerned holders/individuals.

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4. File copy of computer generated 135-D notice, in which entry of serving is to be noted.
5. Computer generated 135-D notice for chavdi.
6. Computer generated V.F.6 entry (which is to be signed by Talati)

### **At Village:**

7. Details shall be entered into inward-outward register maintained in village for mutation applications.
8. He shall serve 135-D notice to the concerned holders/persons and obtain signature in file copy. If he serves by post, he shall clearly note it.
9. He will take action on replies/panchnama etc. and after finishing the work, he will keep case papers in the file.
10. He will keep note of serving all notices, especially last notice in notice file copy, note in the docket and inform the date of E-Dhara centre.
11. He shall submit the file to the competent officer for decision when he visits the village.
12. The competent officer shall get entered the decision in file- V.F.6 print file copy. He shall sign, enter date and make necessary entry into the docket.

### **At E-Dhara centre:**

13. He shall hand over the file in which decision has been taken to E-Dhara centre, make entry thereof in the mutation file control register at the centre and sign.
14. In case of dispute, he shall adopt prescribed procedure, inform the centre and present the dispute as well as disputed point to register centre and scan the respective section as well as order.
15. When mutation entry will be entered into computer at E-Dhara centre, computerised updated print of office copy of 7/12, 8-A and VF-6. He will note down in the relevant register of having obtained print and sign. He will note it in file docket also

### **At Village:**

16. He will bring updated computerised office copy of 7/12, 8A, V.F.-6 to the village and enter into bunch V.F.-6 register. He will remove old 7/12, 8A from the bunch and will keep them in a separate file as village record.

### **Role of competent officer who disposes entries:**

1. He will ascertain mutation in boundary marks, application forms, list of enclosures/documents are in sufficient quantity with Talati.
2. He will enquire whether application forms and forms of documents have been affixed in Chavdi for information of people permanently.
3. When Talati submits mutation application to him, he will scrutinize following papers and details.

- (1) Only one mutation has been mentioned in the application.

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- (2) If more than one mutation is mentioned, the applicant should be explained in that regard.
  - (3) Whether required documents for which changes are proposed are in the file?
  - (4) If statement/panchnama is required at initial stage, whether such papers are in the file.
  - (5) After serving 135-D notice to the concerned holders/persons and other or after duly serving them by post, whether signatures are tallied with those in office copy of 135-D.
  - (6) Check whether computer generated receipt with unique number issued from E-Dhara centre is in the file?
  - (7) Whether V.F.-6 entry print generated by computer and signed by the Talati is in the file?
  - (8) Whether there is docket sheet in the file?
  - (9) Whether proper noting/endorsements have been made at every stage?
  - (10) Whether required additional statements/panchnamas are processed and kept into file?
  - (11) If notice of 135-D has been served, whether remarks have been entered into docket sheet.
4. Whether notice of 135-D has been affixed in Chavdi for general information of the people?
  5. Whether mutation applications have been entered into inward-outward register maintained at village.
  6. For mutation entries he shall note in office copy of 135-D notice, write his decision and sign. He will write his name in legible handwriting along with date.
  7. He shall ascertain entry/endorsement/writing in file docket and instruct to deliver the file to E-Dhara centre. He shall note this in village register and docket also.
  8. He shall seek regarding number of files for mutation entries in the village, which are they and at what stage they are at present. He shall ensure that files are processed and disposed by serial unique number.
  9. Whether Talati has obtained office copies of computerised updated 7/12, 8-A and V.F.-6 of respective survey numbers of the entries which were sanctioned in the past, brought to the village and kept at proper serial number in the respective branch register? Whether old computerised 7/12, 8-A, have been kept in separate file as village record?
  10. He shall ascertain that no handwritings are made in old computerised 7/12, 8-A kept in separate file or updated computerised 7/12, 8-A are kept in bunch.
  11. He shall ascertain that poster regarding E-Dhara has been systematically affixed in Chavdi for general information of the people.

### At E-Dhara Centre:

12. He shall scrutinize and sign s-form print. He shall note it in mutation file control register and sign.

### Role of Data Operator:

1. Preliminary details of mutation application viz. relevant survey number, holding number, details of holding number etc. shall be filled in by front office utility.
2. Generated receipts with unique number shall be given to the holder and keep one copy with case papers.
3. He shall prepare new file for mutation application. He shall write unique number on file, he shall keep case papers, copy of acknowledgement etc. in a file.
4. When Dy.Mamlatdar, E-Dhara certifies preliminary data, 135-D notice shall be generated in following three sets:  
Set 1: Different notice for concerned holder/person  
Set 2: 135-D notice to be affixed on chavdi for information of general public.
5. He shall keep 3 sets of 135-D notice in file and give it to the Dy. Mamlatdar, E-Dhara centre.
6. He shall obtain case files returned from village after decision from concerned department/cupboard/place for data entry.
7. He shall take file one by one for data entry and process thereon as under:
  - (1) If Dy. Mamlatdar, E-Dhara centre has proposed correction in descriptive note, he will carry out correction.
  - (2) Out of files returned after decision, 135-D notice and V.F.-6 office copy shall be scanned and authenticated by Dy.Mamlatdar E-Dhara. He shall take print of V.F.6 copy and keep in file.
  - (3) He shall make structured entry for unique number for file.
  - (4) He will carry out corrections, if Dy.Mamlatdar, E-Dhara has proposed for structured entry.
  - (5) He shall generate 's' from, he will scan 's' form signed by competent officer. He shall note it in docket.
  - (6) He shall take out computerised village print of 7/12, 8-A of relevant file, keep it in file. If the Talati is present, he shall hand over office copies of 7/12, 8-A and V.F.-6 to him and obtain his signature.
8. He shall show 7/12, 8-A and 6 record on screen to the applicants who have applied for computerised copies of 7/12, 8-A and 6. After getting assurance from the applicant, he will generate copy from the computer, will keep with the application and hand over to Dy. Mamlatdar.



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9. He shall give computerised copy signed and sealed by Dy. Mamlatdar, E-Dhara to the applicant on getting users' charges and obtain his signature in the register.
10. After working hours, he shall run day-book utility of E-Dhara centre front office and take out copies of issue list and accounts.
11. Dy. Mamlatdar of E-Dhara shall reconcile day-book accounts.
12. Data operator shall make entry in register at relevant stage of each process.

### **Role of E-Dhara Deputy Mamlatdar:**

1. He shall enquire whether E-Dhara centre office arrangement has been arranged systematically.
2. He shall examine whether application forms, forms of list of enclosures are available in sufficient quantity for people.
3. Control on movement register of mutation case files.
4. He shall check the arrangement that Talati obtains mutation case files of the concerned village from particular place.
5. He shall examine following points in mutation applications of holder and explain to the holder:
  - (1) Whether application has been made in proper form?
  - (2) Whether only one change has been proposed in the application?
  - (3) Whether enclosures are with mutation application.
6. He will check preliminary details of mutation applications entered into computer by the data operator. If necessary he shall get corrected otherwise certify biometric.
7. When the application is received after entry and process, he shall check following details into the file:
  - (1) Whether office copy of computer generated receipt with unique number for acceptance of mutation application is enclosed?
  - (2) Whether three sets of 135-D notice are properly in the file?
  - (3) V.F.-6 computer generated note is enclosed.
  - (4) Mutation unique entry number and name of village have been shown on the file.
  - (5) Whether docket has been entered into the file?
8. While visiting E-Dhara centre, he shall see that Talati notes in the register the mutation entry and tally.
9. If Talati proposes to issue additional 135-D notice, he shall note properly in the file and generate three sets of revised 135-D notice, keep in file, take note in the docket, cancel three sets of old 135-D notice in the file. However, he shall allow to keep them in file.
10. He shall hand over mutation file to the Talati to take it to the village for processing. He shall take signature, name of the Talati and put date. He shall place suitable note in the docket.

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11. When mutation file returns from the village after decision, he shall note in the register.
12. He will examine following particulars in the file which has been returned after decision there on from the village.
  - (1) Whether there is entry of each stage in the docket?
  - (2) Whether papers of every stage are in the file?
  - (3) Whether competent officer has taken decision on computer generated V.F.-6 entries.
  - (4) Whether there is proper endorsement on docket in the file when it came to taluka head quarter from the village after decision thereon.
13. He shall see that mutation files returned from the village after process are taken up for structured data entry work by data operator.
14. He shall authenticate 135-D notice and V.F.-6 entries office copy after scanning by the operator. He shall keep in the file the print of V.F.-6 entries scan copy.
15. Dy. Mamlatdar E-Dhara shall scrutinize structured entries made by data operator. If necessary he shall get it corrected.
16. He shall get S-Form signed by competent officer scanned. He shall authenticate bio-metric and give effect in data.
17. He shall make proper entry in data operator file docket of authenticated structured entries and set the file to data operator.
18. He shall keep village copy print of 7/12 and 8-A generated and updated by the operator shall keep in file. He shall make suitable entry in the docket of mutation file.
19. Place the file in pigeon hole with updated 7/12, 8-A and relevant register.
20. He shall hand over office copy of entries of 7/12, 8-A and V.F.-6 to the Talati while his visit to E-Dhara centre, note it in the docket of mutation file, obtain signature of the Talatis and make appropriate endorsement thereon.
21. On completion of the proceedings, he will send mutation file to record room as permanent record. He shall make proper note in the register, get it signed with date. He shall enter record room register number as cross reference.
22. When the applicant seeks updated 7/12, 8-A or mutation entry or copy of V.F.-6, it will be shown to the applicant on screen, after ascertaining from him, operator will take out its print and he shall observe it.
23. He shall make necessary checking of the print sign it with stamp and hand it over to the operator. The operator shall take prescribed fee, obtain signature of the applicant in the form shown at the end of chapter 11 and see that it is given to the applicant.
24. If the applicant has requested to see on 7/12, 8-A, 6 on screen, he will arrange for it.

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25. After work hours, he will run day book utility of front office E-Dhara centre with data operator and issue copy of the list. He shall tally account/cash. He shall sign copy of issue list, account copy register.
26. Income accrued as per front office utility shall be deposited into Fund account fixed by the Government in the evening everyday and if necessary twice a day.

### Role of Mamlatdar

#### During Visit of Village:

1. Whether details have been inserted into inward-outward registers to be maintained at village for mutation applications?
2. Whether application forms for mutation in boundary and forms of documents to be enclosed are kept in sufficient quantity by Talati in his office. He will ensure this.
3. He will ensure whether application forms and forms of documents to be enclosed have been affixed in chavdi for information of the people permanently.
4. He will ascertain number of files of mutation entries in the village and their stages. He shall also see that process on files and disposal thereof are made by serial number of unique numbers.
5. He shall also verify whether computerised updated forms 7/12 and 8-A of the concerned survey numbers for which entries have already been made have been obtained by Talati at village level and placed at proper serial number in the bunch and also whether he has kept them in separate file concerned old computerised 7/12, 8-A as village record.
6. He shall ascertain that there are no handwritings anywhere whether computerised updated 7/12 and 8-A is placed in one bunch or old computerised 7/12 and 8-A is kept in separate file.
7. He shall enquire whether E-Dhara is fully maintained in the village.

#### At E-Dhara Centre :

8. He shall examine whether mutation application forms, forms stated in the list for enclosures are available in sufficient quantity at E-Dhara centre.
9. He shall see whether E-Dhara is totally maintained at E-Dhara centre.
10. He shall plan to hold regular and periodical meetings of the committees of Taluka Core Group and Taluka Implementation Committee.
11. He shall take surprise checking at E-Dhara centre and ascertain whether regular back-ups are taken.
12. He shall check the accounts to see that register of fees received for copies of 7/12 and 8-A regularly or at intervals is maintained and fees are credited to the Government.

#### Reporting to the Government

Following four statements should invariably be submitted to state Monitoring cell, Gandhinagar during 1<sup>st</sup> to 5<sup>th</sup> of every month.

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**Statement- I** (For each taluka): Monthly statement of income from the sales of computerised copies.

**Statement- II** (For talukas where online mutation has not been started, but batch-process has been started): Progress report of entries into computer of mutation entries by batch process.

**Statement- III (For talukas where online mutations have been started):** Online mutation work report.

**Statement- I:** Monthly statement of income from the sales of computerised copies (for each taluka)

Sr. No.	Name of District	Name of Taluka
1	2	3

Statement –I Conti. Copies issued – Numbers

upto last month				During current month				Total Sales			
Village Form 7/12	Village Form 8-A	Village Form-6	Total	Village Form 7/12	Village Form 8-A	Village Form-6	Total	Village Form 7/12	Village Form 8-A	Village Form-6	Total
4	5	6	7	8	9	10	11	12	13	14	15

Statement- I Contd.

Ending date:

Income from Sales of Copies			
upto last Month	During current month	Total	Remarks
16	17	18	19

N.B. :- In addition to holders, administrative copies are also issued without charging any fees. Monthly account of issue of administrative copies is as under:

Statement –I-Administrative copies issued

Copies issued - Numbers

up to last month				During current month				Total distribution			
Village Form 7/12	Village Form 8-A	Village Form-6	Total	Village Form 7/12	Village Form 8-A	Village Form-6	Total	Village Form 7/12	Village Form 8-A	Village Form-6	Total
4	5	6	7	8	9	10	11	12	13	14	15

Statement –II: Progress report of entries into computer of mutation entries by batch process (For taluka where online mutation has not been started, but batch process has been started)

Sr. No.	Taluka	Total Villages	Villages under E-Dhara	up to last Month- Numbers of entries					
				Received temporary	Enter temporary	Received permanent	Entered permanent	S-Form print	Permanent
1	2	3	4	5	6	7	8	9	10

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Statement II: Cont.

During current month – Number of entries

During Current month						Total					
Received temporary	Entered temporary	Received permanent	Entered permanent	S-Form print	Permanent	Received temporary	Entered temporary	Received effectual permanent	Entered effectual permanent	S-Form print	Effectuated
11	12	13	14	15	16	17	18	19	20	21	22

Statement III: On line mutation; work report.

(For talukas where online mutations name

Sr. No.	Taluka	Total Villages	Villages under E-Dhara	upto last Month- Numbers of entries					
				Applications submitted by applicant	Applications submitted by Talati	Admitted temporary	Admitted permanent	S-Form issued	Permanent
1	2	3	4	5	6	7	8	9	10

During current month-No of entries						Total number of entries					
Applications submitted by Applicants	Application submitted by Talati	Admitted temporary	Admitted permanent	S-Form issued	Permanent	Applications submitted by applicant	Applications submitted by Talati	Admitted temporary	Admitted permanent	S-Form issued	Permanent
11	12	13	14	15	16	17	18	19	20	21	22

### Role of Prant Officer

#### During Visit of Village :

1. Whether details have been entered into inward-outward register to be maintained at village for mutation entries?
2. He will ensure whether applications for mutation in boundary and forms of documents to be enclosed are kept in sufficient quantity by Talati in his office.
3. He will ensure whether application forms and forms of documents to be enclosed have been affixed in Chavdi for general information of the people permanently.
4. He will ascertain number of files of mutation entries in the village and their stages. He shall also see that process on files and disposal thereof are made by serial number of unique numbers.
5. He shall also verify whether computerised updated forms 7/12 and 8-A of the concerned survey numbers for which entries have been obtained by Talati at village level and placed at proper serial number in the bunch and also whether he has kept them in separate file concerned old computerised 7/12, 8-A as village record.

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6. He shall ascertain that there are no handwritings both in computerised updated 7/12 and 8-A placed in bunch or in old computerised 7/12 and 8-A kept in separate file.
7. He shall enquire whether E-Dhara is totally maintained in the village.

During visit of E-Dhara Centre:

8. Overall supervision on E-Dhara Centre.
9. Perform all duties at E-Dhara centre regarding all services at Nodal officer for all talukas under him.
10. He shall monitor on each case of data verification by fixing percentage, which may be kept as under :
  - (1) Talati - 100%
  - (2) Circle Officer - 50%
  - (3) Mamlatdar - 10%
  - (4) Prant Officer - 5%
11. He shall periodically inspect whether Government instructions are duly observed, shall visit E-Dhara centres under him and give necessary guidance to the staff.
12. As Prant Officer has been provided GSWAN connectivity, it shall use software and give suitable instructions to monitoring cell.
13. Hold regular meetings of taluka core group and taluka implementation committees.
14. He shall make surprise checking of E-Dhara centre and ascertain whether regular back-ups are taken.
15. He shall check at regular interval issue register of copies of 7/12 and 8-A, accounts, remittance as per Government instructions..

### **Role of District Nodal Officer:**

1. Overall monitoring of E-Dhara operation of talukas.
2. Coordination of reporting of E-Dhara operation of talukas.
3. Coordinated reporting of SMC/RD work of E-Dhara operation of the District.
4. Implementation of communication plan.
5. Planning and coordination of taluka and district level committees on E-Dhara.

N.B.: Written intimation of 135-D notice and instructions to be made by Postal Department from E-Dhara centre of taluka have been issued by Government Circular, Revenue Department No. HKP/102007/916-J dated 21-3-2007. Accordingly, it has been decided to modify serving systems to be performed by Talati to concerned parties for 135-D notices from E-Dhara centre and to give written intimation; of 135-D notice to the concerned parties under certificate of posting from E-Dhara centre. All the Mamlatdars shall implement this.

### **Important Points - E-Dhara**

1. Collector as a custodian of Land Records should see that E-Dhara centres are run as per E-Dhara operation Manual.

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2. He should ascertain as to whether Taluka Implementation Committee and Core Group Committee meets regularly.
3. Collector should functions as 'Watch Dog', so as to avoid any major irregularities with the Government land as well as land holders.
4. Surprise visits should be made and arrangement for smooth functioning of E-Dhara be arranged to remove hardships being experienced by people.
5. Should ensure that mutations are timely entered into Village Form 6 and entries are finalized within stipulated period as per law, rules and Government instructions.
6. Training to Dy. Mamlatdar, E-Dhara be imparted.
7. Periodical review of E-Dhara be done.
8. Random checking of Record Promulgation be done

### Record Promulgation

Importance of maintaining accounts of lands are superior to principles of Gujarat Financial Rules in the administration of Land revenue. That is why system has been prescribed in Manual of Revenue Accounts for accounts. Certification of this account is known as record promulgation. Rules 110 and 111 of Land Revenue Rules, 1972 and Manual of Revenue Accounts provides for promulgation of revenue records of village.

#### Land Revenue Rules – Rule 110

When Sub-Divisional Officer, in view of number of entries and mutation diary, directs to do so. Index of land should be rewritten by entering all the mutations included upto the date prescribed by the officer.

#### Land Revenue Rules – Rule 111

- (1) When it is reported that index of rewritten lands have been prepared, the Collector or Sub-Divisional Officer should fix date and issue notice to interested persons to remain present in the village or at the place specified in village of immediate nearest place. It should be informed that applicant may examine the index even before that date.
- (2) The Collector or Sub-Divisional Officer should compare new copy of index with old index and mutation diary. If any of the persons present wants to hear, such part shall be read over to him and to make any necessary amendment therein.
- (3) Then the officer who has duly verified the new index should sign on it and should write such certificate that he has duly verified entries and found correct.

Now record promulgation work has been undertaken on the basis of computerised 7/12 and record of rights (Village Form No.6) at E-Dhara Centre. Following procedure has to be done in view of provisions of Land Revenue Rules and Manual of Revenue Accounts for record promulgation.

1. Village Forms No. 7/12 shall have to be rewritten after every ten years, because there is space to make entries for only ten years in part 12. Moreover, rewriting shall not be done simultaneously in all the villages, but it will have to be written for few villages. A list should be prepared in August every year and inform Mamlatdar and Circle Officer to examine the record thoroughly. He should arrange to go to all villages at an earliest to solve disputed statements, inheritance and penalty notes and certify all entries of villages form No. 6 till his visit. After all these are done, the Talatis should be ordered to rewrite changes in Village Form No. 7.

2. When Talatis is ordered to rewrite whole Village Form No.7, he should do as under:

- (1) He should check whether all possible mutations upto this date have been made in Village Form No.6.
- (2) He should see that as many as possible have been ascertained.



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- (3) Then after he should complete corrections in Village Form No. 7 and examine them.
- (4) In order to see that there are no mistakes and nothing is left out he should tally the facts viz. occupier, farmer, and other title holders written against names with those counterparts in form No. 6. Moreover, every entry in Village Form No. 6 should be entered into form No. 7 and tally them.
- (5) All the erased facts should be abandoned and the matter which remained unerased should only be extracted.
- (6) When index is rewritten, the area, assessment and names entered last should be recopied. However, all former mutation entries till the last entries are rewritten should also be extracted. In order to see that there is no break in the change to events, this is necessary. There is no importance of 30 years old entries. Index from which new copy has been made is to be retained upto 30 years.
- (7) If any matter has been required to be added in making copies or the matter has been required to be written above the line, the list of all cases in which hissas or columns such as been done should be entered at the end of index. If this is not done, amendment or matter written in the middle may have been written subsequently with intention of fraud may be suspected. Talati may explain undue amendments and corrections made at the time of copying. Date of completion of index should be written. Then after checking of 10% in form No. 7 rewritten, checking of writing of ten survey number should be checked to ascertain that they have been neatly written.

Village Form No. 7/12 and Village Form No. 6 are basic documents for promulgation of record of rights. Government has introduced a scheme in 1981 to maintain bunches of Village Form No. 7/12 in bound volume, so that record is preserved. Instructions for promulgation of records were issued vide Government circular No. RAM-1080/12173-L dated 10<sup>th</sup> June 1987, in which instructions were issued to rewrite record after every ten years.

If the burden to rewrite 7/12 forms of all villages of the entire district comes up in one year, the officers may not cope up with the work. In view of this work of rewriting 7/12 of 20% villages of taluka is completed every year and record is promulgated. Thus, all revenue villages of the district are covered as per rotation under record promulgation within a period of ten years.

After computerisation of Revenue records, Government has issued following instructions regarding promulgation to all implementing officer vide Government resolution No. RAM/102006/1063/L-1 dated 12-6-06.

- (1) Records computerised Village Form 7/12 shall be promulgated according to existing provisions regarding record promulgation.
- (2) Scrutiny of the promulgation shall be made by Circle Officer, Mamlatdar and Prant Officer according to prescribed percentage.
- (3) For this procedure, bunches of 100 forms of computerised 7/12 shall be bound simultaneously, tally with record of rights and promulgated.
- (4) Promulgation work shall start with lowest population of the respective taluka.

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While implementing above instructions statutory provisions shall be complied. Circle officers should check 100%, Mamlatdar 25% and Prant Officers 10% of records. Total responsibility on record promulgation shall lie with Prant officer. While promulgating record, all the survey numbers of the village should be promulgated. Provisions do not allow part promulgation.

As regards record promulgation, misunderstanding prevails among revenue officers that only 7/12 are to be rewritten. In fact, Revenue Accounts Manual provides that while rewriting 7/12 forms, all mutation entries in Village Form No.6 should be examined with record. Moreover, Village Form No.1 should be reconciled with K.J.P. in the village. By doing so, any malpractice that has been done or if anything has been left shall come to the notice and it may be corrected by obtaining order. Root cause of mistakes found in name of holder, land tenure, area was owing to non-tallying of original manuscript with computerised record for the first time. Now, when authorization has to be made by record promulgation, all the mistakes that have come to notice should be corrected by corrigendum. For this purpose 'correction module' has been found risky. It has been pointed out so at this stage, because at present promulgation work is going on, manual system rules as well as computerised rules should be observed till it is completed. This is necessary for Revenue Officer.

**Proceedings to be made by Collector in Revenue Cases and Appeals.**

1. Collectors are required to carry out important work concerning revenue cases. He has to try the cases mainly under following laws/rules as per appeal/revisional powers:
  1. Gujarat Land Revenue Code, 1879 and Gujarat Land Revenue Rules, 1972.
  2. Gujarat Agricultural Land Ceiling Act, 1960 Amendment Act, 1976 and rules there under, 1961.
  3. Bombay Tenancy and Agricultural Lands Act, 1948 and rules there under, 1956.
  4. Mamlatdar Court Act, 1906.
  5. Saurashtra Felling of Trees Act, 1951.

1. **Appeal:**

- (1) After Prant Officer has tried and decided the case, if the applicant is aggrieved by the decision, he may appeal to the immediate superior officer, that is, Collector under section 203 of Land Revenue Code, 1879.
- (2) After Prant Officer have decided on record of rights, revisional application to be made to the Collector under rule 108(6) of Gujarat Land Revenue Rules, 1972.
- (3) Time-limit of 60 days has been prescribed for appeal.
- (4) He has to enclose certified copy of lower court order, copy of appeal to be given to the opponent and court fee stamp of Rs. 25 to be affixed are to be enclosed.
- (5) When appeal is made, it should be ensured that all the concerned persons are made parties. If not, the appeal should be returned and he should be asked to give fresh appeal, so that mature decision may be taken.
- (6) If any power of attorney has been submitted with appeal, it should be checked. Either original or certified copy should be accompanied. It should be seen that provisions of 3-A as well as that of serial No. 45(f) of Schedule-I of Stamp Duty Act, 1958 are complied.

2. **Revision Application:**

If the Collector finds it necessary to examine decision of any subordinate Revenue Officer he may suo moto call for record to ascertain its propriety. He has to enquire and decide its propriety in revision. During touring or checking of revenue records, if any matter comes to his knowledge, the Collector may give opportunity for hearing in suo moto revision and decide the issue.

- (1) If any irregularity is found in record of rights under rule 108(6) of Land Revenue Rules, he may suo moto take it in revision and decide.
- (2) In the consolidated resolution regarding lands held for agricultural purpose with restriction of sale (new and inpartible) tenure under G.R., R.D. dated 18-12-04, in

order to remove restrictions of new tenure and their conversion into old tenure, provision has been made by serial No.5 and process of total seven points has been prescribed. The Collector had such powers. However, by provision 5(4), these powers have been vested into Mamlatdar. As laid down in para 5(1) of consolidated resolution, it is hereby ordered to convert into old tenure subject to the condition there under as well powers vested under the provision 5(4) of the said resolution. The Prant Officer should review the cases decided by Mamlatdar under para of 5(4) under powers vested in him under para 5(4) (2) and make proceedings as per rules. No revenue officer shall examine or change the order issued by him or his predecessor. Such review/revision powers are under section 211 of Land Revenue code. Subordinate officers below the rank of Dy. Collector/Asst. Collector have no powers to revise the orders of subordinate officers.

**(3) Difference between Appeal and Revision.**

- (1) Subordinate/lower courts have those powers to look/examine matters which they have in appeal. Time-limit has been prescribed for appeal in Land Revenue Code, but there is no time-limit for revision. If a revenue officer has exercised powers, it is not so that other higher officer or State Government may not revise it. Order of first officer who has taken in first revision, his immediate higher officer or State Government may take them under revision within reasonable period.
- (2) Prant Officer and Dy. Collectors (Land reforms) enjoying powers of Collector may take subordinate court cases under section 76-A of Tenancy Act. Moreover, witnesses may be examined afresh or further, while in revision, the papers are to be examined for limited purpose on perusal of the court papers. No new evidences are to be taken. Thus, there is limited scopeld in revision, while the scope is not limited field in appeal.
- (3) As regards time-limit in appeal, the appeal may be considered under Limitation Act and if delay may be condoned on merits, he may condone it and process the appeal.

**(4) Interim stay-order in Appeal.**

- (i) If application for stay-order has been submitted along with the said appeal separately, the officer of the court to whom appeal has been submitted has to decide it.
- (ii) If appellatant has prayed for interim stay order and if his reasons therefore are found proper, stay order should be given at once. It is not proper to accept demand of stay order in cases in which Govt. lands or Government interest is involved.
- (iii) If reasons are not proper and if application for stay order is rejectable, it may be rejected. But it should be intimated in writing. The cases in which it is necessary to hear the parties personally, notices should be issued to the parties, date of hearing be informed, they may be heard and decision may be taken. It is necessary that the procedure is quick. Speedy decisions may be taken in cases in which stay order has been granted.

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(5) **General standards for interpretations of documents.**

When parties produce any documents with appeal or at the time of personal hearing, they should be thoroughly checked and their authentic copy should be kept with the case. If document, revenue record has not been recorded, the mutations that take place should be kept in view.

(6) Procedure to be adopted in cases when application pertains to matter for which proceedings are going on in Civil Court.

- (1) According to Bombay Revenue Jurisdiction Act, 1876, Civil Courts have jurisdiction to decide almost all cases decided by Revenue officers under Land Revenue Code.
- (2) Civil Court shall not entertain the claim till the claimant establishes that he has exhausted all remedies regarding appeal to Revenue officers.
- (3) On account of these provisions, there is a stop on seeking remedies for every matter to the civil court and most of the matters are decided by the Revenue Courts.
- (4) When the cases are tried in the Civil Court and if such application is made under Revenue law, it should be enquired whether there is any stay order from the Civil Court.
- (5) It should be seen whether authenticated copy of stay order is enclosed with the application. If there is stay order, it would not be proper to take decisions.
- (6) However, in cases where stay order has not been granted but the party has made application, the Revenue officer may decide the case on merits and evidences produced in the Revenue Court.
- (7) Details of appeals filed before the Collector under Revenue laws/rules:

Sr. No.	Types of Cases	Under which section/rule the appeal may be admitted.
1	2	3
1.	Disputes of record of rights	Rule 108(5) of Land Revenue Rules, 1972.
2.	Section 37(2) of Land Revenue Code.	According to instructions issued vide Government circular, Revenue Department No.JMN-1087/3807/L Dated 15-6-92, if disputed land has been decided to be of private ownership, the concerned competent officer has to submit the case to his immediate superior competent officer for observation. The Collector is empowered to take these types of cases for observation/.review which have been decided by Prant Officer.
3.	Investigation under section 5(2) of Mamlatdar Court Act, 1906.	The Collector has powers to hear appeals made against the decision of Prant officer on revision applications under section 23 of the Mamlatdar Court Act, 1906.
4.	Cases for violation of Bombay Prevention of fragmentation and consolidation of holdings Act, 1947.	Decision is to be taken on hearing appeal under sections 7(1), 9(1), 9(2) and 9(3) of Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. Appeal may be made to the Collector against the order of Dy. Collector.

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5.	Lands granted under new tenure are made under old tenure for agricultural purposes.	Collector has to review orders issued by Prant officer in observation and decide them.
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(8) The Collector has to decide appeal/revisional applications as follows under the Bombay Tenancy Act, 1948.

Sr. No.	Types of Cases	Under which section/rule the appeal/revision may be made.
1	2	3
1.	Cases decided by Mamlatdar under various sections of Tenancy Act.	1. Appeal may be made to Collector under section 74 of Tenancy Act. 2. He has powers to decide appeals under section 74-A of Tenancy Act.
2.	Cases decided by Mamlatdar under various section of the Tenancy Act.	All the cases decided maybe taken in revision and they should be decided under section 76-A of Tenancy Act.

(9) Revisional powers under Agricultural Land Ceilings Act.

Sr. No.	Types of Cases	Under which section/rule the appeal/revision may be made.
1	2	3
1.	Case decided by Mamlatdar under Agricultural Land Ceilings Act, 1960.	1. He has powers to hear appeal and decide case under section 35 of Agricultural Land Ceiling Act, 2. He has powers to take into revision the decision of Agricultural Tribunal under section 35. 3. Collector has powers to decide appeals under section 42.

### 7. Cases, Appeals, Procedure for cases under Revenue laws.

#### 1. General

- (1) Issue notice in prescribed form.
- (2) Serving of notice to all parties.
- (3) Notice should be served to the all interested parties in record.
- (4) Notice should be served to nominated officers/employees where Government interest is involved.
- (5) If any party has passed away, his heirs should be brought on record and they should be served notice. According to law, any order against a dead person is nullity, care should be taken to see that no such order is issued.
- (6) Proof of serving notice to each party should be taken on record.
- (7) Proceedings of the case should be written regularly and in detail.
- (8) Page numbers and Exhibit numbers should be given to the case papers.

- (9) Judgment of the case should be informed to all concerned parties in writing and proof thereof should be kept on record and it should be noted in proceedings. When Government is a party, copy of the orders should be given to the concerned officer.
- (10) Entry of the order should be made in village record and its copy should be kept on record.
- (11) If appeal or revision is made after judgement, all the papers should be given page numbers and deliver to the respective authority and his written acknowledgement should be obtained. Papers not traceable now is an irresponsible reply. In spite of repeated letter/reminders, non-sending of case record is breach of discipline and his behaviour invites suspicion.
- (12) On receiving order from Appellate/Revisional authority, case should proceed further, notices should be served to the parties as per order and entry should be made in village record.
- (13) If any Appellate/Revisional authority has issued stay order, Talati-cum-mantri should be informed to make entry in form 7/12 and E-Dhara centre.
- (14) When case is in trial court, depositions of parties should be obtained on oath. It should be insisted that the parties should produce original documents or secondary evidences only. Xerox, uncertified documents should not be accepted as evidences.
- (15) After complete study of provisions of law, rules, Government resolutions, circulars, legal steps may be taken. At the stage of decision provision of law should be read again. Judgements of Hon. High Court and Hon. Supreme Court are considered law of the land. All officers should be well conversant with these judgements for interpretation of the law.
- (16) If previous orders and points to be decided on issues shown in the application are same, there is obstruction of Res judicata. In these circumstances, the applicant should be given an opportunity to clarify on it and case should be prima facie decided.
- (17) The applicant who applied again has hindrance of previous statements, agreements and principle of estoppel. This should be ascertained from previous record.
- (18) In the case of restricted land tenure or new and impartiable tenure, when it is requested to remove new terms, the officer who has ordered to impose new terms may not have powers to alter or amend the order. Therefore, no order should be made outside jurisdiction.

### 2. Proceeding of Tenancy Cases:

- (1) When any application is received under Tenancy Act, all mutation entries of village record and copies of 7/12 should be obtained. It

should first of all be ascertained whether any proceedings are going on regarding disputed land and if such proceedings have been made the case papers should accompany and proceed further.

- (2) The Collector/Dy. Collector has powers to call for record of the case within only one year under section 76-A of the Tenancy Act. No proceeding may be made after one year by calling papers.
- (3) As stated in section 43(1) (B), Mamlatdar and Agricultural Tribunal formerly issued orders under section 70(0) to remove restrictions on restricted tenure type lands under Tenancy Act. and they were approved by the Collector. On review, it was found that it is harmful to the financial interests of Government.. Powers vested under section 70(0) of Tenancy Act. are now vested into Collector in view of section 43 of the Tenancy Act. Now, all such powers have been vested into Government vide Government circular, Revenue Department No.GNT 1095/2693/ Jh dated 7-10-2005. Such orders irrespective of provisions of section 43(1-B) of the Tenancy Act being harmful to financial interest of Government, after careful consideration has laid down detailed guidance and procedure to remove restrictions under 43(1) on restricted land tenure and they are to be implemented accordingly. Hon'ble Gujarat High Court has set aside the said circular. Govt. has challenged the said judgement of the single judge through LPA No. 775/2008, which is pending before the Division Bench of High Court.
- (14) The land acquired by Government under section 84-A and purchased under section 32- P of the Tenancy Act, stand ineffective. Lands in Collector pool or received by Government under land ceiling Act. should be disposed of in time. This should get wide publicity in prescribed form. If demand is received from only one person it should be advertised again. If the land is in possession of tenant, notice should invariably be given to him.

### 3. **Examination process of entries made in Revenue records.**

- (1) It should be ensured that notices under section 135-D have been served to all interested parties.
- (2) If there are transactions of transfers, various laws viz. Agricultural Lands Ceiling Act, Tenancy Act, Fragmentation of Holdings Act and new tenure of land should be referred. If breach of more than one law is found it should be seen whether the procedure to propose entries in revision was processed by the officer deciding the entry when steps are not taken in reasonable time-limit, as a result Government loses cases. Enquiry should be taken in revision. It should be constantly observed that Prant Office may remain active in this regard.
- (3) It has been established by various judgements of Hon. High Court and hon. Supreme Court that Government is in know of illegal



transaction when entry is made in revenue records. If the Government does not take any action within one year from the date of entry regarding breach of condition or under any law after reasonable lapse of time, such types of judgements have been given. It is therefore responsibility of officer who sanctions or rejects to see that procedure under relevant law is taken up with in time-limit.

- (4) While examining entries, if laws are found to be violated, papers should be submitted to the competent officer to proceed further under relevant law.
- (5) If any objection is received regarding entry of any order entry, the application may not be noted in to dispute register but should inform in writing to the appropriate competent officer to make appeal/revision and should certify entries as per order. Entry by order may not be rejected.
- (6) When the matter like sales of agricultural lands to non-farmer, illegal sale of new tenure land, even when ceilings case are pending sale of lands by land-owner, sale of fragmentation of holdings, non-agricultural work in violation of section 65, sale of land for definite purpose, change of purpose in leased land or act of breach of condition etc. came to his notice as Government officer he should take immediate measures as per law. Order of lower courts have been revoked by Hon. High Court and Hon. Supreme Court because measures have not been taken within reasonable time-limit. Care should be taken to take action within time-limit.
- (7) Entry should invariably be made of every order of competent officer and registered document in village record. Even though land has been acquired/resumed to Government, the concerned owners have adverse possession and make claim. Care should be taken in this regard.
- (8) As regard mutation entries, orders are to be issued in view of Land Revenue Code/Rules, Government resolutions and instructions from time to time and merits and demerits of the cases. If the decision of mutation entry is harmful to Government interest, it should be considered seriously. In the case of parties, law and Government instructions should be followed. Judgements of Hon. Supreme Court and High Court concern the specific case. They are useful for information. Generally, decision may not be taken against Government standing instructions.

#### 4. **Proceedings on Land Revenue Cases:**

- (1) Construction are made in private lands without obtaining sanction for N.A. under section 65 of Land Revenue Code and unauthorized constructions are made by encroaching Government lands. Such constructions should be removed immediately by following legal process. After long duration,

difficulties arise on account of judgements of Hon. High Court to remove such constructions/encroachments. Delay, should therefore, be avoided.

- (2) As regards enquiry under section 37(2) of Land Revenue Code, reluctance prevails in producing proper and necessary evidences in favour of Government. Responsible officers should, therefore take care to impart necessary guidance to his subordinate officers/employees and should see that total and proper evidences are produced in favour of Government. Generally, the evidence of the person who produces record is not taken. Record in favour of Government should be produced and take deposition of concerned employees.
- (3) Judgement under section 37(2) of Land Revenue Code should be served to the respective parties. If the judgement is in favour of private person, the higher officer should be informed immediately by personal letter with copy of judgement.
- (4) Touring officer should be entrusted with definite responsibility regarding unauthorized encroachment and unauthorized construction should be stopped.
- (5) If the land is given on rent by any order, permission under section 60 and handing over possession should be made in presence of allottees Panchnama showing boundary and measurement of land should be prepared under the signature of possessor of land, so that wrong litigations may not arise in future.
- (6) In the proceedings under sections 79(A) and 39 of Land Revenue Code, memorandum showing Panchnama, statements and position of land should be so systematically prepared that the question of losing case in higher court on account of some lacuna may not arise.
- (7) In order to decide premium while granting Government land or converting new tenure into old tenure, the Panchnama regarding market price and details of extracts of sales and sales of surrounding lands should be prepared carefully so that Dy. Town Planner and District evaluation committee may not have difficulties in fixing market price.



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# Land Management Functions

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### Non-Agricultural Permission (Section 65 of Land Revenue Code)

Agricultural land occupant may apply for permission for various Non-agricultural uses of such land. Before granting permission for N.A. purposes of such lands, it should be seen whether the applicant is legal occupant of the land and whether there are any government control viz. new tenure, restricted tenure or subject to premium for N.A. purposes. Moreover, any cause of dispute has arisen or is continuing in any civil courts regarding title of land is to be seen. The records relating to the land is with the Mamlatdar. When these points are given to the Mamlatdar for verification, he has to carefully opine for it. Legal provisions for N.A. permission and orders regarding permission for N.A. purposes is to be entered in village record. Mamlatdar has to verify whether occupant has complied with the conditions of such orders. As collector he has to enforce these in his jurisdiction. Study of legal position regarding implementation of these provisions become inevitable, which are as under:

1. **Non-agricultural permission is required to be taken under following provisions of Land Revenue Code (N.A. use of agricultural land)**
  - Sections 65(1), 65(2), 65(a), 65(b) of Land Revenue Code, 1979.
  - When N.A. permission has not been taken but its use has been started, the steps to be taken under section 66 but for breach of condition of N.A. section 67.
  - Land occupant legally occupying the land only (who has legal rights or land occupant) can apply for N.A. permission.

Areas to be granted N.A. permission	Competent authority to grant N.A. permission
Municipal Corporation Areas ,Urban Development Authority Areas, Area Development Authority, Notified Area, Cantonment Area and A,B Category Nagarpalikas	Collector
C, D Category Nagarpalikas	Prant Officer
Rural Areas (with population less than 3 thousand as per last census and upto1 acre )	Taluka Panchayat
Not Including above rural areas	District Panchayat.
N.A. permission for bonafide industrial purposes as per section 65-B	Collector (For all areas)

3. **Maximum time limit to sanction/reject application for Non-agricultural permission.**

At present statutory time-limit for granting N.A. permission for all the areas of the state is maximum 90 days (three months). However, after simplification of procedure, the Government has decided following time-limits:

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(A) Maximum time-limit is **30** days for granting N.A. permission for residential purpose in the entire state.

(B) Maximum time-limit is **45** days for granting N.A. permission for other purposes in the entire state.

**4. If the land is used without N.A. permission, what will happen?**

- As per the G.R., Revenue Department No.BKP-1080-59560-K, penalty has been prescribed for unauthorized use of N.A :

(1) Following penal procedure shall be adopted for unauthorized N.A. use of land under sections 65, 66 and 67 of Land Revenue Code:

(i) Penalty under rules 100, 101 and 102 of Land Revenue Rules.

(ii) Removal of unauthorised construction or make alteration in it.

(2) Unauthorised use of N.A. land may be categorized under following types/sub-type and penal steps are to be taken as stated against them :

Type of unauthorized N.A.	Penal action to be taken
1. When N.A. use has been started without seeking/ obtaining permission	
(A) If permission would have been sought, it would have been granted according to rules. Construction without permission but as per GDCR(General development Control Regulations), Ribbon Development Rules and Town Planning Scheme.	40 times of non-agricultural assessment per annum (Every year or for its part.)
(B) Even when permission would have been sought it would have been rejected. Construction without permission and not as per GDCR(General development Control Regulations), Ribbon Development Rules and Town Planning Scheme	To take measures to remove unauthorized construction.

**(2) Permission has been sought but started construction before expiry of statutory time-limit.**

	Case is entitled for permission according to rules.	10 times of yearly N.A. assessment (every year or its part)
B	According to provisions of rules case is entitled for rejection. Construction not as per GDCR(General development Control Regulations), Ribbon Development Rules and Town Planning Scheme.	Take measures to remove construction.

**3. Even though rejected undertook unauthorised construction.**

A.	Started unauthorised construction. When it came to the notice of competent authority, he has clearly stopped construction, which may be violating rules.	To take measures to remove construction.
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B.	Sought permission but when it is found violating rules, permission has been rejected.	To take measures to remove construction.
C.	Permission sought and proposed construction as per rules, but due some missing details or technical reasons permission refused, and the applicant as started construction prior to getting fesh permission.	Twenty times of yearly non-agricultural assessment.

#### 4. Construction violating section 67 or breach of conditions of Sanad.

A.	Made alteration without permission or unauthorised additional construction, but does not violate rules.	Ten times of yearly N.A. assessment.
B.	Construction might be violating GDCR.	To take measures to remove construction.

5.	Permission first obtained from Local self governments viz. Municipality, Municipal Corporation, Construction as per GDCR & rules but started construction without getting N.A. permission under section 65 from competent authority.	Five times of yearly N.A. assessment (Every year or for its part)
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#### 6. Types of N.A. unauthorised uses.

Penalty under rule 101- Use of soil of occupied land for Brick-kiln, tiles, pottery or any other non-agricultural purposes and which may adversely affect the value of land.	Penal proceedings under G.R. No. BKP 1183-3038-K dated 20-09-1984.
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For cases other than those mentioned above and when the competent authority may not issue final order accordingly or if any case is found considerable on the basis of merit, such cases should be submitted to government with complete details and the decision/order of the government is to be implemented/get implemented.

#### **Can permission granted for N.A. be revoked?**

Following instructions have been given in this regard:

- (1) If the conditions/purpose for which N.A. permission was granted and those conditions/purpose are violated. N.A. permission should not be revoked, but they should be driven out after summary procedure as per Land Revenue Code/Rules from such land and penal action may be taken as stated above for the whole period till he fulfills the condition and then regularize it after procedure, if it is to be regularized,
- (2) The cases in which N.A. permission has been granted temporarily, it is to be clearly mentioned in the order of permission itself that during continuance of permission, he shall not sell, mortgage, gift, exchange, transfer by will or by any instrument. If he does so, the permission shall automatically stand revoked. (Purpose of such provision is that persons may sell lands temporarily converted into N.A. Land to other persons and when the permission is revoked



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subsequently, they may be restored as agricultural land. Thus non-farmers may not become farmers-landholders of purchased lands).

- (3) When any land has been converted into N.A. land under rule 91 of Gujarat Land Revenue Code, 1972 and then when the land occupant applies to the collector, he may cancel N.A. assessment and restore the land in status quo position.

As stated in para (2) above, generally such application/ demand/ request should be disallowed and if it is necessary to do in special circumstances, the collector should ascertain that the land in question has not been transferred and the farmer who was occupant and possessor of the land immediately before the land was granted N.A. permission and even today he continues as occupant and possessor of the land in revenue record. This provision is also to see that non-farmer may not become farmer and holder.

**6. Tax/assessment to be recovered for non agricultural use of lands.**

- **Recovery of conversion Tax:** As per section 67-A of Land Revenue Code. (This new section has been introduced from 1-8-1976).
- **Recovery of N.A. assessment:** As per section 48 of Land Revenue code. (This assessment is recovered every year).

**7. Present rate of conversion tax has been applied effective from 1-5-2003 vide Land Revenue Code, 1879 (Amendment Act, 31-3-2003) as under:**

Area in which land is situated.	Conversion Tax (per Sq. meter) for N.A. use viz. temporary or for residential purpose or for charitable purpose.	When N.A. use is for industrial purpose or for any other purpose.
According to Census- 2011 when any village, municipal area, notified area or town/city has population - Not exceeding one lakh Exceeding one lakh	Rs. 2 Rs. 10	Rs. 6 Rs.30

**8. Powers have been vested in to issue notification classifying area, cities, towns and villages into A, B, C classes and for that that purpose to fix rates of N.A. assessment under Government Notification Revenue Department No. GHM-2083/ 71-M- LRR-10-2002-1640 (1)-K Dt 16-12-2003**

Following revised rates have been applied effective from 1-8-2007 of non-agriculture vide draft notification dated 21-6-2007 of Gujarat Land Revenue (Amendment) Rules, 2007.

Type of city/village	For residential, charitable and educational purposes	For Bricks manufacturing and other industrial purpose	For commercial and other purposes
1	2	3	4
'A' class : All municipal Corporation areas, city areas, Development Authority and Gandhingar city area.	25 paise	40 paise	60 paise

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'B' Class : All Municipal areas	15 paise	25 paise	30 paise
'C' Class : Areas not falling in 'A' and 'B' class above.	10 paise	10 paise	15 paise

**9. For City Areas, N.A. permission and construction permission are different (Segregation of N.A. permission and building construction permission)**

It has been decided as under vide Government Resolution of Revenue Department dated 08-04-2011:

- When any applicant applies for N.A. permission under section 65, the proposed layout plan is not to be checked by Collector/Revenue Administration (concerned Municipal Corporation/ Municipality/ Urban Development Authority/ Area Development Authority is responsible in this regard.).
- Collector/District Development officer has to check title to the land, Land Tenure (whether land is new tenure and premium is recovered, whether premium is obtained?)
- After getting N.A. permission under section 65 of Land Revenue Code, permission for Development construction are given by the concerned authority and then only N.A. use/construction may be started.

**10. N.A. permission with retrospective effect for bonafied industrial purposes (Deemed N.A.)**

When agricultural land is not situated within five kilometers of the periphery of the area within the jurisdiction of any Area Development Authority or Urban Development Authority constituted under Gujarat Town Planning & Urban Development Act, 1976.

OR

When agricultural land is situated in development area/ area notified as industrial zone in T.P. Scheme and any entrepreneur or industrial unit wants to use the agricultural land for bonafied industrial purpose, they do not require to obtain pre-sanction of collector under section 63 of Bombay Tenancy and Agricultural land Act, 1948, section 54 of Saurashtra Gharkhed and Agricultural Land Ordinance, 1949 sections 57 and 87 of Bombay Tenancy Administration Settlement and Agricultural Land Act. (Kachchh and Vidarbh areas), 1958. If such agricultural land is to be used for bonafied industrial purpose for N.A. use, pre-permission of Collector/District Development Officer is not required under section 65 of Land Revenue Code.

- (1) However, land to be used for such bonafied industrial purposes is with restrictions under section 43(1) of Tenancy Act, he may sell it subject to payment of premium as decided by the State government. That is, premium shall be recovered on lands with restricted Tenure and restricted with new tenure. Moreover, necessary permission shall be granted for lands with provision of section 73-AA of Land Revenue Code. For this purpose, Gujarat Tenancy Administration and agricultural lands (Amendment) Gujarat Land Revenue (Gujarat Amendment) Act, 1997 has been applied. It should be implemented accordingly.

- (2) Land holder who starts N.A. use of agricultural land for bonafide industrial purposes has to apply to the Collector within 30 days from the date of starting N.A. use and inform him also. Such application shall be made in application form prescribed under rule 87-A of Land Revenue Rules.

N.B.: It has been complained to the government that Revenue Administration does not give N.A. permission for longer period with retrospective effect for bonafied industrial purposes. It should, therefore, be ensured that Prant Officer should keep vigil on such matters and complied promptly.

- (3) Instructions have been given to remove hardships found to purchase land by such industrial units under 'Fragmentation of holdings'. Accordingly when industrial units/enterprise/company wants to purchase land for industrial purposes and such land has been registered as 'Fragmentation' or when he proposes to purchase land is not 'fragmentation', but forms 'fragmentation' of remaining land left after purchase of required land for unit, no prior sanction is required to purchase land. However, in such cases, the concerned entrepreneur shall have to apply to the collector within 30 days in such cases after purchase of land and then the collector will accord sanction retrospectively.

### 11. Jurisdiction of Collector in non-agricultural cases.

- (1) When agricultural land occupants apply to competent authority to grant permission for N.A. use of land, Mamlatdar is assigned the work to verify that they are legal occupants of such land and then to give opinion. Whether this opinion is proper is to be ascertained.
- (2) Opinions are given after verifying that interest and title of the land in question are clear as per revenue record; that such land is subject to premium of old tenure/new tenure land or for N.A. use; whether there is any dispute regarding title and interest. It should also be ascertained that opinions are given after examining carefully that there is no loss to financial interest of government.
- (3) It should be examined whether Mamlatdar and Agricultural Tribunal have given clear opinion as regards Tenancy Act or restricted tenure land and whether any dispute or claim is going on.
- (4) It should also be verified whether the said land is under acquisition, whether U.L.C. prevents it and whether there is any dispute regarding any title.
- (5) It should be examined whether measurement fee has been recovered. If not, it should be recovered before granting sanction.
- (6) Instructions should be given to initiate actions for breach of conditions/penalty under section 67 by attesting/ inquiring whether these agricultural lands are being used for non-agricultural purpose as per order after it is sanctioned for non-agricultural purpose.
- (7) But, note should be taken in "record of rights" for permissions given for non-agricultural purpose to such agricultural lands in the jurisdiction areas for this purpose and after the measurement, the K.J.P. should be prepared immediately and it should be noted in the Village Form No. 6 accordingly and it should be well decided about giving its effect. So, it can be easy in recovery and in deciding the regular annual demands.

### 2. City Survey Area (Special Act.)

(A) All the Mamlatdars have to implement the following instructions given to all the collectors by a letter of the Settlement Commissioner and Land Records Director by his letter No. SVCTS-gam No. 2/06-07 dt. 4-10-2006 in regard to recovery of non-agricultural produce (Special Act) and to make it latest the revenue records of Village records and city survey areas.

1. Under section 126 of the Land Revenue Code, 1879, after getting non-agriculture use permission of agricultural lands and falling in the city survey areas declared, though the Act, of city measurement is applicable as per para-6 of the city Measurement Rules collection, its effect is not given in the city survey records. The main reason in it is that the orders of non-agricultural use permission are not being sent to the city survey office and its effect is given only at Village record or at Village record and City Survey records. Thus, both the records of village and city survey of Revenue Administration are not updated.

2. As per Rule 81 of the Gujarat Land Revenue Rules, 1972, the Recovery statements (Village Form No. 2) of the non-agricultural assessment (Special Act.) implemented from 1-8-2003 by a notification of dt. 26-12-2003 by the Government is not being maintained properly in the offices of the Village records and city survey. Due to this, the revenue income of the Govt. is adversely affected.

3. By amending section 128, 129 of the Land Revenue Code, 1979 by the Gujarat Act, 24/81 of the Land Revenue Rules, 1972 by the notification No.GHM/82/18/LRR/1081/K dt. 21-1-1982, the exemption on lands of Revenue Exemption (Customary Exemption) of gamtal in the KH and H class cities is partially withdrawn from 1-8-81. Recovery is not done accordingly.

#### **(KH) Following should be considered for the above matters.**

1. Instructions have been given to make necessary entry of Non agriculture use permission orders of agricultural land in the property cards of city survey areas, by closing Village Form No. 7x12, as per the circulars/Resolutions of the Revenue Department. Detailed instructions are given in: (1) the circular No. CTS/1090/H dt. 27-12-95 of the Revenue Deptt. of the Govt. and the Amendment made in it by dt 3-7-06; (2) Government's Revenue Department circular No.CTS/1090/3990/H dt. 20-7-1999 (3) governments Revenue Departments Circular No. CTS/1090/3990/H dt. 15-10-99 (4) Governments Revenue Departments circular No. CTS/122004/H dt. 16-2-2005. These instructions are not properly followed. So many city survey offices are maintaining property cards of such lands whether it may be non-agricultural or agriculture and the same survey Nos. are maintained by the talatis at the Village Revenue record. So, it is necessary to implement the instructions given in the above circulars at the time of promulgation of city survey records and thereafter also.

2. About Non-Agriculture assessment Special Act, the city survey office should prepare in duplicate the Village Form No. 2 of such properties eligible for Special Act situated in city survey areas as per the Government's Revenue Departments circular No. CTS/1090/3990/H dt. 20-7-99 and its one copy should be sent to the Talati. The work of recovery should be done by the Talati and in this context, the detailed instructions have been given to all the city survey offices of the state by the settlement Commissioner's letter No. LR 1320/99 dt. 9-9-99 along with formats how to prepare in duplicate the Village Form No. 2. This format should be prepared in duplicate in three parts and

supplementary part-I and the same should be approved by the Prant officer and it should be sent to Talati for recovery and thereafter the effect of entry about changes in the lands/properties registered in Village Form No.2 is kept in city survey office, and the statement of the same (village) should be sent to talatis and the talatis should give its effect in Village Form No.2 and both should be compiled (city survey office and Talati office) and to be updated every year by the end of July and it should be recovered accordingly. It has come to the notice that instructions given are not properly implemented and due to this, recovery also is not properly made.

3. The exemption has been partially withdrawn on lands/properties with customary Revenue Exemption of Gamtal under section 128 of the above Act by amending the Land Revenue Act, 1879 by the Gujarat Land Revenue Code 24/81 and government's Revenue Department's Notification No.GHM/821/18/LRR/81/ K dt. 21-1-1982. In which (1) @ 10% of the existing special rate if use of residence in such lands is started after 1-8-81 and (2) if it is used for commercial or industrial purpose except residence in such properties, then there are instructions to recover (Special Act.) at 33½% of the existing Special rate. The above notification was made applicable from 1-8-81 to cities/towns of BL KH and H categories and classified under Land Revenue Rules, 1981. Recently, as per the amendments made by Notification No. GHM/2003/71QN/LLR/10-2002/164(1)-K dt. 27-12-2003 with effect from 1-1-83 in the rates of Spl. Act. and classification of village/city of L.R.R. 1981, M and BH categories for Spl. Act. of lands except agriculture. So, the above Spl. rate, is applicable from 1-8-83 in all villages/towns of the state as per notification dt. 26-12-2003 and from 1-8-81 in old Bh, KHL, H category cities, the above Spl. rate. in all villages/cities of the state. With the publication of notification dt. 1-8-81, the Settlement Commissioner by his letter No. LR 1312 dt. 21-4-82, instructed to send to Mamlatdars for recovery by sanctioning of Special Act, as per exemption withdrawn as supplementary part-1 of Village Form No. 2 to all City Survey officers of the state, and it was implemented in the BL, KHL and H Category cities at that time. However, the work of recovery in such cases may be pending, because any details of the recoveries have not been verified, whether it has been done or not by the Mamlatdar/City Survey Superintendents or the Collectors.

(G) Considering the above details and a note received on 27-9-06 from the office of the Principal Secretary, Revenue about the above matters, procedure should be initiated as follows by all the Dist. Collectors, Dy. Directors, Land Records, Superintendents, Land Records, Dy. Collectors (Prant Officers), Mamlatdars, City Survey Superintendents etc.

1. Elucidation about non-agricultural lands in city survey areas as declared under section 126 of L.R. Act, 1879.

(1) If the approved copy of the order of non-agriculture by the competent officer sanctioning non-agricultural lands is not sent to the concerned city survey office with the plan, it should be sent immediately and the copy of such orders to be issued in future with plan, should be sent to the concerned city survey office, such instructions should be given immediately to the competent officers to give permission except for agriculture. (Implementation by the Dist. Collectors).

(2) From the records available with the Talati, entry related to closure of 7x12 to be made in form no-6, giving its effect in 7x12 form, and then sending copies of closed 7x12 form along with orders of non agriculture use permissions and copies of all entries thereafter along with documents/papers to the office of city survey superintendent. At

least 10 survey Nos. to be completed daily jointly by Talati, Circle Inspector and Maintenance Surveyor. The entire work should be completed within a maximum period of one week (Implementation by Revenue Unit).

(3) Entry should be made on Property Card immediately on receiving non-agriculture permission order, Village Form No. 6, Village Form No. 7 x 12 by the city survey office. Measurement to be done as per the approved plan and property card to be prepared accordingly plot wise. It should be done as per circular No. LR 847 dt. 10-2-75 of the settlement Commissioner. This work is to be done by Maintenance surveyor under the direct supervision of concerned city survey superintendent after verifying all the papers. Necessary entry to be for at least 10 survey nos daily or measurement of 10 plots or 3 survey Nos. daily. If measurement of non-agricultural plots has been completed earlier, then as per this, by compiling with city survey records, effect should be given, otherwise fresh measurement should be done. Instead of recovering measurement fee, it should be recovered as sketch fee. Along with this, by making necessary entry in part-2 in the register of Village Form No. No.2, the demand of non agriculture assessment to be updated. (Implementation by City Survey Unit).

2(1) As per the instructions given by circulars from time to time and by the circular dt. 27-12-95 of the Revenue Department of the government, the city survey office has to maintain statement of concerned Village Form No.2 with it and in city survey areas declared under section 126 of L.R. Code 1879 the statement of records of the lands except agriculture. For recovery of non agriculture assessment as per the instructions given by circular dt. 2-7-99 of the Revenue Department, , if the city survey office has not prepared Village Form No.2 in duplicate, then it should be sent to Talati through Mamlatdar for recovery by preparing in duplicate the Village Form No.2 as per instructions of the settlement Commissioner dt. 9-9-99 within one month immediately after completion of the work of entries in property card as per the above (g) 1 (1) to (3). (Implementation by the city survey Establishment).

(2) Village Form No. 2 is to be prepared by taking into notice the customary exemption withdrawn with effect from 1-8-81 and the rates implemented from 1-8-2003 as per notification dt. 26-12-2003 of the Revenue Department, Government of Gujarat (Implementation by City Survey Establishment).

(3) One copy of Village Form No.2 should be sent to talatis for recovery through Mamlatdar and recovery to be done accordingly. The demand for recovery of N.A assessment is prepared as per above Village Form No.2, should be ensured by the the concerned Mamlatdar.

3 Regarding Exemption withdrawn from 1-8-81.

(1) Care should be taken to see that recovery is made according to the supplementary part-1 of Village Form no. 2 prepared as per notification dt. 21-1-82 of Revenue Department by talatis, Mamlatdars for areas except city areas and by city survey office for city survey Areas of the cities of BL, KHL and H Categories as per the land Revenue Rules, 1981 from 1-8-81 to 31-7-2003. (Implementation by Revenue Establishment).

(2) As the Village Form No.2 Supplementary Part-I is to be prepared by giving effect of exemption withdrawn from 1-8-81 in all the villages/towns/cities of the state from 1-8-2003. by the city survey office for city survey areas, and for other areas by Talatis,

circle Inspectors and Mamlatdars. Care should be taken by all of them that recovery is made accordingly. (Implementation by City Survey and Revenue Establishment).

(3) Supplementary Part-I of Village Form No.2 for city survey areas, will be prepared by city survey office, as per instructions of above g(3)(2) and for other areas, Talatis will have to prepare it. (Implementation by the concerned).

(gh) For the implementation of the above instructions, the District Collectors, Dy. Directors, Land Record, Superintendents, Land Records, and Dy. Collectors are requested to take steps as follows:

- (1) Monitoring of the entire procedure should be done by the collectors at the District Level.
- (2) The Collector should plan to complete this entire work by 31-12-2006 and fortnightly review of the subordinate officers should be done. The progress report should be submitted to the principal secretary, Revenue Department and the settlement Commissioner without fail in a format enclosed herewith.
- (3) Dy. Director, Land Records, Superintendent, Land Records and Prant Officers should convene fortnightly reviews meetings with city survey Superintendents and Mamlatdars and should ensure that the work is accurately done as per the planning of the collector and should apprise the collector by submitting him the progress report at every fortnight.
- (4) City Survey Superintendents and Mamlatdars should convene weekly reviews meetings with the maintenance Surveyors and Talatis and see that the work has been carried out as per the planning of the collector and submit progress report to the Dy. Director, Land Records, Superintendent, Land Records and Prant officers.
- (5) The Dist. Collectors will have to issue necessary orders to depute the Kasba Talatis under the concerned city survey superintendents until the above entire work is completed.

### 3. Recovery of Non-agricultural Assessment Rates:

Necessary instructions have been given about the amendments in the Land Revenue Rules and Land Revenue code by Governments Revenue Departments Resolution No. BKHA-1080-676-K Dt. 25-4-80 and Revenue Departments Circular No.LRR-1079-83582-L dt. 17-9-79. Guidance and instructions have been given as follows for recovery, assessment of non-agricultural rates etc.

#### (1) Land of Railway Administration:

The land under Railway Administration is not eligible for land revenue until they are under the Railway administration. But, when such lands are given to the third person, then especially revenue exemption could not be given to this land, they are eligible for revenue.

#### (2) Land of Former Princely States:

The land reserved by former princes for their own use, after merging their states and if they are used for non-agricultural purpose, then non agriculture assessment recovered from the date of merging of the state. So, the Collectors have to recover from the date of merging of the states as per the existing rate of

non-agriculture assessment on all the land in the concerned areas which are under non- agricultural use. But, if the private properties of former princes are situated in the established gamtals, then by not discriminating between them and other land owners, customary exemption is available to the type properties of other land holders as per the non-agricultural type and accordingly, customary exemption of non-agricultural type should be given to the private properties of the former situated in the established gamtals. Moreover, the government has decided that as on the properties of other land owners situated outside the gamthan, non-agricultural assessment is recoverable , similarly on the private properties of the former princes situated outside gamthan non-agricultural assessment rates are applicable according to the rules and regulations about this.

- (3) **A. All India Radio:** Non-agricultural rate is to be recovered by calculating for commercial purpose the use of their lands and the construction of All India Radio.

**B. Gujarat State Road Transport Corporation:**

The areas of Divisional or Head office and Depot Office of the Gujarat State Road Transport Corporation's ownership in the different parts of the state can be considered as for the industrial purpose and the residences of employees, quarters of Depot Manager, Rest House and areas of dormitory can be considered as residential area, while, the Administrative office building, bus station and area of Bus stand can be considered as for commercial purpose and as per this, the non-agricultural assessment for the concerned area is to be assessed. Under section 7(1) (9) of the Gujarat Education Cess Act surcharge is to be charged at 76% of non-agricultural assessment and in the same way, under section-12 of the above Act.

(4) **Gujarat Industrial Development Corporation: (GIDC)**

Gujarat Industrial Development Corporation allots lands to the industrial units after acquiring/getting it for industrial purposes. It prepares layout plans of lands before giving possession of the lands to industrial entrepreneurs . As it takes a very long time in the process, when the possession of land is actually given to the industrial entrepreneurs of such lands by the Corporation then from that date, means on the date on which the possession of the land is given, the non-agricultural assessment should taken from that revenue year. These orders have come into force from 1-9-76.

- (5) The recovery of the non-agricultural assessment amount at present is being recovered in the first installment at a time of the recovery of Land Revenue and as per this, it should be continued as directed in Rule -117 of the Land Revenue.
- (6) The old gamthans of villages, towns and cities, on which the buildings are constructed and they have been given customary exemption from the recovery of the non-agricultural assessment, no change has been made in this tradition.
- (7) It is to be recovered and assessed as per existing orders of the Government and Land Revenue Code and Land Revenue Rules. The non-agricultural assessment on lands under that building given to them under rules under that the displaced persons (Compensation and Resettlement) Act, 1954.



- (8) Non-agricultural Tax to be recovered by considering it as non-agricultural use to install telephone poles and towers on private lands. So, the non-agricultural rates are to be recovered and assessed at 25 paise per tower and 12 paise per telephone pole in the entire state.
- (9) When a small strip of adjacent land to occupied unalienated building site is sanctioned under rule 43-B, then if any assessment or rent is not being paid for the above unalienated building site, then in such case the collector can charge rent or assessment as per the current rate of that area and if such assessment is not more than Re. 1, then there is a provision to convert into ad hoc amount under rule 114AA.

- (10) Regarding construction of Pucca sheds on wells:

If the land owner uses water of well for his own agriculture and there is a well in his own gharkhed land, then the sheds constructed to install pumpset on such well should be treated for agricultural use, and the rate should be charged at the rate of non-agricultural rates. But, if the owner is earning money by sale of water from the well, the such use should be treated as commercial use and prescribed non-agricultural rate under rule 81 should be charged. Moreover, if flour or crushing mill is installed in the shed on the well, then treating it as commercial use the prescribed non-agricultural rate should be charged.

Treating as non agricultural use the constructions of "Shed" on well, necessary sanction is a must of the competent officer before constructing it. So, the recovery of non-agricultural rates can be charged in time and the rules of construction can be properly implemented.

- (11) **Regarding Land of ONGC:**

The land being acquired for ONGC is not eligible for exemption from non-agricultural assessment. Under rule 35 of the Gujarat Land Revenue Rules. So, non-agriculture rate is to be charged as per rule on all such lands. If the amount of non-agriculture rate is not more than Re.1, there is a provision to convert it into ad hoc amount under Rule 114/A/A. Non-agriculture rate will not be converted in any other case.

- (12) If underground water pipelines are installed for industrial use, for certain part of land of his own part or survey No., then in such cases, non-agriculture rate should be charged for the land, which has been taken in use for installing actual pipe-line, the land equal to survey No.

- (13) **To give exemption to Halpatis and Valmiki Harijans:**

Looking to the background of the life of Halpatis, the Government has decided to give relief to them in recovery of non-agriculture assessment on the gharthar lands, with a view to enable them to own their house and their welfare and has also decided to give relief to Bhangi Harijans on the same terms and conditions.

Non-agriculture assessment should be recovered at the rate whichever is less rate as per rule prevalent in that area or equal to one assessment of land revenue for Halpatis. After completion of first five years, if collector is satisfied that owner halpati, Valmiki Harijan is not able to pay non-agriculture assessment at prevalent rate in that area, then non-agriculture assessment should be charged from him for another next five years as above, and thereafter non-agriculture

assessment will be charged from Halpati Valmiki Harijan at the prevalent rate of non-agriculture in that area subject to change from time to time. The Valmiki Harijan Halpati will have to pay tax or cess which will be chargeable except non-agriculture assessment on the Land in question.

**(14) To grant Sanads for non-agriculture Permission during the time of Vadodara State.**

In the times of Vadoara State, there was no tradition of any Agreement in the form of Sanad or to give Sanads in case of non-agriculture permission, and they were not given, then in such cases. Sanand is to be given in specimen 'N-2' or 'M' attached with Land Revenue Rules. In the above cases, though Sanand are not given, then the conditions imposed by the Vadodara State, the same will continue. Changes will be done only in Special Act and period of guarantee will have to be shown.

- (15)** When any change in the Guarantee period for non-agriculture rate is made or it is decided in new cases, then it is necessary to change in the period respectively in the concerned chapter the rate of period as decided. Moreover, non-agricultural land owners should be informed about the fixed period or change in period by giving reference of Government orders, so that no question arises about any law.
- (16)** As per new Land Revenue Rule 81, in such cases where more amount has been taken than the recoverable non-agriculture assessment for the Revenue year 1976-77, additional amount should be given back to the concerned Khatedars except the concerned Khatedars have agreed to adjust against demand of Revenue Year 1977-78 and if they have agreed for that then instead of giving back this amount, it should be adjusted accordingly. The powers to give this amount back are given to the collectors/ Dist. / Taluka Panchayats. The expenditure about this will be debited as Refund under the budget head "029-Land Revenue- tax 2- fixed collection- Agricultural and no Agriculture Assessment of Lands".
- (17)** If the lands of local bodies like Nagar Panchayat, NagarPalika, then there is no objection to take non-agri assessment rate on it.
- (18)** If local bodies like Nagar Panchayat, Nagar Palika give on lease or sales to the private persons the lands of acquired (waste) roads, then non-agriculture assessment should be taken as per rate under Land Revenue Rules 80 to 85.
- (19)** Generally, when the owner of the land does not give over in favour of local body the lands of roads out of the land given for non-agriculture permission, the land owner has to pay the non-agriculture assessment up to this period. But, the owner of the land gets exemption when it is vested in the local body from the payment of non-agriculture assessment for land's of such roads, i.e. the owner of the land is responsible to pay non-agriculture assessment upto the period of it is vested in the local bodies the land of such roads.

### Ribbon Development Rules

For maintenance of Ribbon Development Rules and prevention of violation of such rules in respect of National Highways and State Highways and roads of other category Revenue Department has issued resolution no. PV-1079-2064-K dt. 17-7-80, in which following standards have been introduced:

Construction and standards of Ribbon Development Rules (from central line of internal roads in metres)

Category of road	Area of open and field land		Inside 3 miles of construction and industrial area		Inside construction and Industrial area	
	Construction line	Control Line	Construction line	Control Line	Construction line	Control Line
1	2	3	4	5	6	7
1. National Highway and border roads	40	75	40	60	A-10(x) B- 24	A-36.5(x) B- 45
2. State Highways	40	75	40	60	A-10(x) B=24(x)	A-36.5(x) B- 45(x)
3. Main District Level roads.	30	55	30	50	A-10(x) B=24(x)	A-36.5(x) B- 40(x)
4. Other district level roads	20	35	20	30	A-10(x) B=12(x)	A-20(x) B- 20(x)
5. Village roads.	12	24	12	24	A-9(x) B=9(x)	A-14(x) B- 14(x)

Following additional standards may be implemented over and above standards shown above.

1. National Highways and border roads passing through open and field area shall be subject to following conditions as per instructions of Govt. of India.

These conditions shall not be applicable to three miles inside 'construction and industrial area' on actual 'construction and industrial area'. These conditions shall not apply to other roads.

- No construction (whatever excess it may be) will be allowed upto 3 to 6 metres from middle of road and upto 40 metres from main line of road (from central line)
- Control shall be exercised on construction done upto the boundary of 75 metres from central line of road and such construction work shall be done with prior

permission of collector. There shall be no ribbon development for construction outside the boundary of this 75 metres.

- In (1) & (2) mentioned above about 40 metres & 75 metres boundary from central line of road height of construction shall not be allowed more than 13 metres.
- On any category of road, line of construction from central line of road for by-pass or diversion shall be minimum of 100 metres.

2. About petrol pumps and construction work relating to it.

For petrol pumps for construction shall be permitted at the distance of 6 metres away from boundary of road for each category of road and each kind of bye-pass or diversion or 30 metres (whatever is more) from central line of road. This limit is for place of pump only. Underground tank and kiosk for petrol diesel shall be constructed at the distance of 4 metres or more (about 12 feet) from the petrol pump. Other works relating to pump shall be at a distance more than this and rules of lay out plan of Indian Road Congress shall be applicable to it.

- For other works of petrol pump construction on road like canteen, garage, restaurant, workshop, washing ramp, washing platform, lubricating etc. shall be permitted at a distance of maintenance of 15 metres from limit of road or 50 metres (whatever is more) from central line of road.
- A part of road limit for petrol pumps shall be allowed for approaches only, and proper culverts below approaches shall have to be managed by licensee. In the road limit no board or advertisement shall be allowed to be displayed.

3. For above standards following details shall be taken into account :

(1) Open and field land area:

All area out of limit/boundary of any village site, town or city or industrial area. (The open area between construction area or industrial area shall not be considered in such category).

(2) Construction area : The area which passes through limit of any village site, Nagar Panchayat, NagarPalika or corporation and where building construction is done and area where rules and regulation are in force for construction of any local body, this area is divided in two parts and distance to be maintained is shown in table A & B. These A & B area are as under:

(1) An area in which 50% or more construction is done or which is situated in old boundary or boundary prior to last five years.

(2) Other area in which less than 50% construction is done and it is situated within boundary prior to last five years.

(3) The distances shown in table 'A' & 'B' are applicable to constructed area. These standards will also be applicable to the area of industrial area covered under constructed area. Standards of table 'B' shall apply to area where industrial area B out of constructed area.

(4) In order to know whether constructed area is more than 50% or less and belongs to category 'A' & 'B', length of open land on both sides parallel to road and that of constructed area is required to be measured. For example, ten plots of different

length are situated parallel to road and four plots there in are constructed and remaining 6 plots are open. When length of these four constructed plots is less than 50% of length of road, it is to be taken that less than 50% area is under construction. For this calculation length of road should taken as 1.5 km. (1 mile).

- (5) Industrial area: The area which has been declared as industrial area by Govt. or area which under control of G.S.D.C. or wherein industrial estates are situated or cooperation or industrial estates of other company are situated or which is outside boundary of any village site, Nagar Panchayat, NagarPalika or Corporation and herein permission for establishment of industries are given are called industrial area.
  - (6) Actual Limit: Boundary which is within limit of village site Nagar Panchayat, NagarPalika or corporation is called actual boundary.
  - (7) Approaches: Area of first three miles of each category of road in three miles area after the limit of construction and industrial area, where there is no distance between limit of village site, nagar and city and nearby industrial are all that distance shall be considered as construction and industrial area, and road joining three miles shall be considered out of this entire limit.
  - (8) Bye pass or diversion: Newly constructed road done from outside of each village site, Nagar and city shall be taken as bye pass or diversion. Where diversion is to be built late on line of diversion is decided, diversion shall be banned.
  - (9) Line of construction: The line out of which permission is given to construct residential house, small centres, godowns and buildings relating to agriculture should be considered as line of construction. The construction of small godowns or godowns the use of which is limited to season and traffic of vehicles may not increase in surrounding area due to such construction and vehicles passing from road are not obstructed and size of such constructions are about 30 to 12 metres (100 x 40) or less than that and which are permitted maintaining standards of construction line and such other godown are included under ribbon development. The construction inside the diversion wherever they are should be kept 20% from construction line. This distance is to be considered from central point of road.
  - (10) Ribbon: Generally factory, works and large godown, cinema, hotels, dispensary or all constructions where movement of people & vehicles is done are to be kept out of ribbon development. This distance is to be considered from central point of road.
  - (11) Road limit: Limit of road means the land which has been acquired to construct road and it is owned by govt. or panchayat and entire land situated between mile stones of limit of both sides. No construction shall be permitted in limit of road in any circumstances.
4. For the construction coming on boundary road, national highway and state highways collector or D.D.O. executive engineer of roads & buildings concerned shall give permission for N.A. or construction subject to standards of ribbon development. For construction coming on main district level roads collector, D.D.O. or executive engineer of Panchayat division concerned shall give permission for N.A. or construction and for any kind of construction on other district level roads and village roads, the collector or

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- D.D.O. shall give permission for N.A. or construction subject to standards of ribbon development. Government has decided to take strict action against officer who grants permission in contravention of rules.
5. When permission is to be given for construction on any road in the alternative that permission will be granted by government with the consent of revenue department, road & building department in advance.
  6. When proposals for regularizing unauthorised works by relaxing ribbon development rules are submitted to govt. by collector or D.D.O. disposal of such cases are delayed for want of adequate information. Hence collector or D.D.O. should submit such proposals with their report furnishing following information, so that such cases can be disposed of early.
    - (1) Real name and category of road (specific if it is boundary road).
    - (2) Whether road is bye pass or conversion? (State the name)
    - (3) Whether construction is to be done inside the diversion of road?
    - (4) At what specific distance the construction is from central line of road?
    - (5) What is the category of relevant construction among the following?
      - (a) Residential, office, small centre, godown, agricultural building, factory, works, large godown, cinema, hotel or hospital.
    - (6) In which area 'N.A. land' or 'construction' is situated?
      - (a) Open and field land area.
      - (b) 3 miles inside construction and industrial area.
      - (c) Inside actual construction and industrial area.
    - (7) If 'N.A. land' or 'construction' is situated in area shown in 6 (c):
      - (a) Whether 50% or more construction is done on road line?
      - (b) Whether 50% or less construction is done on road line?
      - (c) What is the standard rule of local body (Panchayat/ Municipality etc. if any?)
      - (d) Whether industrial area is there outside construction area?
    - (8) Who has granted permission and when for 'N.A.' or construction.
    - (9) Whether construction is done without permission of 'N.A.' or construction?
      - (a) If construction done without-permission, actually on what date it was started?
    - (10) Whether consent of Superintending Engineer or executive Engineer of Road & Building department has been obtained for 'N.A.' or construction?
      - (a) If yes, produce copy of their letter.
      - (b) If not, state why of was not obtained?
    - (11) Produce plan showing site and position.
    - (12) State reasons in short why alternative permission is granted.
  7. The boundary line showing maximum 105 cm. high compound wall, wire fencing on land some pillars shall be permitted to be constructed in such a way that vehicles may not have visual obstruction on any part of the road or especially on diversion and there can

be no difficulty in clear vision to vehicles passing speedily, after having relaxation in standards of ribbon development and obtaining 'No claim' declaration in form prescribed under government resolution no. PRD-1053 Dt. 9, March, 1954.

Rule 121 of petroleum rules of central government provides that height of compound wall or fencing should be minimum of 180 cms. Hence government has decided to give relaxation in rules for construction of compound wall, wire fencing, boundary line upto 180 cms as per petroleum rules of central government for construction like petrol pumps after obtaining no claim declaration. (Resolu. No. 1087-1412-K dt. 9-10-87).

8. It is very important to see that said rules are followed strictly so that aim of ribbon development rules is fulfilled. Looking to this fact all collectors, D.D.Os. and other officers of concerned of Revenue and Panchayat department are here by directed to take necessary action preventing immediately the constructions made unauthorisedly against ribbon development rules on sides of NHWS, SHWS and other classified roads, when it comes to their notice or informed or reported by office of R & B department, and to issue stay order and to have eviction proceedings to remove such works without delay. Local revenue, Panchayat officer shall be held responsible personally and necessary action will be taken against those, who do not follow such instructions and showing negligence or making unnecessary delay. Note of this may taken by all officers concerned.

In such cases officers of R & B department should submit to collector complete report giving necessary details and clear place of the site about unauthorised construction works, based on which collector may take immediate action as per rules.

9. The construction works like wells and rooms nearby for engine and pump and trough and basin and construction of bore or boring being construction for agricultural purpose should be taken as well. Government has directed to give exemption to all such works subject to following conditions as alternative in ribbon development rules:
  - (1) There should not be any obstruction to sight distance of traffic from construction of room.
  - (2) To remove construction of room when govt. orders.
  - (3) Construction of room should not be permanent but like temporary sheds. Generally works like basin etc, near well are constructed mainly in open lands of fields. There would be no objection if necessary margin is not maintained in such works. Therefore govt. has decided to exempt such works for marginal condition.
10. When farm building is built in land near public road, all district collectors, D.D.Os. and other officers concerned are directed to have necessary vigilance to see that required distance from road is maintained as per standards of ribbon development.
11. At the places where buildings of masjid, temples and public devotion are situated traffic of people is found for certain period in the morning and evening and special traffic of vehicles is not found there. Further such buildings are built generally inside the city or village site and there is rare case of building such cases near roads. Due to such reasons such buildings for purpose of public devotion should be applied ribbon of construction and no ribbon development.

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12. Ribbon development should be made applicable to schools & high school. It is therefore directed to implement this instruction strictly.
13. Govt. has decided to exempt latrine, water tank or other minor buildings on Railway buildings existing now. But in all such cases 'No claim' declaration should be obtained in prescribed form from railway officers.
14. Octroi cabin is required to collect octroi on road where boundary of municipality, Nagar panchayat, Gram panchayat ends. If such cabins are constructed leaving distance as per standards of ribbon development octroi payers and collectors of octroi find it difficult due to more distance from road and proper attention cannot be given on road. Also there is possibility of tax evasion. In order to avoid such difficulty govt. after full consideration has decided that Nagarpalika and Nagar Panchayats should be allowed to construct temporary wooden cabins for collection of octroi where boundary of road ends by relaxation of ribbon development rules. Such permission should be given after obtaining prior consent of executive engineer concerned and no claim declaration from institute concerned.

Statement of roads introduced in schedule 'A'

1.	Delhi-Ahmedabad-Bombay Highway no. 8	National Highway
2.	Ahmedabad-Bamanbor, Morbi-Kandala highway no. 8-A	-do-
3.	Bamanbor-Rajkot-Porbandar Highway no. 8 B	-do-
4.	Bhuj-Khavda, Chhadbet road.	-do-
5.	Gandhinagar-Bhuj-Lakhpat road	-do-
6.	Lateral road joining Bhuj with Suigam via Santalpur-Radhanpur- Bhabhar	-do-
7.	Road joining suigam Vav-Tharad and Barme in Rajasthan boundary.	-do-
8.	Amdavad-Mehsana-Palanpur-Radhanpur road.	-do-
9.	Koteshwar-Nalia-Mandavi Road.	Partial National Highway and Partial District main road.
10.	Rajkot- Jamnagar- Khambhalia- Dwarka- Okha road.	State High ways.
11.	Bhuj Mandvi road.	-do-
12.	Khambhalia- Porbandar- Junagadh- Veraval road.	-do-
13.	Rajkot- Jungadh road	-do-
14.	Limbadi- Bhavnagar- Amreli- Veraval-road divisions as follows.	
(a)	Limbadi, Dhandhuka, Vallabhipur, Bhavnagar Road.	State Highway
(b)	Bhavnagar, Songadh, Dhasa, Amreli road.	-do-
(c)	Amreli-Dhari-Kodinar-Veraval road.	-do-
15.	Nadiad-Khambhat road via Petlad	Main District road
16.	Kheda, Dahod, Idor, Devas, Bhopal, Sagar, Jabalpur Road.	State Hihgway

Standards of ribbon development rules are applicable to roads under control of building department. For roads of Municipal limit standards for Building lines adopted by Municipality shall be applicable. Thus these standards do not apply to municipality roads. (Revenue department memo no. PRD-1054-1072-77-H dt. 28-1-55).



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By lane and lanes cannot be considered as village roads, so ribbon development rules do not apply to it. Government letter no. 6060-49-C dt. 25-2-50.

Ribbon Development Rules are not statutory orders. So implementation of it is to be done indirectly when someone comes to seek N.A. permission.

In respect of NHWS and SHWS and other roads, there is resolution no. JPV-1083-40-81-K dt. 20-6-83 on formation of special squad to remove encroachment on roads for maintenance of ribbon development rules.

### Resolution

Under government resolution dt. 17-7-80 directions have been issued for maintenance of ribbon development rules and for prevention of its violation. Under circular of 2-2-81 and that of R & B department dt. 27-2-81 instructions have been issued for effective implementation of it in the state. It is very important that ribbon development rules are implemented strictly and encroachment at various place may be prevented and removed immediately when comes to notice. After careful consideration on this it has been decided to take necessary steps as under for taking immediate actions for clearing encroachment done on public roads/ highways/ other roads.

1. Mamlatdar, city survey superintendent and executive engineer or his representative of R & B department together shall have personal visit of places of encroachment on first Tuesday or any definite day of each month and shall take action to remove immediately from place of encroachment.
2. Vehicles and labourers will be provided by executive engineer for removal of encroachment.
3. For police help in above said proceedings District police officer shall provide squad of one constable and four police constables in each taluka for bandobast.
4. Report on this shall have to be submitted to Collector regularly. In order to see that above proceedings are undertaken regularly in each district, Collectors are requested to give attention to it and to see that report on it is regularly submitted to him.

### About standards on by-pass/diversion Ribbon Development Rules.

Resolution no. JPV-1084-40-58-K dt. 5-9-84.

- (1) Under resolution dt. 17-7-90 shown in preamble detailed instructions have been issued for maintenance of ribbon development rules and preventing violation of it. It has been provided under para 1(b) of it that for bye-pass-diversion on any category of road building line shall be kept at minimum 100 metres from central line of road. This matter will be reviewed on submission made to Government and Government has so decided that separate standard should not be kept for bye-pass or diversions, standard of ribbon development should be applied to respective bye-pass/diversion of the category to which bye-pass/diversion belongs.
2. Therefore instruction of para 1(b) of resolution of dt. 17-7-80 shown in preamble is hereby cancelled. The definition of bye-pass/diversion is given in para 3(f) of this resolution is given below:

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Bye-pass/diversion means road newly constructed out of every village site, town and city and standard of ribbon development will apply to the constructions of such bye-pass or diversion done as per category of road.

Where more time will be taken to pass in starting construction of bye pass/Diversion but if road line of bye pass/diversion is fixed, ribbon development rules will apply to such road lines also. In order to implement this strictly it should be brought to the notice of all competent officers and subordinate officers.

About other construction works relating to factory etc. ribbon Development Rules, Dt. 17-7-80.

Circular no.JDN-2683-3014K dt. 3-12-83 'The detailed instructions have been issued under Resolution dt. 17-7-80 for maintenance of ribbon development rules and for preventing violating of these rules. Accordingly all construction works of generally factory, large godowns, cinema, hotel, hospital or area of nearly traffic are to be kept out of ribbon development. Alongwith such constructions allied constructions are carried out like office building, staff quarters, sanitary blocks etc. There is no clarification about which standard should be made applicable to such allied works it has come to the notice of govt. that different standards are adopted.

Aim of framing ribbon development rules is to make the problem of future traffic movement easy as much as possible. Government has decided to grant permission for constructing such allied constructions keeping out of ribbon development.

Competent officers/ survey engineers of R & B department should see that above instructions are implemented strictly and approval/opinion may be given looking to it.

Hon. Gujarat High Court has held that they are no legal authority on ribbon development rules. In spl. C.A. No. 139/1976 dt. 21-12-78. Hon. High Court has held that "in other words a public officer must be able to point his finger to some specific provision of law or authority under law. (20 G.L.R. 766). Based on these rules government has enacted High way Act, 1982 the proposal of which is pending with senior committee. In it there is provision of publishing notification to fix standard width of high way and call for objections.

Resolution no. JPV-1083-40-(117)K dt. 20-10-83 about relaxation in construction of sales tax check post provides such relaxation that (1) construction of building should be done out of limit of road land (2) expenditure for extending width of road leveling part of check post shall be borne by sales tax department, (3) Before making construction of any check post, prior permission of chief engineer of R & B department shall have to be obtained. Above relaxation is for roads other than NHWS. Construction of check post on NHW shall have to be undertaken as per ribbon development rules.

Land strip development rules (ribbon development rules) and construction rules apply to all lands joined later in village site except the original land of village site. That means in the land so amalgamated in village site current occupants can not have complete construction and they have to pay full N.A. rate (letter no. 0/1000155/A dt. 10-1-66).

Government has suggested that in cases when ribbon development rules cannot be implemented for want of specific authority that means where permission is not required under section 65 these rules can be implemented indirectly. For example where permission for construction is given by local body, plan may be approved with the

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condition that compound wall cannot be kept higher than 3.5 feet in the margin and that no compensation will be given when it is required to be removed. Collector may explain the farmers not to construct well, farm house etc. in the margin however when they make such construction they may deny to pay revenue (Govt. circular no. 999/45-iii dt. 22-3-49).

In which case proposal to ease ribbon development can be submitted? (Resolu. no. 2047/51 dt. 18-12-51).

- (1) When govt. has sold land adjoining to road and sale is cancelled, it is not felt proper to repay the occupation price and land is not to be used in near future for widening the road.
- (2) Constructions done in open margin innocently and in cases where great loss is to be suffered in removing or demolishing the same if the owner makes legal declaration that when govt. desires he will demolish said construction without asking for any compensation and if he may not do it so, collector shall demolish it at the risk and cost of owner.
- (3) If the constructions on open marginal land are of municipal purpose for the facility of public like municipal market, petrol pump, bus stand or bus shed. Such construction may not be done willingly but done innocently and its owner may make such legal declaration that whenever he is asked to remove said construction he will remove without asking for any compensation and if he fails to do so, Collector shall remove it at the cost of owner. (For such declaration form prescribed by govt. should be used).
- (4) When plot is situated on old road and at that time without knowing that ribbon development rules were not in existence other old building might have constructed.
  - (a) Size of plot may be such that owner was compelled to keep open margin as per ribbon development rules he will not be allowed to make construction on it and make complete economical use of it.
  - (b) If collector is satisfied that if construction is made in the line of existing constructions speedy traffic will not be affected and sanitation will be maintained.

In such cases also owner shall have to make legal declaration that whenever he is asked to remove the construction he will remove it without asking for any compensation, and if it is not done so collector shall demolish it at the cost of owner.
- (5) When land is used for factory and its subsidiary works, like residential building, Cabin etc. are constructed between building line and control line (Govt. Resolu. No. 6060/49 dt. 23-2-50)
- (6) In present position road is sufficiently broad and there is no possibility of widening it in near future. But in such cases collector must be ensured and satisfied that if construction is made in present construction line speedy traffic is not to be adversely affected. In such cases also legal declaration will be required that when asked to remove such construction it will be removed without any compensation, failing which collector shall remove it at the cost of owner.

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- (7) If ribbon development rules can not be implemented under section 65 and 48(4) that means its use is not banned. The construction may be for farm house or land is alienated land (now there are no alienated lands)
- (8) When only provisional constructions are made and maybe nominal and removal of it may create serious harassment to the former, such as shade of sheets for animals, small cabin or provisional pandal for covering water pump or electric installation are created.
- (9) Compound wall as Boundary marks are created to separate the plots on roads.
- (10) The lands on road are made final in town planning scheme and ribbon development rules are irrelevant to it, not change in this scheme is not done to remove this irrelevantly.
- (11) Constructions are in only some part of open margin and there are made because of crude Tools of measurement.
- (12) Such other cases in which collector, executive engineer and D.S.P. have agreed that it is the case to relax ribbon development rules with or without conditions.

Government has prescribed form of no claim declaration mentioned in matter of relaxing ribbon development rules under resolution no. PRD/1053 dt. 9-3-54. On such form of agreement of no claim declaration, proper stamp duty is required to be paid.

**Inquiry under Section 37(2) :**

The provision of Section 37(2) of Gujarat Land Revenue code 1879 provides for disposal of suit filed for right of any property. The Collector should pay adequate attention towards matters of Section 37(2) as protector of Government lands.

It is experienced that due to systematic inquiry carried out by officers authorised under section 37(2) being faulty it causes loss to right and interest of State regarding property. Therefore, related process should be followed after careful study of Section 37(2) of Land Revenue Code, Rule-29 of Land Revenue Rules, 1972 and the provisions of Government in Revenue Department consolidated resolution dtd. 15.6.1992.

**Provision of Section 37(2) :**

1. If Government itself or on its behalf or against Government suit is filed by anyone for any property or any right in or on any property, Collector or Survey Officer may issue proper notice for making inquiry and therefore pass order deciding the suit, it shall be considered legal.
2. If one or more appeals are filed within prescribed time limit from date of order or against such order if any suit is filed in any Civil Court for cancellation of order after one year from the date of order made by last appellate authority prescribed under Section 204 and if the prayer made it is the consistent with such order it should be set aside and proper notice regarding order should be issued to the plaintiff.

**Procedure**

Effectiveness of inquiry under Section 37(2) depends on whether notice is properly served or not. Therefore, it is essential to be more careful in service of notice.

1. Before making inquiry under Section 37, notice in writing about inquiry purported to be done, its time, place and subject of inquiry should be prepared in prescribed Form 'B'. Such notice should bear seal and signature of issuing officer.
2. Such notice should be issued in writing 10 days before the date of inquiry so fixed.
3. Such written notice should be displayed on chavdi/chora or any public place at the village or place where such property is situated, or on place of property for which inquiry is to be made as can be seen.
4. Such notice should be served on persons who have filed suit and individually to all those who have information and interest in the property.
5. Such individual notice should be served as summons and it should be in duplicate.
6. It should be given hand to hand to a person on whom it is to be served and his/her signature or thumb impression should be obtained on duplicate copy of notice.

7. If the person to be served with notice is not available, notice should be affixed at his daily place of residence as can be noticed and proceeding in short should be got made about it on its duplicate.
8. If permanent residence of person to whom notice is to be served is in other district, notice should be sent to Collector of that district and get the process of service completed. For this purpose procedure shown in Section 190 of L.R. Code shall be followed and assured to have completed the process.

Thus, in a suit about property filed on behalf of Government or filed by party/parties, systematic notice should be served on all parties and special care should be taken.

### **Inquiry about evidences and process of taking decision in proceeding under Section 37(2)**

Following evidences can be produced to prove any land or property to be his, and it is inevitable to go into deep about legality of proofs:-

1. Satisfactory evidence or proof as to how the said land or property is obtained.
2. Of having continuous possession/occupation of 60 years on such land or property.
3. If 60 years are not completed but evidence showing proof of possession.
4. If plaintiff's suit is of adverse possession.
5. If constant possession of 60 years is not there, suit of ownership is filed on the basis of possession, it may be seen that of which nature the possession is. It is not the possession when only land is used for independent possession evidence of independent possession should be there.
6. In a suit of private person's possession, strong proof of right should be there on part of Government. When plaintiff can prove that he has possession of 60 years, it is responsibility of Government to prove whether it is so or not. During inquiry, if it is proved that 30 years ago such disputed land was in possession of Government suit of plaintiff will not be tenable.
7. It is implied in this section that entire land is Government land therefore, burden of proving any right in the land shall be on part of plaintiff. All burden of proof is on the plaintiff.
8. Both cases of dispute of ownership under Section 37(2) and encroachment of land should be separated.
9. Inquiry under Section 37(2) should be undertaken and if it is decided that it is Government land, case of encroachment should be separated, heard and decided. Thus, though both the process is related proceedings can be done separately.
10. Claim about occupation of rights of easement cannot be inquired under Section 37(2).
11. In case of inquiring lands under tenure, inquiry about under which kind of tenure land was held, whether land holder had right of ownership or only right of obtaining revenue. In case of dispute about acquisition if there is no special provision in Tenure Abolition Act such inquiry under Section 37(2) can be done.
12. Further, the issue as to what effect on right of holding land of tenure abolition would be there as per provisions of Act should also be inquired.

13. Under different tenure Acts of Gujarat, two kinds of agricultural lands are acquired in Government.
  - (i) Waste land,
  - (ii) Land kept uncultivated for more than 3 years.
14. Inquiry under Section 37(2) can be undertaken on any land in peaceful possession of any one. When claim for such property or its right is made by Government or any one against State, inquiry can be held under this section.
15. In case of dispute if any third person is interested or his right is affected, while deciding appeal, if he applies to be the party, he should be given an opportunity of hearing.
16. As this inquiry under Section 37(2) is to be done as formal inquiry, Government Pleader can be summoned to make representation on behalf of Government as it is like civil proceedings.
17. When inquiry under Section 37(2) is done on part of Government, thorough study of all kinds of revenue evidence-proofs should be made and verified. In claim of private person, evidence produced should be verified with revenue record.
18. Thus, in the inquiry decision should be taken as provided under Act and rules and after verification of record.
19. Order made under Section 37(2) should be intimated properly because failing to do so, suit in Civil Court will not be tenable.
20. Written Notice of Order under Section 37(2) should be served in form 'A' as shown in Rule 29 of Land Revenue Rules, 1972. While starting inquiry under Section 37(2), order should be intimated in the manner of service of notice. Such service can be done by RPAD, Hand to Hand, and by affixing on property formally.

Instructions issued on inquiry process under Section 37(2) should be strictly followed by Revenue Department.

Provisions of Consolidated Circular of Revenue Department No. LNI-1087-3807-L of 15-6-1992 about inquiry on veracity of claim under Section 37(2) of L. R. Act :-

1. In case of inquiry on veracity of claim under Section 37(2) of L.R. Act, this Circular is issued after addition, alteration and after consolidating all orders. Therefore, proceedings should be done according to this Circular.
2. Mamlatdars appointed under section 12 of L. R. Act and Mahalkaris under section 13 of L.R. Act in their name and by virtue of post and Prant Officers are obtained to undertake such inquiry under Section 37(2) as detailed below:
  - (A) Mamlatdar and All villages under their jurisdiction Mahalkari (except Nagar Panchayat, Nagarpalika, Municipal Corporation area, taluka and district head quarters).
  - (B) Prant Officers Nagar Panchayat, Nagarpalika, Municipal Corporation area and village of Taluka and District headquarters.
3. When the decision in such inquiry of veracity of claim under Section 37(2) of L. R. Act is taken against Government, such decisions should be reviewed by Higher Officers, and in cases where decision is taken in favour of Government, appeals are filed and on the basis of orders of Subordinate officers are entered in revenue record and

owner of land obtains loan on security of land. In such cases, when decision is taken later on in favour of Government in review or appeal Institution giving credit is put into difficulty. In order to prevent this situation, when decision under inquiry under Section 37(2) is taken against Government, case should be taken under review by last officer as per this circular keeping time limit of review and appeal in view, and then name of such person should be entered in revenue record.

4. As indicated in Gujarat High Court rulings and decision of Revenue Tribunal on review application if third person may not be a party on any side in appeal but if he is interested in matter of dispute or his interest is to be affected he should be given an opportunity of hearing if he applies to be the party at the time of deciding application/appeal. When such cases arise, necessary action should be taken keeping such rulings in mind.

### High Court Rulings

### Gujarat Law Reporter

1. Ramjibhai Ukabhai Parmar  
V/s  
Manilal Parsotambhai  
Vol. I, page No. 53
2. Punjabhai Dahyabhai Patel  
V/s  
Jayantilal Manilal Shah & others  
Vol. 6, Page No. 849
5. As per amendment made in Section 12 of L. R. Act, order made by Mamlatdar or order is subject to chapter-13 of L.R. Code, appeal can be filed to Deputy Collector against such decisions or orders made in inquiry under Section 37(2) of L. R. Act.
6. At the end of inquiry under Section 37(2) of L. R. Act if Mamlatdar takes decision against interest of Government, he should immediately send the case papers & copy of order to Prant Officer. Prant Officer will review the matter in detail looking to right/interest of Government, make recommendation to take it revision under Section 211 of L. R. Act and if he agrees with decision of Mamlatdar, he should send the case papers to district Collector within 7 days from the date of receipt of case showing reasons. If Collector feels it proper to take the case in revision, he shall undertake systematic proceedings, make formal order. But if agrees with decision of Mamlatdar, Prant Officer, he should show the reasons and return the case.
7. When Assistant or Deputy Collector not in charge of taluka has decided claim against Government under Section 37(2) of L. R. Act, he should immediately send the case papers and copy of his order to the Collector who will go through the case papers and decide whether dispute should be filed before Revenue Tribunal or not within 7 days of date of receipt. If he fills it properly to file it before Revenue Tribunal (R.T.), he should immediately send the case papers to Government Pleader for filing it before R. T. and if Collector does not feel it so, he should submit the papers to Government within 7 days.
8. When Assistant or Deputy Collector in charge of taluka has decided the case against Government, the Revenue Tribunal has no powers to decide the dispute against their decision. In such cases, the proceedings should be undertaken as shown in chapter-13 of L. R. Code. If the decision of Deputy/Assistant Collector is against Government under Section 37(2) of L. R. Act, he should immediately send the case papers and copy of his decision to Collector, who will, if feels it proper to take the case in revision, undertake systematic proceedings and shall pass the orders. But if he



- agrees with the order of Prant Officer, he shall submit the papers to Government within 7 days of its receipt showing reasons for it.
9. If survey mamlatdar has decided case under Section 37(2) of L. R. Act against Government, since Revenue Tribunal has no powers to hear such dispute or take it in revision, proceedings as shown under chapter-13 of Land Revenue Code should be taken. Survey Mamlatdar may be under control of Collector or Settlement Commissioner and Director of Land Records.
    - A. If survey Mamlatdar has decided case under Section 37(2) of L. R. Act against Government and he may be in equal cadre of Mamlatdars, the proceedings as shown in para-6 of this Circular should be done and if he is Officer of higher category, the proceedings as shown in para-8 of this Circular should be done.
    - B. If the survey Mamlatdar has decided the case under Section 37(2) of L. R. Act against Government, he should immediately send the case papers with copy of decision to Settlement Commissioner and Director of Land Records who if felt it proper to take the case in revision, shall carry out systematic proceedings and pass orders in the matter. But when he does not agree with decision of survey Mamlatdar, he will submit the papers to Government within 7 days of its receipt.
  10. In cases in which Revenue Tribunal has no powers to take the dispute in revision, Government in Revenue Department has powers to take it in revision.
  11. At the end of inquiry under Section 37(2) of L. R. Act or appeal is filed against such decision of subordinate officers or case is taken in revision and if Collector or Settlement Commissioner and Director of Land Records himself has given decision against Government, he will decide whether it should be revised or set aside or file appeal before Revenue Tribunal, High Court or any other proper court and submit the papers including copy of decision to Government within 7 days.
  12. If suit against order made in inquiry under Section 37(2) in Civil Court after one year, Civil Court will set aside the suit. In case of suit having filed within time limit, period for filing appeal shall be 1 year. Authorised Officer should intimate the decision under Section 37(2) in proper manner, failing which Civil Court will admit the suit and in that case, Government will be put to loss. Therefore, proper vigilance should be kept to see that no default would remain during inquiry made under Section 37(2) keeping in view the law/rules/resolutions.

**Encroachments on Government Land**

- (1) Unauthorised Agricultural or Non-Agricultural Encroachments on Government lands like - (1) Rural Areas, (2) Gamtal lands, (3) Urban areas, (4) City Survey Areas, (5) Gauchar Areas etc. is increasing day by day, it is indispensable for the purpose of preservation of Government property to immediately remove encroachments and to prevent them also. In this regard, the Government by its Revenue Department's Circular No. ENC-1084-4198-L, dtd. 18-1-1985 has decided the entire responsibility of the concerned Field Officer to remove such encroachments.
- (2) The responsibilities of the Field Officers to remove encroachments on such lands are as follows :-
  - (i) Under Section-61 of the Land Revenue Rules, the Mamlatdar should remove encroachments from the Government waste lands in the rural areas;
  - (ii) The Mamlatdar should remove encroachments from the newly decided gamtal lands and the Taluka Development Officer should remove encroachments from the old gamtal lands.
  - (iii) The Chief Officer of the Municipality should remove encroachments from the areas of the Municipal/Urban lands considering the provisions of Section-185 of the Gujarat Municipalities Act, 1963.
  - (iv) The concerned City Survey Superintendent should remove encroachments like lari-gallas on roads from the lands of City Survey areas.
  - (v) The Taluka Development Officer should remove encroachments from the gauchar lands or from the lands acquired by the gram panchayat considering the provisions of Section-105 of the Gujarat Panchayat Act, 1993.
- (3) Such encroachments are of two types - (i) Agricultural and (2) Non-agricultural. Non-agricultural encroachments include - (1) Residential, (2) Commercial, (3) Industrial, (4) Educational and (5) Sakhavati types.

The provision has been made to penalise for unauthorised possession of land in Section-61 of the Land Revenue Act. In which, provisions of (1) taking assessment (2) Penalty, (3) To drive away and to destroy crop have been made. The aspects to remove people from Government lands have been resolved briefly in Section 48(4), 61, 66 and 79 and its procedure in Section-202.

**(1) Agricultural Encroachment:**

- (1) Akari Land;- In such lands, penalty should be charged for Akar of full number of agriculture and penalty of Rs. 5 or 10 fold of Akar, whichever is more and driving away a person who does encroachment and if there is a crop in such lands, it should be taken and Akar should be charged for the full year on the whole land and not only for the land encroached from where it is encroached and other applicable taxes should also be recovered.

- (2) **Non-Akari Land :-** If the akar of the land is not decided, then penalty should be charged considering the Akar as decided for other lands of the same village area and the penalty will be the same for this Akari land.

- (3) **Non-Agricultural Land:** - 100 fold for non-agricultural and Akar considering the existing non-agricultural Akar rates of the village, proportionately to the encroached land. Disputed construction and driving away from the land.

Now, such non-agricultural Akar should be charged from the date of the construction. If there is encroachment for any part of the year, then the Akar should be charged for the full year and other applicable taxes should also be charged.

- (4) **Procedure to remove encroachments:-**

1. The competent officers are carrying out the work of encroachments removal; and
2. They have to identify new encroachments also, so, whether they are carrying out such works satisfactorily or not? The Prant Officers are supervising over this task only for their sub-divisions.
3. Proposal should be sent to the Collector to take suitable action against careless and inefficient competent officers with a strict warning to improve their performance after its review as decided in their official monthly meeting of the Revenue Officers.

- (5) As per the instructions given by the Revenue Department's Circular No. LNC-3978-1978-A, dtd. 13-10-78/6-12-78 that each Prant Officer has to watch over the maintenance of the latest register, showing details of such Government survey numbers situated in their respective urban areas in the every Mamlatdar's office at the taluka headquarters of every urban area in a prescribed form of schedule 'A' of this Circular with a view to preserving latest records about Government lands of urban areas and come to immediate notice about the encroachment on the Government lands of the urban areas of their sub-division. Moreover, to verify the Government numbers as per prescribed rules by the competent officers as mentioned below of the Government numbers mentioned in the Register and if there is encroachment, it should be immediately removed by instructing their subordinate officers.

- |                                 |   |   |
|---------------------------------|---|---|
| 1. Circle Officer               | : | 10 survey Nos. per month; but all Survey Nos. should be verified within 6 months. |
| 2. Mamlatdar                    | : | 5 Survey Nos. per month.  |
| 3. Dy. Collector/Prant Officer. | : | 5 Survey Nos. per month.  |

At the time of field/village visit, it should be verified whether a register in a prescribed manner is maintained or not.

1. Separate registers for gamtal encroachments and encroachments on Government lands should be mentioned.
2. To review legal procedure to remove such encroachments survey number wise.
3. Encroachments on lands selected for Government purpose, should be removed on priority basis.

To maintain Government lands and prevent unauthorised encroachments on it, instructions have been given by the A.G., Audit team during inspection of certain offices vide Revenue Departments Circular No. ENC-102003-MLA-14-L, dtd. 26-2-2004. The valuable Government properties are not being maintained by the Revenue officers and the details about encroachments on

## Collector Manual

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Government lands in urban as well as rural areas are not available in the offices of the Collector/Prant officer or Mamlatdar and D.D.Os./T.D.Os. Moreover, no details are on hand regarding the actions taken to remove encroachments and as a result, Legislative Committees and elected representatives of the people are responsible to reply. Considering this situation, awareness should be maintained and prescribed register should also be maintained and reviewed as decided by the Circular dtd. 26-2-2004 and actions should be taken to remove such encroachments.

- (6) As per the instructions given by the Revenue Department's G.R. No. JPV-1083-UO-81-K, dtd. 20-6-1983, generally encroachments are created on the cross-roads for refreshments breaching the rules on the N.H./S.H. and other roads, and they should be removed immediately. So, such encroachments should be removed immediately by visiting such places by the squads on the prescribed dates per month, constituted by the Chief Officer of the Municipality, Ex. Engineer or his representative, City Survey Superintendent, Mamlatdar etc. at each taluka Head Quarter in sub-division of Prant Officer. If in certain cases, police help is required, it should be taken and such encroachments should be removed at once.
- (7) The Mamlatdar has to remove encroachments on the Government waste lands coming within the revenue limits of the concerned kasba of a Municipality under the provisions of Section 61 of the Land Revenue Act, and the concerned City Survey Superintendent has to remove such encroachments situated in the City Survey areas under Section-202 of the Land Revenue Act by issuing notice in this regard, and the Encroachment Cell should remove such encroachments in the Municipality limits. Whenever the Prant Officer is required for this purpose, they should provide police or any other help.
- (8) Some anti-social elements are collecting installments as sale or rent from unauthorised occupants of Government lands in the developing cities. This has come to the notice of the Government. Collectors have been entrusted to initiate "PASA" procedure besides Criminal procedure against them holding responsible and confidential inquiry for such activity by Revenue Department's Circular No. ENC-102001-4379-L, dtd. 14-12-2001 and the Prant Officer has to submit report to the Collector for such illegal activities in their respective sub-divisions.
- (9) Many encroachments on Government lands are temporarily being removed in a form of campaign. But, thereafter, open land is not preserved. So, concerned Revenue Officers should be held responsible to preserve this open land. The Government has instructed the Collectors by Revenue Department's Circular No. ADJ-102002-1667-L (Part-II), dtd. 16-10-2004 and the Prant Officers have to implement this in their respective sub-divisions through their subordinate officers.
- (10) Regarding regularisation of encroachments on Government lands, it should be implemented as per the instructions given by the GR of Revenue Department dtd. 8-1-1980.

But it has come to the notice that without effective implementation of legal provisions to remove encroachments, proposals to regularise the same are being sent, which is very serious and unfair matter.

In this regard, the Division Bench of the Hon'ble Gujarat High Court has taken "Suo Moto" cognizance in LPA No. 449/2005 in Spl. C.A. No. 603/2005.

In the meanwhile, the Government of Gujarat and all local bodies (Nagarpalikas, Municipal Corporations and Panchayats) are restrained from alienating public properties to the encroachers.

To follow the orders of Hon'ble Gujarat High Court, all the Collectors have been informed to implement it by Revenue Department's D.O. letter No. SCA/182005/Court:38/L, dtd. 19-10-2005.

### Provision regarding gamtal & simtal & Vada

Current rules have been formulated as "Vada Code" about gamtal and simtal vada by cancelling previous GR of Revenue Department. Rules are under implementation by GR No. VDL-1079-31448-K, dtd. 25-4-1980, in which, detailed information about Vada lands has been given. "Vada" means an open land, which is used for agricultural tools, Animal shed, keeping grass etc., which is situated closest to home in gamtal. It is being mentioned as simtal Vada land". Generally, Vadas are of two types - (1) Rural area, (2) Urban Area.

#### Vada Statement :-

Village-wise Vada Statement has to be maintained for Vadas situated in Rural and urban areas. In which details like name of the owner of vada land, area, border, present use, possession of land, owner's occupation are to be mentioned. Countersignature of the Sarpanch is to be taken for the attestation of the details.

#### Procedure regarding Vada lands of Rural Areas :-

Owner of the open vada land in Rural Areas can use open vada lands. Provisions have been made to get rights by paying changes to Government at following rates by the owner for non-agricultural use, who owns complete possession of this land and sale rights :-

Population	Price per Sq. mtr.	
	Rs.	Ps.
Villages upto 1000 population	0 - 30 per Sq. mtr.	
Villages upto 2000 population	0 - 40 per Sq. mtr.	
Villages upto 4000 population	0 - 55 per Sq. mtr.	
Villages upto 6000 population	0 - 65 per Sq. mtr.	
Villages upto 8000 population	0 - 80 per Sq. mtr.	
Villages upto 10000 population	0 - 90 per Sq. mtr.	

#### Simtal Vada :-

Simtal Vada land can't be utilised at the above rates of Vada land but it can be utilised at the prevailing conditions. If such lands are situated nearest to gamtal and convenient to extend gamtal, then it is to be named first in gamtal and possession right can be got at prescribed Vada land standards. For Simtal Vada, if there is a demand for new land, then considering requirement of a person, who demands and the availability of land, it can be given upto 400 meters on lease assessing rent similar to agricultural akar, from most waste land. Mamlatdar of a Gram Panchayat and Prant Officer in Nagar Panchayat are empowered for this.

**Vadas of Urban Areas :-** The owner has to purchase vadas of urban areas compulsorily upto 31-12-71 in which, concession has been given to SCs & STs at Rs. 6 per Sq. mtr. or 25% of market rate, whichever is less. The Urban Vada lands, which are not possessed by anybody, the Government has to dispose of such lands by auction. The Market price of possession right will be decided by the Dy. Town Planner.

**Important Note** :- The Collectors should take care of instructions of othe Revenue Department's G.R. No. VDL-2695-MLA-7-K, dtd. 1-6-99 regarding to regularise vadas of gamtal and Simtal.

As per the above instructions, it has been resolved to complete the entire procedure before 30-10-99 by issuing notices to the legal owners of vadas registered in the vada register from time to time about vada codes. This term has not been extended. So, only the entire procedure completed within 30-10-99, will be considered for this purpose as per above instructions.

**Bhoodan Land**

As per the provisions made in rates of the Saurashtra Bhoodan Yojana Act, 1953 and Rules, 1954, the land got in Bhoodan will be cultivated by ownself. This land is not to be sold or given in sharing/not to be kept as waste. For breach of condition of such lands, lands are acquired by the government. As per section 88A of the Tenancy Act, no provisions of Tenancy Act are applicable to the lands transferred by him or to the Bhoodan Committee. Thus, special importance is given to the lands of Bhoodan under this Act. So, the Collector should take care of any mischief or meddling in the matter of lands received in Bhoodan in the Revenue records.

However, it has come to the notice of the government that illegal orders are being issued to give non-agricultural permission by transferring the Bhoodan lands into old tenure by overruling the powers, which is against law. So, the following instructions should be taken into notice :-

- As the change of purpose of the lands of Bhoodan is not granted in law, the question to remove restrictions of new conditions/P.S.P. does not arise.
  - Following provisions should be implemented of the Circular No. BHDN-142003-420-K, dt. 6-1-2004 of the Revenue Department of the government.
1. The person getting in donation, the land of Bhoodan, possesses all the rights on this land got by the person who gives donation, i.e.; if the land of donating person is originally of new and undivided condition, then the same limited rights are possessed by a person getting the donation and if the land of donating person is of old condition then the person receiving donation will get the land with full rights.
  2. The land is given on the condition that the land donated in Bhoodan is to be cultivated by own self. It is not to be sold in partnership or under given for cultivation to others, also should be left as waste.
  3. If the person receiving the donated land is not cultivating it by his own self, the procedure can be done for this land primarily as per the procedure being done according to the law regarding the land of any Land holder. It means that if it is proved that another person is cultivating this land by tenancy rights, then they have the rights for possession of this land.
  4. Those who have got the land in donation, and have migrated to other place by leaving that land, the original donor has no rights on such land. After all such land can be owned by the government treating it as non-hereditary and it can be properly disposed of. If such land is in possession of unauthorised person, then it should be entered under government head to leave its possession and to inquire for it.
  5. As clarified in rules under Saurashtra Act, land is given in donation to the landless persons by the Bhoodan Committee for livelihood by cultivating the land by one self. So, no any other person can use such lands. If it is found to give such lands on lease in Saurashtra area, then there is a provision for procedure under the lease Prohibitory Act. Procedure can be done under the Tenancy Act in the remaining areas of the State.
  6. There should be words like "Land received by donation" or "Bhoodan-land" on the top of Villaged Form No. 7/12 of land received in Bhoodan. The question does not arise to delete words like "New and Undivided Power Type" as the land of Bhoodan cannot be sold.

As shown above, there is a self cultivation on the land owned by Bhoodan. It can be used for other purposes by getting approval of the government before using for other purposes.

### **Disposal of govt. waste land for agricultural purpose**

The government has revealed policy of allotment of government waste land for agricultural purpose under GR R.D. No.LND-3960-A Dt. 1-3-60 and accordingly govt. waste land was allotted for agricultural purposes. In order to remove difficulties experienced and for rationalization of it detailed guidelines and procedure were prescribed under GR RD No. JMN-3988-3290-(A) dt. 15-2-89. Thereafter amendments were made from time to time and finally these resolutions were consolidated in one resolution No. JMN-3920-3-454-(1)A Dt. 1-11-2003 Instructions were issued for disposal of govt. waste land for agricultural purpose. Action should be taken by following it and other provisions consistent with it. This procedure is as under which is to be brought to your notice. Provisions of original GR Dt. 1-3-1960 for disposal of government waste land are reproduced as under which will be useful for study.

**G.R.No. LND.3960-AI, dated 1<sup>st</sup> March, 1960**

#### **Waste Lands**

#### **Disposal of\_**

Disposal of Government waste lands is governed by the order issued in Government Resolution, Revenue Department, No. LND.3953-V-B, dated 20<sup>th</sup> August 1954, as amended from time to time. In practice, however, permanent disposal has not taken place on any large scale on account of the following four bans:

1. Ban on account of Land Utilization Survey Scheme.
2. Ban on account of schemes for rehabilitation of persons affected by certain irrigation and power projects.
3. Ban on account of forest settlement.
4. Ban on account of afforestation schemes including the scheme for checking the spread of Runn of Kutch.

Government has now decided that except in respect of ban at Serial No. 2, all other bans should be removed and permanent disposal of Government waste lands including those leased out from time to time should be undertaken according to the order contained in this resolution and the memorandum of instructions accompanying the Government Resolution. These orders supersede all existing orders regulating permanent disposal of Government wastelands for cultivation. These orders, however, will not apply to districts to which the ban mentioned at item No. 2 applies.

2. Lands to which these orders will apply: All collectors should prepare a list of Government waste lands which could be permanently disposed of. This should be done in accordance with the instructions printed as an accompaniment to this resolution. These orders will apply to all lands included in the Final List referred to in paragraph 1 of the instructions mentioned above.



3. Except fragments and lands of awkward shape, all other Government waste lands included in the Final List shall, subject to the provisions of paragraph 11 below, be disposed of according to the priorities laid down in paragraphs 3(a) and 3(b) and subject to the conditions mentioned in paragraph 4 below.

**3(a) Priorities for grant of lands in areas other than Scheduled areas-**

- (i) Existing Eksali lessees of Government waste lands including co-operative societies who have cultivated these lands for a continuous period of three years or more prior to the issue of these orders.
- (ii) Agriculturists who have been deprived of their lands as a result of acquisition of the same by Government for a public purpose other than for irrigation and power projects in respect of which separate schemes for rehabilitation of persons affected by such projects have been framed, provided the acquisition has reduced his holding to less than an economic holding.
- (iii) Co-operative Joint Farming Society of Backward Class cultivators;
- (iv) Co-operative Farming Society of Backward Class cultivators;
- (v) Co-operative Joint Farming Society of land less persons;
- (vi) Members of Backward Classes who hold no land or land less than an economic holding;
- (vii) Persons who have suffered and/or have become destitute on account of their having taken part in the various movements for achieving independence and who have now no other means of maintenance and who agree to cultivate lands personally;
- (viii) Prohibition affected persons who agree to cultivate the land personally;
- (ix) Ex-servicemen who really need agricultural lands for maintenance of their family and who agree to cultivate the land personally.
- (x) Landless agricultural labourers other than those belonging to the Backward Classes who agree to cultivate the lands personally.

**3(b) Priorities for grant of lands in the Scheduled areas -**

- (i) Existing Eksali lessees belonging to Backward Classes including co-operative societies of such persons who have cultivated these lands for a continuous period of three years or more prior to the issue of these orders;
- (ii) Agriculturists who have been deprived of their lands as a result of acquisition of the same by Government for a public purpose other than for irrigation and power projects in respect of which separate schemes for rehabilitation of persons affected by such projects have been framed provided the acquisition has reduced their holding to less than an economic holding;
- (iii) Co-operative joint Farming Society of Backward Class cultivator;
- (iv) Co-operative Farming Society of Backward Class cultivators;
- (v) Members of Backward Classes who hold no land or land less than an economic holding;

- (vi) Existing Eksali lessees not belonging to Backward Classes including co-operative societies who have cultivated these lands for a continuous period of three years or more prior to the issue of these orders;
- (vi) Existing Eksali lessees not belonging to Backward Classes including co-operative societies who have cultivated these lands for a continuous period of three years or more prior to the issue of these orders;
- (vii) Co-operative joint farming society of landless persons;
- (viii) Persons who have suffered and/or become destitute on account of their having taken part in the various movement for achieving independence and who have now no other means of maintenance and who agree to cultivate lands personally;
- (ix) Prohibition-affected persons who agree to cultivate lands personally.
- (x) Ex-servicemen who really need agricultural lands for maintaining their family and who agree to cultivate them personally.
- (xi) Landless agricultural labourers other than those belonging to the Backward class who agree to cultivate them personally.

**4. Limitation on grant of land-**

- (i) No grant shall be made in favour of persons who already own land equal to or exceeding one economic holding.
- (ii) No grant in favour of individuals shall exceed an economic holding provided that where the grant is in favour of person who already owns land less than an economic holding, the grant shall be limited to an area sufficient to bring up this holding to an economic holding;
- (iii) Limitation in respect of Co-operative Societies :- In respect of grant to the co-operative societies mentioned in paragraphs 3(a) and 3(b), the extent of land that can be granted should be determined by multiplying the unit of economic holding by the number of members of such society provided that such limit may be exceeded if it is necessary to do so to provide a compact block. In no case should the limit exceed two economic holdings per member except with the special sanction of Government.
- (iv) The priorities assigned to co-operative societies referred to in paragraphs 3(a) and 3(b) shall apply only if no member holds lands equal to or exceeding an economic holding;
- (v) No grant shall be made in favour of any person who does not reside within a radius of five miles of a village in which the lands are situated and in the case of co-operative society, if the majority of its members do not reside within a radius of five miles.
- (vi) All grants shall be on new and impartiable tenure and the grantee shall have to execute an agreement containing a condition that the land shall be brought under cultivation within two years of the grant and that the grant shall be liable to be cancelled if the land is left waste or neglected without valid reasons.

Note : In computing an economic holding, the land already held by a person either as an owner or tenant or lessees shall be taken into account.

5. Disposal of fragments and land of awkward shape – Land, which is waste because of its small size of awkward shape or situation or is less in extent than the standard area under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, shall be disposed of to -
  - (i) the adjoining owner, if there is only one such person;
  - (ii) the adjoining owner who is a co-operative society, if there are more than one adjoining owners of which only one is a co-operative society.
  - (iii) to the adjoining owner who is a member of the Backward Class, if there are more than one adjoining owners out of which none is a co-operative society but only one of them is a Backward Class owner.
  - (iv) to a Backward Class adjoining owner whose holding is the smallest in size if there are more than one Backward Class adjoining owners and co-operative society is not the adjoining owners;
  - (v) to an owner whose holding is the smallest in size if there are more than one adjoining owners and none is a co-operative society or none is from the Backward Class.
6. The detailed procedure to be followed for the disposal of lands is contained in the instructions appended to this resolution. Collectors should ensure that these instructions are fully complied with.
7. The occupancy price chargeable in respect of grants made under paragraphs 3(a), 3(b) and 5 above shall be as follow :-
  - (i) In case of co-operative societies nil, if the grant is of virgin soil and 5 times the assessment if the grant is of non-virgin soil;
  - (ii)(a) In case of grant in favour of individuals who belong to Backward classes nil, if the grant is of virgin soil and 6 times the assessment if the grant is of non-virgin soil;
  - (ii)(b) In case of grants in favour of persons other than members of Backward Classes, 12 times the assessment if the grant is of virgin soil and 24 times if the grant is of non-virgin soil.
8. Instalments :- The occupancy price may be paid in instalments which shall not exceed six in case of non-Backward Class cultivators and twelve in case of Backward Class cultivators.
9. All grantees shall have to pay full assessment of land, except than when the grant is of virgin land, no assessment shall be charged for the first five years if the grant is in favour of co-operative societies and Backward Class persons and for the first three years in case of grants to others.
10. Forfeiture of lands : For breach of any of the conditions of the grant, the land shall be liable to forfeiture subject to refund of the amount of occupancy price recovered from the grantees. No compensation shall, however, be paid for improvement, if any, carried out on the land. Failure to pay the instalments of occupancy price on due date or continuous default in payment of assessment maybe treated as a breach involving forfeiture.
11. Gramdan Villages :- These are servant villages which are fully Gramdan villages. Government waste lands in such villages should be allotted to the Gram Swarj Sahakari

Sanstha, which is contemplated to be formed as a farming as well as an all purpose co-operative society for such villages.

12. Exception : These orders shall not apply to -
  - (a) Bet and Bhatha lands, Kotar lands, Khar lands, Tankbed lands and River bed lands whose disposal is regulated by special orders, and
  - (b) lands in the District of Dangs.
13. Notwithstanding anything contained in the foregoing paragraphs, Collectors may recommend special cases to Government for the relaxation of these orders and Government reserves to itself the power to do the same having regard to the facts and circumstances of each cases.

#### **INSTRUCTIONS REGARDING PERMANENT DISPOSAL OF GOVERNMENT WASTE LANDS**

The following instructions are issued for the guidance of Revenue Officers in implementation of Government Resolution No. LND 3960-AI, dated 1<sup>st</sup> March 1960, regarding permanent disposal of Government waste lands :-

Before permanent disposal is undertaken, it is necessary to know what lands are available for disposal. The collectors should, therefore, prepare a list of lands available for disposal. This list is hereafter referred to as "The Final List". It is necessary to do this to avoid at the time of disposal of Government waste lands claims, representations and appeals to Government from various parties for the lands proposed to be disposed of. Experience has revealed that considerable delay, resulting in waste of labor, time and money, occurs on this account. It is therefore, desirable that all possible claims are examined beforehand and a Final List of lands available for disposal is prepared before the actual disposal starts.

2. The Collectors should first have a list prepared of all Government waste lands available in a village. This list will include all Government waste lands including those leased out for cultivation on Eksali basis, lands reserved and likely to be required to be reserved for a public purpose. This will be the provisional list and the Final List will be prepared after taking into account-

- (1) the effect of the various bans on permanent disposal of lands;
- (2) the lands required for public purposes.

3. There are, at present, four kinds of bans on the permanent disposal of Government waste lands:

(a) The first is a ban imposed on account of schemes for rehabilitation of persons affected by certain irrigation or power projects. This ban applies to the districts of North Satara, South Satara, Sabarkantha, Sant taluka of Panchmahals, Kudal Mahal of Ratnagiri, Mangaon, Roha and Alibag Talukas of Kolaba and Mhasla, Poladpur, Shriwardhan and Murud Mahals of Kolaba and the Collectors of these Districts will not be in a position to prepare the list (Final List) until all the affected persons are rehabilitated. In any case, in respect of all villages of these districts, there will be no Final List and hence orders contained in Government Resolution No. LND 3960-AI, dated 1<sup>st</sup> March 1960, will not apply. The collectors should however, finalise, schemes for rehabilitation of these affected persons and submit them to Government so that lands not required for such rehabilitation can be included in the Final List for disposal according to Government Resolution mentioned above.

(b) A general ban has been imposed pending completion of Land Utilisation Survey. This survey has been proceeding very slowly and Government feels that permanent disposal of these lands cannot be held up any longer. Government has, therefore, decided that where the survey has been completed, all A and B class lands shall be included in the provisional list, C and D class lands shall not be included under the list unless they have also been under cultivation for a period of 3 years or more and the existing lessee is prepared to have the land permanently granted to him. Where the survey has not taken place, all lands which are under cultivation for a continuous period 3 years or more shall be included in the list. Lands not so cultivated shall not be included until they have come under cultivation for 3 years or more or until the survey has classified them, whichever is earlier. Lands which are declared as only fit for afforestation, or grazing under the Land Utilisation survey, shall not be included in they have not been under continuous cultivation for a period of 3 years or more.

(c) A ban on permanent disposal has also been applied to certain districts for forest settlements and afforestation schemes including a scheme for checking the spread of the Runn of Kutch. Government has decided that permanent disposal of Government waste lands need not be held up on this account and that an early decision as to which areas should be reserved for these purposes ;must be taken. Government has, therefore, decided that the following procedure should be adopted to decide finally which of the Government waste lands should be earmarked or these purposes.

The Conservators of Forests should prepare a list of compact areas which are likely to be required for afforestation purposes for each district to which the ban on account of the scheme for forest settlement and afforestation applies. This list should give full details of the lands such as survey numbers, acreages involved, names of villages, etc. and a copy of this list shall be forwarded to the Collector. The Collector will forward the list with his comments to the Commissioner who will make final recommendations to Government after taking into account the views of the Chief Conservator of Forest and the Revenue Officers. The Collector's comment will include his opinion on the need for such reservation as also the relative merit of rival claims such as claims on such lands for cultivation by landless persons or claims of public bodies like Panchayats for public purposes. The recommendations of the Commissioners will be considered by a Committee consisting of Secretary, Revenue Department and Secretary, Agriculture and Forest Department. Once this committee has taken a decision, lands not reserved for any such afforestation scheme should be included in the Final List.

The procedure will not be followed in districts where no such ban has been imposed.

4. Before a decision is taken to dispose of permanently all Government waste lands, claims of local bodies and/or villagers for reservation of lands for pubic purposes should be considered. At the same time, Government feels that once disposal starts, the work should not be held up by all sorts claims. Very often representations from rival groups of factions in village and appeals to Government tend to cause delay in the ultimate disposal of Government waste lands. Vested interests also interfere with speedy implementation of Government policy. Government has, therefore, decided that all such claims should be examined and finally disposed of by the Commissioner. The following procedure should be followed:-

The Mamlatdar while preparing the provisional of available Government waste lands will also prepare a list of lands required for public purposes in the villages. These purposes will included he following in that order of priority :-

- i. Schools, playgrounds, gymnasia
- ii. House sites.
- iii. Burial and cremation grounds
- iv. Grazing.
- v. Cattle sheds and cattle stands
- vi. Manure pits.

He will consult the Panchayat and the general opinion in the village and send his recommendations to the Prant Officer. He will at the same time send a copy of the provisional list along with his recommendations regarding reservations for public purposes to the Social Welfare Officer. The Prant Officer after taking into account the views of the Social Welfare Officer shall submit his recommendations to the Commissioner through the Collector. The Commissioner after considering the recommendations of the Collector and after giving due weight to the views of the Social Welfare Officer decide finally which of the lands shall be reserved in the village for public purposes. Lands so reserved shall not be entered in the "List". No lands which have been given for cultivation on Eksali lease shall be earmarked for any public purpose and all such lands shall be included in the "List".

5. Since the existing lessees fulfilling certain conditions will have the highest priority, the Mamlatdar shall while sending the provisional list send a statement in the form contained in Appendix A to the Prant Officer showing the name of existing lessees and the area in acres of lands, each survey number which will be required to be allotted to him on a permanent basis in pursuance of paragraph 4 of the Government Resolution. The Final List will thus consist of all lands included in the provisional list minus the lands required to be reserved for afforestation schemes, and lands reserved for public purposes. Lands required to be granted on a permanent basis to the existing lessees shall, however, be included as in the case of the latter a permanent disposal has to be made.
6. If the existing lessee has carried out improvements of a substantial nature on the land leased to him, and is not under paragraph 4(1) of the Government Resolution No. LND-3960-A1, dated 1<sup>st</sup> March 1960, entitled to retain any of the land leased to him he should be allowed the option of retaining such leased land on which he has effected such improvements, provided he surrenders an equal area of his own land.
7. As soon as the Final List is prepared, the Collector will send copies to the Social Welfare Officer, Assistant Registrar, Prant Officer and the Mamlatdar. The Mamlatdar will publish it in the village and all villages within a radius of five miles as also exhibit the same in the Taluka Office. A list of reservations made for public purposes shall be supplied to the Social Welfare Officer, the Assistant Registrar, the District Local Board and the village Panchayat. A list of recommendations made for afforestation schemes will be supplied to the Chief Conservator of Forests, Conservator of forest and the Divisional Forest Officer as also to the Social Welfare Officer and Assistant Registrar.
8. Procedure for disposal of lands included in the list :- (i) Within 3 months from the receipt of the Final List, the Social Welfare Officer will submit his proposals for allotment of the lands included in the list to the categories of Backward Class persons and co-operative

- societies of Backward Class persons and landless labourers referred to in paragraphs 3(a), 3(b) and 5 of Government Resolution No. LND-3960-A1, dated 1<sup>st</sup> March, 1960. Such proposals may be made either for an existing co-operative society or for a society to be formed. A copy of the proposal shall be sent direct to the Prant Officer and another will be submitted to the Collector. The social welfare officers will not, however make any proposal for grant of land which will be required to be retained with the existing lessee.
- (ii) The Prant Officer will thereafter proceed to dispose of lands by holding Land Kutcheris in as many central villages as possible according to a specified programme fixed in advance after intima- the Social Welfare Officer. In order to ensure that the Social Welfare Officer is able to remain present or to depute his representative it is desirable that such programme for all the Prant Officers should be fixed by the Collector at a meeting at which the Social Welfare Officer is present. The Prant Officer will ensure that widespread publicity is given to this programme by publishing it in all villages, taluka office, District Collector's office and in local news-papers and that details of lands which will be disposed of at each Kutcheri are published well in advance in all the neighboring villages. Applications should also be invited from the agriculturists before the Kutcheris are held. If any political party has nominated a representative copy of the programme shall be sent to such representative at least 15 days in advance.
- (iii) At the Kutcheris, the Prant Officer shall proceed to allot lands according to the priorities laid down in paragraphs 3(a), 3(b) and 5 of Government Resolution, No. LND-3960-A1, dated 1<sup>st</sup> March 1960, Subject to the demands in the first 2 categories mentioned in paragraph 3(a) of the Government Resolution referred to above, the Prant Officer shall give due weight to the recommendations of the Social Welfare Officer in making grants to the Backward Class Co-operative Societies and members of Backward Class and of the Assistant registrar of Co-operative Societies in respect of co-operative Societies of landless labourers referred to in paragraphs 3(a),3(b) and 5 of the Government Resolution referred to above, final disposal shall not be made until after obtaining the orders of the Collector. If the Social Welfare Officer or his representative raises any objection to the grant of land to the first or second category, it shall be heard only if it relates to the question whether the person concerned belongs to that category. In the case of such a dispute being raised, the Prant Officer shall refer the same to the Collector for final disposal and the disposal of the land will be postponed till the Collector's decision is received.
- a. When a disagreement or dispute referred to in paragraph 7(iii) above is referred to the Collector, he should decide it within a period of two months and his decision shall be final.
- b. If the land available for disposal is less than that required for allotment according to the minimum standard of unit, and if the Social Welfare Officer. Under no circumstances should the Prant Officer decide this question.
9. Grant to societies:- Although co-operative societies are given high priority, it would not be possible to grant lands to them except in compact block. Although, therefore, about 100 acres should be a minimum compact block, there should be no objection to grant compact blocks of about 25 acres subject to a condition that the society gets in all at least 100 acres of land spread over a radius of 5 miles. The above limits of 100 acres and 25 acres should not however be rigidly followed. There is no objection if the compact block is of say 90 to 100 acres and if the sub-blocks are of say 23 to 25 acres. For this purpose,

a certificate from the Social Welfare Officer that he will be in a position to form a co-operative society.

10. Grant of land shall not be refused to a person otherwise eligible merely on the ground that the applicant does not possess bullocks or agricultural implements.
11. Possession when to be given- In case of lands on which there are standing crops belonging to a person other than the one to whom it is permanently granted, possession shall be handed over only after the crops are reaped.
12. For the implantation of the Government Resolution NO.LND- 3960-A1, dated 1<sup>st</sup> March 1960. –

(1) “Backward Class Persons” shall include cattle-breeders like Rabaris, Bharwads, Dhangars, Maldharis and persons of any community of the like nature and Machhis. However, inter se priority amongst the Backward Classes will be as follows :-

(i) Scheduled Castes and Scheduled Tribes.

(ii) Other Backward Classes (according to the old classification and not according to the revised classification based on economic backwardness).

(2) “Backward Class Co-operative Society” means a society having at least 60 per cent, members of Backward Classes.

(3) “To cultivate personally” means to cultivate on one’s own account (i) by one’s own labour, or (ii) by the labour of any members of one’s family and with the occasional assistance, if, any, of hired labour or servants, on wages payable in cash or kind but not in crop share;

(4) For the purposes of this resolution, an economic holding or a family holding should be-

(a) 16 acres of Jirayatland, or

(b) 8 acres of seasonally irrigated land or paddy or rice land, or

(c) 4 acres of peres of perennially –irrigated land.

Where the land held by a person consists of two or more of the lands specified above, the area of economic holding shall be determined on the basis that one acre of perennially irrigated land is equal to two cases of seasonally-irrigated paddy or riceland or four acres of jirayat land;

Note: “Irrigated” means irrigated by any source and not necessary from Government work (as in Tenancy Law).

In computing the size of economic holding, the area of Pot Kharaba shall be excluded.

(5) ‘Standard area’ shall means the ‘Standard area’ as prescribed under the Bombay Prevention of Fragmentation and Consolidation of Holding Act.

(6) ‘Resident’ means a person residing in a village in which the land is situated or a person residing in an adjoining village within a radius of 5 miles from the land in question.

(7) ‘To hold land’ means to hold land either as an owner, or as a tenant or both;



- (8) 'Family' means a family as defined in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act.
- (9) 'Fragment' means a fragment as defined in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act.
- (10) 'Virgin land' is land which is not under cultivation for a continuous period of three years prior to the issue of these orders.
- (11) 'Landless persons' would include ejected tenants or persons who have surrendered their lands.
13. Government desires to impress upon all the Revenue officers the need for the speedy implementation of these orders, With this end in view, these detailed instructions have been given. It is hoped that all land requiring disposal will be disposed of by 31<sup>st</sup> March, 1962.

APPENDIX 'A'

Village..... Taluka .....District.....

Statement showing the land proposed to be granted to the existing lessees.

Serial No.	Name of the existing lessee	Details of the land held by him on lease			Details of other land held by him on his own		Total	Area proposed to be granted.	
		3	4	5	6	7		8	9
1	2	3	4	5	6	7	8	9	10

No.                      of 1960

Copy forwarded for information and guidance to -

**Instructions for permanent disposal of Govt. waste Lands for Agricultural purpose.**

Following instructions are issued to guide Revenue officers for permanent disposal of govt. waste lands regarding implementation of Govt. resolution, No.JMN-392003-454(1)-A dated 1-11-2003 of Revenue Department.

**1. Disposal of Government Waste Lands.**

Government waste lands are disposed of according to the orders issued in government resolution No. LND-3960-A-1 dated 1<sup>st</sup> March 1960 and amended after time to time. Permanent disposal of Government waste lands including those for which exemption of security is not required and those which are given on lease from time to time should be undertaken as per order mentioned in the list of instructions enclosed with the resolution dated 1-3-1960. The lands for which there is ban on their disposal should be rented for cultivation as per these rules.

Details of lands where restrictions are imposed.

If the land in question is situated in 'command areas of Sardar Sarovar Scheme or any other proposed or existing irrigation scheme, and in a compact block of 100 acres of more or as a part of 100 acres of the adjoining blocks and the land in question is required by Sardar Sarovar Narmada Nigam Ltd, for Sardar Sarovar dam and branch-canal.

Specific mention should be made regarding exemption of security at the time of allotment of land or while submitting proposal to the government for allotment of land and respective Dist. Collectors shall be required to specifically mention the requirements of getting exemption of security.

The Government has formed 'Land Banks' in Kutch, Surendranagar, Rajkot and Jamnagar districts for compensation in afforestation and no exemption security certificate is required to be obtained from Narmada and Water Resources Department for allotment of land for afforestation as compensation in line of submerged lands on account of Irrigation Scheme.

Government Resolution, Revenue Department No.LND-3471/1974/A Dt. 17-5-51  
Government Resolution, Revenue Department No. JMN-3988/3290 (1)/A dated 15-2-89,  
Government Resolution, Revenue Department No. JMN-3988/1785-A dated 28-3-89,  
Government Resolution, Revenue Department No. JMN-3994/3270-A dated 27-1-1995,  
Government Resolution Department No. JMN-3994/1296(1)/A dated 4-7-1998,  
Government Resolution Department No. JMN-3994/1296(1)/A dated 9-12-1998.

### **2. To which lands these orders shall apply**

- (1) All the collectors should prepare a list of government waste Lands which may be permanently disposed. They should follow the instructions printed as Annexure to the resolution. These orders shall apply to all the lands included in final list mentioned in para 1 of the above instructions.
- (2) Today, government and many public institutions require lands for various purposes. Very few government lands are available for use of such purpose in big cities. Government has therefore decided that no government open lands should be given to anybody which are useful for non-agricultural use in all the cities having population of one lakh and above. However, if anybody wants land in special case, a proposal to grant Government land keeping in view the merits and circumstances of the case with detailed information should be submitted to the government for sanction.
- (3) (A) All other Government waste lands included in the final list except fragments of holdings and land of irregular shapes should be disposed of subject to provisions in para 12 of the resolution. The priority order determined under handing over of government waste lands may be continued. However, the persons above in priority order than the persons of backward classes and if they make demand for lands, the lands available at every land office should be distributed in such a way that the members of backward classes may also get such lands invariably.  
(B) Government lands are required to be given on perpetual basis for cultivation on rent. However, if government waste lands are to be given on one year basis for the first time, they should be handed over on one year basis as per priority order prescribed in the resolution and it should be given wide publicity in the village. Care should be exercised to ensure that persons of backward

classes may know this invariably. If there is no demand from persons of backward classes to obtain Government waste lands on one year basis or they may not come forward to claim on account of circumstances, the Social Welfare Officer should be provided detailed information and he should be given four months period to trace backward classes persons. Then such as per standing orders of the Government. In such cases, specific mention should be made by the Revenue officer that government land is given on lease to non-backward class person because no demand has been made by backward class persons even though they were contacted. These orders shall not apply to the cases of renewal of such existing leases for one year.

(c) The growers take possession of the Government lands without permission and escape by paying penalty only under section 61 of Gujarat Land Revenue Code. According to the provisions of Section 61, standing crops on government lands may be confiscated in such cases. Government also directs that Revenue officers should consider to take timely measures to confiscate the standing crops in suitable cases.

**3. (A) Priority order to allocate lands in the areas other than scheduled areas.**

1. Farmers/ land-holders/ families whose agricultural lands have been totally washed away on account of heavy rainfall or flood and thereby they have become destitute, such persons should be given the available waste lands in the village or in surrounding areas on top priority basis for agriculture for their resettlement. If the number of affected claimants is more, first preference should be given to the backward classes farmers or Agricultural co-operative societies of such land-holders.
2. The lands shall be allocated to the retired/ to be retired military personnel keeping in view the following facts.

**Income limit :**

Income-limit should be uniform to obtain land for residences as well as agriculture. They shall be entitled to get lands if their monthly income does not exceed Rs. 3000 from non-agricultural sources other than pension.

**Designation :**

Retired/ to be retired military personnel upto colonel level and habitant of Gujarat should only be considered eligible.

**Eligibility of Gallantry award winner :**

Gallantry award winners who displayed bravery during war should be considered eligible to obtain land, irrespective of their rank. The residents of Gujarat should only be considered eligible.

**To give gaucher land for agriculture without rent for cultivation :**

It has been provided to grant land to the servicemen only on rent for cultivation. The gauchar lands should not be released to grant them. Land should be given on rent for agriculture.

**Land to be given to military personnel who died during war :**

If the soldier dies during the continuance of war, his legal heir should be given land irrespective of any limit or rank.

**Land to be given to the soldiers who have been rendered permanently disabled :**

The soldier who has been permanently disabled during military proceedings should be granted land irrespective of limit. The soldiers who are habitant of Gujarat should be considered eligible.

**Resolution of Revenue Dept.No. JMN-3392/2632-A dt. 27-3-2001 :**

2(1) Following personnel of Defence forces shall not be eligible to obtain land :

- Those who have been discharged or released without getting pension from defence forces.
- Those who have been recruited or taken on commission during emergency.
- Officer on short service commission.
- Those who have been dismissed from the service of Defence Forces.
- Those who have been discharged on administrative grounds. For examples, those who have been compulsorily retired or whose services are not required.

Officers holding rank upper than major in army and officers holding equivalent rank in navy and air force that they are holding this rank on local acting base, on time scale or substantive base.

2(2) It can be proposed to grant government waste land to soldiers of defence forces who are going to retire from service within ensuing two years. But in such cases officer granting land shall have to obtain certificate from head quarter authority to the effect that soldier requesting for land is likely to retire within two years, and in such cases land shall be granted on date of retirement or thereafter. In case of 'other ranks' and junior commission such certificate shall be obtained from officer in charge, record and in case of other officers from any headquarter of army. Person requesting for land is to retire within 2 years and is holding rank of major, it should be specifically mentioned in the certificate that he is not likely to have promotion in the rank upper than major.

2(3) Soldier or ex-soldier has to give guarantee for obtaining land that after retirement he wants to have his maintenance mostly through agriculture and if after retirement he joins any service or business and his monthly income shall be more than Rs. 3000/- from N.A. sources except agriculture he shall surrender government land to Government without asking for any development expenses or government can resume said land without compensation. After having obtained such guarantee his case of granting land will be considered by competent officer. If other conditions for having land by soldier are satisfied and if land is allotted to him this guarantee may be introduced as a condition in form of Sanad to be given to him.

2(4) As it has been intended to grant government land to soldiers after retirement with a view that he can maintain himself by farming land personally,

the land to be allotted to him shall be main source of his maintenance. This shall have to be ensured by officer granting the land. At the time of granting land this condition may be complied with but once it is granted his monthly income is more than Rs. 3000/- from N.A. sources except pension of ex-soldier, officer granting land shall have to obtain guarantee from him in writing that land so granted shall be resumed without any development expenses.

2(5) Soldiers of defence force shall be granted virgin land. In such cases as provided under government resolution dt.1<sup>st</sup> March, 1960 and other resolutions grant officer disposing the land through land office shall have to make personal observation and assure that the land to be so granted is open land on site and there is no unauthorised possession of any one.

2(6) Soldiers/ex-soldiers of defence force means soldiers of three wings i.e. air force, army and navy of government of India.

2(7) Ex-soldier to whom government land is granted shall have to till personally. Otherwise order shall be liable to be cancelled.

2(8) Instead of allotting 16 acre land completely to members of army, they should be allotted double than the land allotted in rent of tenancy to other beneficiaries by land office.

2(9) Under rules for disposal of waste land, those who are in service of army and who do not belong to Gujarat state are not to be granted government waste land except the provisions made in these resolution. This should be specially noted by all grant prant offices without fail. On breach members of army or who are not legible to obtain land and if it comes to the notice of government that they are allotted government land on priority basis, government will be compelled to take strict action in the matter.

2(10) For heir of soldier of Gujarat who has been martyr in war on the Kargil front.

The legal heir of soldiers belonging to Gujarat and have been martyr in war on Kargil front may be granted land in the limit of 16 acres for their maintenance without considering his income limit, rank or period of his duty.

- District Collector concerned should find out cultivable land in the district and take immediate action for allotting land without rent of tenancy to legal heir of martyr soldier.
- Cultivable land shall have to be granted on new, indivisible and controlled tenure.
- The family members/ heirs of martyr soldier are residing in city area and if they are not in a position to have farming immediate action should be taken to grant land to such legal heirs for residential purpose from government waste land as an alternative of agricultural land.

Revenue Department resolution no. LND/ 3998/ 2639/ Dt. 9-9-99.

(3.1) Cooperative societies who have constantly cultivated land for 3 years or more prior to 1<sup>st</sup> March 1960 including present one year lease holders of Government waste land.

- (3.2) Lands granted under grow more food campaign or for cultivating otherwise for one year only may be granted on permanent basis ultimately as per government resolutions, unless lands are required for government purpose or lease holder has contravened any of the conditions of lease or leaseholder does not require said land or he possesses land more than economic area. The lands which are granted under grow more food campaign or otherwise one year lease but not granted on permanent basis should be continued granting on one year basis, unless government would have decided to cancel such lease. If piece of one year and more than economic area is less than standard area prescribed under restricted law it can be granted to lease holder.
- (3.3) The farmers whose land is acquired by Government for other public purpose except the works of schemes framed separately for rehabilitation of persons affected by irrigation and electricity schemes and whose holding has been less than economic holding shall have to be granted extra government wasteland at the same tenure. However, government land granted as compensation as land is acquired for implementation of any project is granted at new and indivisible tenure. Due to this landholder gets land at new tenure when his land of old tenure is acquired, difficulty is experienced in sale, mortgage etc. transactions. Therefore in cases where land of land holders concerned is acquired by government for implementation of any project of land holders concerned and where land is granted as compensation on the basis of new tenure and when original land of such holders is acquired is of old tenure it should be granted in new tenure. When government grants land as compensation in place of land acquired the holder should be granted land on tenure at which he was holding his original land, and if land acquired belonged to old tenure and as its compensation land is granted at new tenure, such cases should be reviewed and tenure maybe changed.

Revenue Department, Resolution No. LND-3997-41-A Dt. 11-02-1997.

- (4) Backward class farmers cooperative joint Agriculture Society.
- (5) Backward class cooperative agriculture society.
- (6) Landless persons cooperative joint agriculture society.
- (7) Backward class members who hold no land or land less than economic holding.
- (8) Those who have suffered for participating in different freedom movements and/or who have been totally destitute and who have no source of maintenance and are agreeable to till the land, such members of Indian National Army and Indian Independence League should be given priority.
- (9) Persons affected by prohibition who are agreeable to cultivate land personally.
- (10) Agriculture graduates who are interested in farming and who are inclined to reside on land and cultivable land personally.

(11) Landless agriculture labourers/ landless bonded labours other than backward class who are ready to cultivate land personally. (Reso. No. LND-3994-3321-A of 5-1-1995)

(12) Kolis of Banaskantha and Chhotaudepur prant should be granted land considering them backward class.

(13) Rabaris of Banaskantha district should be granted land considering them as backward class.

(14) Under Rabari, Bharwad Rehabilitation scheme sanctioned under Govt. Rules no. GAD-1754-dt. 16 April, 1955 if societies of Rabari Bharwad have been sanctioned before 1<sup>st</sup> March, 1960 they should be granted government waste land on merits if they are liable to obtain it permanently. But this benefit can not be given to following societies of Mahesana district.

(1) Devsane Gopalan and Tenant Co-operative agricultural society Ltd., Kadi.

(2) Kaletra Gopalan and Tenant Cooperative agriculture society Ltd., Kadi.

(3) Idada Gopalan and Tenant Cooperative agriculture society Ltd., Kalol.

**3. (B) Order of priority for granting land in scheduled areas.**

(1) Farmers/holders/families whose agricultural land is totally eroded due to heavy rain or flood and have been destitute should be granted on priority basis the village or available waste land in the surrounding for their rehabilitation. If number of such affected persons is more backward class farmers may be given first choice as per standing orders.

(2) Soldiers retired from army/or to be retired or recently have been martyr in war on Kargil front, should be granted land as detailed in para no. 3(a) sub-para 2(1) to 2(10).

(3) Backward class persons co-operative societies and backward class one year lease holders who have cultivated land for 3 years or more prior to orders dt. 1-3-60 were issued.

(3.1) Lands granted for cultivation on Eksali basis under grow more food campaign or otherwise should be granted as per government resolution on permanent base ultimately, unless such lands are required for government purpose or lease holder has contravened terms of lease holder does not require that land or lease holder is holding land more than economic area. The land granted under grow more food campaign or otherwise on Eksali base but could not be granted on permanent base should be continued to grant on Ekshali base unless Government has decided to cancel said leases. Eksali land in excess of economic holding is less than standard area fixed under prevention of fragmentation Act it can be granted to lease holder.

(4) Farmers whose lands are acquired by government for public purpose other than the works for which separate schemes have been framed for rehabilitation of

persons affected by Irrigation and Electricity schemes, but with the condition that their holding has been less than economic holding due to acquisition.

- (5) Persons of scheduled tribe – then those of scheduled caste- out of persons of scheduled tribe there who reside in Gujarat and to whom central government has declared as primitive group should be given more priority.

**Revenue Department Resolu.No. LND-3996-3075-A dt. 22-10-1999.**

- (6) Cooperative joint agricultural society of B.C. farmers
- (7) Cooperative society of B.C. farmers.
- (8) Cooperative joint agriculture society of landless persons.
- (9) Members nomadic and denotified tribes
- (10) Members of backward class who do not hold any land or land less than economic holding.
- (11) Indian citizens repatriated from Zanzibar, Mozambic, Burma, Cylon and Zair.
- (12) Persons who have suffered for participating in different freedom movement and or who have been destitute and have no other source of maintenance and are agreeable to cultivate land personally. In this priority members of Indian National Army and Indian Independence league should be included.
- (13) Persons affected by prohibition who are agreeable to cultivate the land personally.
- (14) Agriculture graduates who are interested in agriculture and who are desirous of residing on land and cultivate the land personally.
- (15) Landless agriculture labours/ landless bonded labours except backward class who are ready to cultivate land themselves.

**3 (C) Interse priority of backward class :**

Government waste lands as per interse priority of backward class fixed should be granted on priority to member of scheduled tribe, and then scheduled caste and other class and they should be given possession of land after drawing panchnama and as per position of site. It is noticed that land granted to Harijans is cultivated by other persons without permission, its possession should be obtained alongwith standing crop and immediate action should be taken to entrust it to really entitled persons.

If other people are using land granted to backward class people, harassing them, the social welfare officer should be fully authorized by collector to take action in the matter. When any complaint about this is received revenue, police/social welfare officer and officer of panchayat department together should take immediate strict action and backward class people should be relieved from such harassment. These instructions should also be strictly complied with by other district level officers. Government will take serious note of any kind of negligence noticed in respect of this.

**'Other Backward class'**

With intent to encourage stockmen, Gopalaks to lead steady life, 25% land out of total available village land before letting out should be reserved for granting to stockmen the land liable to be left out.



**4. Limit for granting land :**

- (1) Persons having economic holding or his own land more than that shall not be granted any land. The land should be so districted that government land can be letout to more and more members, and economic standard can be mentioned and cultivation of land would economically be possible. For this 16 acre land should not be granted so far as possible land where it has been so granted reasons for letting out should be mentioned in order by the officer concerned.
- (2) Any land granted individually shall not be more than economic holding. But person who have his own land less than economic holding should be granted such land as may be necessary for making his holding economic. It may be seen that the members of one & same family are not let out land more than the limit fixed.
- (3) The proportion of land which can be granted to cooperative societies shown in para 3(a) and 3(b) should be fixed multiplying unit of economic holding with number of members of society, but such limit can be increased if found necessary to see that such limit may be one impact block. Such limit should not be more than two economic holding per member except it is with permission of government.
- (4) Priority given to cooperative societies shown in para 3(a) & 3(b) shall be applicable when any member does not hold land equal to economic holding or more than that.
- (5) The land situated in the village should be granted to persons having priority as shown in para 3 (a) & 3(b), and there is no demand as per priority that the land should be granted to persons having priority and residing within radius of five miles of the village. That means for priority village is unit, and if there none of the above two priority should be given to persons of nearest village having priority, Exception only is for (1) persons working in defence force of India and (2) farmers whose land has been acquired by Government for public purpose. In case of co-operative societies if their majority members are not residing within radius of five miles no land can be granted to them.
- (6) All lands to be granted shall be granted at new and indivisible title and person to whom such land is granted has to bring it under cultivation within two years, and they should make an agreement that if it is kept waste and for having negligence about it, that land shall be liable to cancelled.  
  
Note: The land held by person as owner to tenant lease holder shall be taken into consideration at the time of considering the land as economic holding.
- (7) If person having priority may not demand land from land office as there may be less population in the village or having some proper reasons and if village people desire that Eksali cultivators may not be landless collector may submit his proposal to government to give relaxation in rules as a special case.
- (8) In cases where backward people may be cultivating the land since last three years constantly and unauthorisedly before 1-3-1966, government shall decide on merits to grant the land unauthorisedly cultivated subject to condition of resolution Dt. 1-3-1960 making total land with backward class persons in

proportion of  $\frac{1}{2}$  the economic holding. Collector may submit his report if felt necessary.

**5. Disposal of land pieces and having no shape of assessment.**

Land which is waste because of small in size or having no shape of assessment or due to site and which is less than standard area under Bombay Prevention of fragmentation and consolidation of holding Act 1947 should be disposed of granting to following person.

(1) Nearest holder, is one person and is ready to have piece of land and if it can be joined with his holding, in such case adjoining piece of land can be granted to him at the current market price if total holding does not exceed ceiling.

(2) If it is cooperative society and adjoining holders are more than one and among them adjoining only one holders is cooperative society.

(3) If adjoining owner is member of backward class and they are more than one and among them any adjoining holder belongs to backward class.

(4) If holding is small in size whose adjoining holder is of backward class and adjoining holders are more than one and belong to backward class and it is not cooperative society.

(5) If adjoining holder having smallest holding is more than one and any one is cooperative society and none of them is of backward class pieces of land is to be granted under tenure of adjoining standard area as per prescribed order under preventive Act. If piece land requires to be granted at old tenure it shall be granted at one and half time amount than to be charged as per para 5/A or market price whichever is more.

(a) Backward class person should be granted piece land at new and impartible tenure on 6 time amount of assessment and to non-backward class person on 24 time amount of assessment.

(b) The land if piece should be granted to member of backward class with old tenure at rate of nine fold of assessment and to non backward class persons at rate of 36 fold of assessment of market value.

(c) The land of piece should be granted to a person on permanent basis who tills on Eksali base for three or more years before 1-3-2000, though he is not in order of priority of economic holding.

6. Detailed procedure to be followed in disposal of land is given in the instruction of the G.R.

7. The Collector should ensure that they are followed strictly. Recovery of occupancy price:

For the land given under above para 3-A, 3-B and 6 occupancy prices under shall be recovered:

(1) For cooperative societies, if they are granted virgin land nothing shall be charged and if they are granted non-virgin land fivefold price of assessment shall be recovered.

(2) If the backward class persons are granted virgin land, nothing shall be charged and if they are granted non-virgin land six fold price of assessment shall be recovered.

(3) If non-backward class persons granted virgin land, twelve fold price of assessment shall be recovered and if they are granted non-virgin land 24 fold price of assessment shall be recovered.

(4) Physically handicapped persons are granted virgin land they shall be granted assessment free land for first five years.

(5) The land resumed due to violation of condition of new tenure or due to violation of Sanand, seized for recovery of government dues, non-payment of revenue by holders due to surrendering of land the land taken over by the government if this land is not to be returned to original occupant such land shall be disposed of by auction as government land.

**GR RD No. JNM-5298-230-A. Dt. 25-5-2000.**

(6) If one scheduled Tribe member sells land of new tenure illegally to other such member, the land should be resumed for breach of condition and after that if the original holder being ineligible, the land should be granted to member of scheduled tribe who has purchased in good faith and on new tenure irrespective of priority under the provisions of this GR and he should be charged simple market value for the land.

(7) For land granted under “grow more food campaign” or land granted for tilling on Eksali base he shall be charged single assessment because it is to be disposed of to such priority person but looking to the circumstances the land is granted for Eksali.

(8) Except these cases, for grant of government land on Eksali basis for tilling double rent of the assessment should be charged as rent.

**8. More detail for tilling:**

When a person has been granted Eksali land and no formal notice for termination of lease for Eksali land has been given and where no application has been made still such Eksali land holder's possession is not to be treated as unauthorized.

(A) Under rules of tilling of waste land holders who have priority and possessing land prior to 1960 and thereafter is continuing the shall be granted permanently.

(B) While disposing government land, under rule 75(1) of Land Revenue Rules for Pot Kharaba of Shown in class A and class B calculation has to be done for assessment and as per assessment of Survey Nos.

Forms along with this should be provided in sufficient number to the village accountant so that they can get from Eksali lease holders every year in January month means in advance of 31<sup>st</sup> March applications for renewal of lease. In order to enable lease holders to apply for renewal of lease, the Circle Inspector should look into the matter based on entry of village record. The Mamlatdar should also ensure that based on record of his office, the lease holders may apply before expiry of their lease when the applications are received by the Mamlatdars, they should inform the leaseholders the suitable decision of renewal of lease or its expiry before 31<sup>st</sup> March.

(C) After issue of order of tilling of govt. waste land a copy of it should be sent to D.I.L.R. for measuring the land and measuring work should be completed in one month. For Harijan, Tribal and other backward class people, the measuring book should be made at government cost. After measurement being over, a panch nama should be made and submitted to concerned persons physical possession of specific Khunt measurement on the spot. After possession having given and payment of price of possession paid up a

Sanand to the concerned persons should be given in 7 days in prescribed form for allotment of land in 7 days and a receipt to that effect should be obtained. All these procedures should be completed in three months in any circumstances after orders for grant of lands are made. Immediate steps should be taken to ensure that no ground exists for delay in the procedure. Failure to act in time for competent authority will make him liable to action.

(D) No price of possession of virgin land is to be charged from Harijans. When Eksali land is made permanent and that Eksali land when tilled it was virgin, it should be considered virgin no price of possession from Eksali lease holders should be recovered. When the land tilled by other is given to Harijans, it should be treated as non-virgin, value of possession for non-virgin should be recovered from him.

(E) When waste land is to be handed over, and when the thicket has no time bar, it should not be valued by Forest Department but through Mamlatdar or deputy Collector of Revenue Department and if required papers of price estimate should be sent to Forest Department.

(F) All the collectors, DDO's are directed that when land is sanctioned under land Revenue Code and for taking possession of land u/s60 of it, and when possession of land under Rule 54 of land Revenue Code is to be made, the necessary instructions are issued to Mamlatdar TDO to issue permission in Form 'A'. Before grant of permission for it, it should be ensured that agreement for lease under rule 37 to 47 is made.

**9. No. of installments for occupancy price, time limit and payment in installments.**

**Penal interest for delay.**

**No. of installments:** Occupancy price shall be paid in installments which except for backward class, farmers shall not exceed six and for backward class farmers, it shall not exceed twelve installments. This detail should be given in case where facility of payment of price by installment of permanent right of possession is given and a warning in register of Form is also given.

**Rate of Penal interest:** If the installments are not paid regularly and competent authority condones delay in payment of installment and does not forfeit government land, the defaulter shall pay annual 8 percent penal interest for delay on such installments.

(C) For trees grown on land to be disposed if the grantee is willing to pay the price is lump sum or in installments they should be given away. Price of trees should be fixed as per the land acquisition Act. As far as possible auction of trees should be avoided.

(D) Orders contained in (C) above do not apply to reserved trees.

(E) When government waste land is disposed for agriculture purpose, price of prosopis julifera (Vilayati Babual) should be charged as per rules.

(F) When it is decided to grant govt. land permanently or on lease in such cases when price for possession or rent in installments is not to be recovered, no detailed formal order for grants of land should be made but it has been decided that to grant land by recovery of price for possession/rent and other payable amount and such instructions should be issued to the applicant by letter and after receipt of such notice in 30 days due amount should be credited to the government and a due receipt of payment made should be produced to the competent authority so that formal order for grant of

land can be issued and if they fail to do so, it shall be presumed that they are not interested in this demand and the whole procedure shall be dropped. After issue of such notice and after crediting such amount and after verification by competent authority, the Revenue officer should issue detailed formal orders for grant of land in concerned cases.

This procedure shall apply only to areas covered under Municipality, corporation and Urban Development Authority of six big cities of the states.

**10. Payment of assessment:**

All the purchasers of land shall have to pay full assessment except that if the virgin land is given to cooperative societies and backward class persons for first five years and granted to other persons for first three years no land assessment shall be charged.

**11. Allotment of land:**

If any of the terms and conditions for grant of land is violated amount of occupancy price recovered from purchaser of land shall be refunded and land shall be liable to be seized. However, if improvements are carried on the land no compensation shall be paid for it Default in payment of assessment shall be paid for it Default in payment of assessment shall be violation of terms leading to seizure of land. Note of all such proceeds should be made in No. 4 of Taluka invariably so that effective check can be kept on its recovery.

**12. Gram Dan Villages:**

There are many villages which are complete Gramdan villages. Government waste land of these villages should be allotted to Gram Swarm Cooperative institutions proposed to be formed as agricultural and all purpose cooperative societies.

**13. Exceptions:**

These orders shall not apply to the following lands:

(A) Lands which are disposed by special orders such as Bet and Bhetha land Kotar lands, Khar lands, village pond bed lands and river bed lands.

(B) Lands of Dangs District:

(C) Under rules for permanent disposal of government waste land, the government waste land which is for high non-agricultural purpose should not be disposed for agriculture. Land of high non-agriculture purpose should be treated as under metropolitan plan or valuable land under planning regulations and they should not be disposed.

(D) The land which has been reserved by government for its own use should not be disposed.

(E) Except under land Revenue Code and land Revenue Rules and except powers granted for special type of cases, the collectors should not grant any agricultural land without auction. If in special cases and special circumstances if need arises to grant government land without auction. Individual case should be put up to the government for approval.

(F) Those handicapped persons who have under gone training for agriculture at training school at village Fansa Dist. Valsad, their cases should be referred to the government.

(G) As per GR for blind of backward class, blind persons mentioned in category of S.C. S.T. or O.B.C. agricultural labourers or Baxi Panch eligible to land as per priority as per G.R. for blind persons.

However, for non-backward blind persons who are too poor to maintain themselves economically and there is no body in family to look after and maintain them, for such blind persons to maintain and raise income, if they demand for agricultural land such cases should be examined on merit, and the proposal for grant of land should be sent to the government for approval by the collector.

(H) Grant of land shall be made for poultry farming as a supplementary occupation of agriculture as per terms and conditions shown in para 13 of annexure of the G.R. as per priority.

**14. Land allotted to Tribals may not be transferred to non-tribals.**

Government waste land is given to S.T. people for tilling on new and in alienable tenure, such land should not be transferred to non-tribal people without govt. sanction.

**15. Register for waste land should be prepared and to keep it open for inspection.**

Register No. 1 showing details of waste lands should be prepared and maintained in the offices of Mamlatdars and Prant officers.

(A) All details viz every detail of all survey numbers shown in the final list of each village of Taluka, area of survey number situation of every survey no. of waste land in register No. 1

(B) In register No. 2, survey Nos. of waste land classified as unsuitable for agriculture have been shown. Moreover, lands specified for public purposes as shown in para 4 and lands specified for public purposes other than those mentioned in para -4 should be noted down in the Register. Both these registers should be kept open for people who want to take waste lands for cultivation.

**16. Application Forms and procedure thereof:-**

Application forms for the persons desiring to obtain Government waste lands for cultivation have been appended with instructions copies of the forms should be kept ready.

(A) On receipt of application in the prescribed form, Dy. Mamlatdar/ Shirestedar should examine them carefully, tally with register and ascertain. If the application is to be amended or if necessity arises to get further information, if the land under demand has not been shown in Register No. 1 and shown in register No. 2, a detailed noting should be submitted to Prant Officer for rejection of the claim and should be promptly disposed.

(B) If applications demanding waste lands are received in Saurashtra area, such lands should be classified by Agriculture Department promptly. If they are found suitable for agriculture, they should be included in the final list and such applications should be disposed of at once.

**17. Grant of lands by relaxations:-**

(A) In spite of whatever has been stated in above paragraphs, the Collectors shall submit proposals to the government to relax the rules in cases where lands may not be granted in ordinary circumstances; but it is proper to grant them lands in relaxation of rules. They should ascertain and submit to the government for orders. The government reserves rights to grant lands in view of facts and circumstances of each case. This provision has been made in view of all priorities especially lower level priorities.

- (B) Following criteria have been decided to grant lands to the Freedom fighters. The Collectors should submit such proposals in view of such criteria to the government. The income-limit is fixed Rs. 3500 per month including pension of freedom fighters for grant of lands to them for residential and agricultural purposes.

Government Resolution, Revenue Department No. JMN-3986-15-A, dated 20-8-2001.

**18. When government lands are to be allotted for agricultural or non-agricultural purposes, they should be allotted in joint names of husband and wife.**

When any person requests to grant him government lands for agricultural or non-agricultural purposes and if the request is granted, such lands should be granted in the joint names of husband and wife. *Sanads* thereof shall also be prepared in joint names. However, when a woman may apply to grant such lands for agricultural or non-agricultural purposes and if such lands are granted to her, the lands should be granted in the individual name of the woman and *Sanad* should also be prepared accordingly.

Government Circular, Revenue Department No. JMN-3989-601-A, dated 13-12-1989.

**19. Grant of adjoining government land for agricultural purposes.**

All the Collectors/District Development Officers are informed to take necessary steps before granting of government land as adjoining lands in view of following guidelines:

- (1) When government waste lands have remained waste on account of small size or irregular shape or situation and its total area is less than that prescribed in Fragmentation of Holdings Act, 1947, only such lands should be considered for grant for agricultural purposes as adjoining lands.
- (2) Such government waste lands of fragmentation type, i.e. dry land should be below two acres and when horticultural land is below one acre, procedure should be made to dispose waste lands of survey numbers with of small area.
- (3) When such fragmentation type of land is adjoining to the owner of land and it is not adjoining to any other person and if that owner is ready to purchase it, it should be granted at existing market rate, provided that his holding does not exceed economic area. If it is not so, they should be decided in view of priorities of demand, merit number and arranging hearings of surrounding holders and merits of the case.
- (4) Before deciding the lands as adjoining lands, priority should be fixed according to the resolutions dated 1-3-1960 and 15-2-1989 of Revenue Department. Provisions of the said resolution should be scrupulously followed. The lands should be disposed of according to the policy of the resolution by taking supplementary list and after ascertaining locally whether the land is fragmentation type.
- (5) The adjoining lands may not be granted from the waste lands of survey numbers having area exceeding two acres. They may not be granted by fragmentation or farming parts.
- (6) Government waste lands near National Highway, State Highway or major District roads are very valuable. Such lands at a distance of two kilometers, one kilometer and half kilometer respectively should not be given to anybody.
- (7) Lands in the villages under Urban Development Authority, G.I.D.C., industrial zones, villages of district/taluka headquarter, municipal areas (urban areas) are important from the view of point of their situation and have N.A.

potentiality and suitable for industry and are precious should not be given to anybody.

- (8) Generally one person of the family may be given such adjoining land. However, if two or three members of a family have separate holdings, they should not be given such adjoining land.
- (9) Lands adjoining to railway line, big pond, dam or the land near river-bed should not be granted as adjoining land for agriculture. If passage of village roads and land-holdings of the holders are stopped by granting such adjoining lands, they should not be disposed.
- (10) When adjoining lands are granted, sales register of five years of the village and market price as decided by arbitrator, whichever is more should be recovered before their disposal.
- (11) When a farmer makes demand for adjoining land to the Mamlatdar, the Mamlatdar should submit to the Collector for decision within 30 days of the receipt of the demand. The Collector should decide the proposal of the applicant and reply within 30 days.

Government Circular, Revenue Department No. JMN-3997-2098-A, dated 25-09-1997,  
Government Circular, Revenue Department No. JMN-3998-1504(1)-A, dated 9-9-1998.

**20. Grant of government land and Kotar lands to construct a well.**

Government Resolution, Revenue Department No. JMN-3966-61958-A, dated 9-9-1966 provides for grant of government waste land to agriculturist land-holders to construct well when the land-holder is not in a position to construct well in its own land, provisions have been made in the Circular dated 10-1-2000 to grant him government waste land nearest to his own land. Various farmers' associations have represented to grant ravine lands also to agriculturist land holders to construct well. After careful consideration, it has been decided to grant ravine land to the land holder nearest to his land for construction of well according to existing norms. All the Collectors have been instructed accordingly. All other conditions of resolution dated 9-9-1966 remain same.

Government Circular, Revenue Department No. JMN-1098-1504(2)-A, dated 10-1-2000,  
Government Circular, Revenue Department No. JMN-1098-1504(2)-A, dated 4-4-2002.

**21. When the problem of interpretation arises, provisions of the original resolution shall be taken into consideration.**

Annexure to Government Resolution, Revenue Department No. JMN-392003-454-A, dated 1-11-2003.

Instructions for permanent disposal of government waste lands:

Following instructions are issued to guide the Revenue officers for permanent disposal of government waste lands regarding implementations of Govt. Resolution, Revenue Department No. JMN-3988-3290-(1)-A.Dt.15-2-1989.

- 1. Preparation of final list of available land:-

It is necessary to know which lands are available for disposal before their final disposal. The Prant Officer/Assistant Collector should prepare a list of lands available for disposal. This list has been referred to as 'final list' hereafter. This is necessary to prevent claims from various persons and resultant appeals for the disposal of government waste lands. Experiences have



revealed that the delay takes place on this account. Consequently, there is unnecessary wastage of money, time and work. It is, therefore, desirable to prepare a final list of lands available for disposal prior to initiating the work of actual disposal. It shall be duty of the Collectors to ensure that lands included in the final list are properly disposed. The statements of disposal of lands shall be submitted to the government.

2. Lands to be excluded from the Final List:-

Firstly, Prant Officer/Assistant Collector should prepare a list of all government waste lands of the village. The list shall include the lands given on lease on yearly basis, lands reserved for public purposes and the lands required to be reserved – thus all waste lands. The list shall be provisional and –

- (1) Effect of various restrictions for disposal of permanent disposal of the land; and
- (2) Final list shall be prepared in view of lands required for public purposes;
- (3) As regards restrictions on permanent disposal of government waste land, it has been decided to discontinue permanent disposal as well as yearly lease of compact block of 100 acres or more, as well as for one year, so that the lands may be available for resettlement.

3. All claims on lands should be examined in time:-

Before taking decision to finally dispose of all government waste lands, requests of local self-government institutions and/or village people to reserve such lands for public purposes should be taken into consideration. Government also feels that once the land disposal work starts, it should not be stopped for any type of claim. Delay is likely to take place in final disposal of waste lands on account of statements and appeals submitted to the government from rival groups or parties many times. The interested persons also delays in implementation of speedy implementation of government policy. The government has, therefore, decided to examine all such claims. The Collector should undertake their final disposal. Following procedure shall be followed in this regard.

Where the opinions of Local Bodies are to be sought as per government instructions, it should be specifically mentioned in the letters addressed to local bodies that “If no reply is received within 60 days of the date of receipt of the letter, it will be presumed that local body is agreeable to the proposal and further actions will be taken”, so that there is no delay on account of non-receipt of opinion of local bodies for disposal of waste lands. Further action may be taken after 60 days presuming that local body is agreeable to it.

Lands reserved for public purposes should not be included in the Final List:-

While preparing a provisional list of available government waste lands, the Mamlatdar shall prepare a list of lands required for public purposes in the village. Following shall be in order of priority among public purposes:-

- (1) School, play grounds, gymnasium,
- (2) Land for house sites,
- (3) Land for grave yard and/or cemetery,
- (4) Grazing land,
- (5) Cattle shed and manger
- (6) Manure pits.

Mamlatdar shall seek advice from Panchayat and general opinion of village people and will submit its recommendations to the Prant Officer. If the Panchayat has requested for above purpose, the government should return and take into consideration future requirements of the village. He shall inter-alia submit his recommendation to reserve government lands for public

purposes and a copy of provisional list to Social Welfare Officer. Considering the opinion of Social Welfare Officer, the Prant Officer shall submit his recommendations to the Collector. The Collector shall take final decision as to which lands in the village should be kept for reservation for public purposes considering the recommendations of the Prant Officer and the Social Welfare Officer. If the Panchayat has not made any demand in view of future growth of the village, the Collector shall take final decision to reserve the lands for school, play-ground, gymnasium etc. the lands thus reserved shall not be included in the 'List'. The lands given for cultivation for one year may not be allotted for public purposes. Such lands shall, therefore, be included in the list. After obtaining opinion of the Panchayat, the objections put forth by the Panchayat at the time of payment of rent stage, should not be accepted when the payment of rent stage are in favour of Harijans or tribals.

4. If it is represented that the land is arable, it should be entered into final list.

Government expert may express opinion that certain lands are not arable. However, if the person who makes demand for land represents that the land is arable, it should be entered into final list and necessary action should be taken as per rules to put it under 'Santhani'.

5. Priority of existing lease holders:

As high priority is to be assigned to the existing lease holders observing certain conditions, the Mamlatdar should submit statement as given in Appendix-A to the Prant Officer, which shows names of existing lease holders, land, survey number, area and survey number to be assigned permanently as laid down in paragraph-4 of government resolution. Thus, all the lands mentioned in provisional list excluding the lands reserved for public purposes shall be included in the final list. However, as the lands are to be permanently disposed in case of existing lease holders, the lands to be given to them on permanent basis shall be included in the final list of the land.

6. Options to Lease holders:

Where the lease holders have made large-scale changes in the land given on lease to existing lease-holders and are in position to retain any land given on lease according to para-4(1) of the government resolution No. LND-3960-AI dated 1<sup>st</sup> March, 1960, he should be given option to retain with him the land in which he has made alterations provided he hands over equal area of the land from his ownership land.

7. Publishing of final List:

When final list is prepared, the Collector shall send its copies to Social Welfare Officer, Assistant Registrar, Prant Officer and Mamlatdar. The Mamlatdar shall publish the list in all villages within area of five miles and also in the village concerned. He shall place a copy to Taluka Office also for perusal. List of lands reserved for public purposes shall be sent to Social Welfare Officer, Assistant Registrar and Gram Panchayat.

8. Procedure to dispose of lands included in the List:

(1) On receipt of the final list by Social Welfare Officer, he shall submit a proposal within three months to allot such lands to backward class persons and their co-operative societies and landless agricultural labourers as shown in para 3-A, 3B and 5 of this resolution. Such proposals may be made for existing co-operative societies as well as those to be formed hereafter. One copy of the proposal shall be directly submitted to the Prant Officer and second copy shall be submitted to the Collector. However, the Social Welfare Officer shall not make any proposal for retention of the land with existing lease holders.

- (2) Thenafter the Prant Officer shall inform Social Welfare Officer and Harijan Sevak Sangh, shall organize land offices in maximum key villages as per definite programme pre-decided earlier and carry out work of disposal of lands. Harijan Sevak Sangh should be informed the programme of Land Offices before fifteen days. It is desirable that Collector may arrange such programme for all Prant Officers on the date when Social Welfare Officer is present. The Prant Officer shall ensure that the wide publicity is given to the programme in all villages, taluka offices, District Collector Office and local newspapers. He shall see that timely publicity is made in all the neighbouring villages for details of the lands to be disposed. Applications within\_\_\_\_days from publication of notice should be invited from the eligible persons before such offices are held.
- (2-1). A member of Legislative Assembly may seek copy of programme of land Office. When the land office is held, Harijan M.L.A. in the District, if there is any as well as the representative of Harijan Sevak Sangh in the villages should be invited.
- (3) The Prant Officer shall allot lands subject to conditions laid down in para 3-A, 3-B and 5 of this Resolution at land offices. The Prant officer shall pay proper attention to the recommendations of the Assistant Register, Co-operative Societies to grant lands to Landless Agricultural Labourers' Co-operative Societies as stated in paras 3-, 3-B and 5 of the aforesaid government Resolution, those of Social Welfare Officer to grant lands to Backward Classes Co-operative Societies and Backward Class persons, subject to first two types of demands, mentioned in para 3-A of the above government resolution. If the recommendations of the above officers are not agreeable, the lands should not be finally disposed of till the orders from the Collector is received. If Social Welfare Officer or his representative takes objection to grant lands to first or second type, attention shall be paid whether the person concerned is of the said category and if the question is relevant, attention also shall be paid on the objection. If such dispute is raised, the Prant Officer shall submit the case to the Collector for disposal. The disposal of the land shall be postponed till decision of the Collector is received.
- (4) When the dispute of disagreement is entrusted to the Collector as mentioned in para 8(3) above, he shall give his decision within a period of two months and his decision shall be followed/implemented by Prant Officer.
- (5) If the land available for disposal is less than the land required for allotment as per minimum norms and if the Social Welfare Officer may not form a Co-operative Society, the land shall be granted to such person who is recommended by the Social Welfare Officer. The Prant Officer should not decide the issue under any circumstances.
- (6) When procedure is made for Santhani of land, the Collector should invite the chairman of the Social Justice Committee of every taluka or the members of the Committee, who are considered suitable for Land office and they should be made conversant with all matters from the beginning to end of the Santhani work.

### 9. Grant of Lands to Societies:

Even though the Co-operative Societies are assigned top priority, it is not possible to grant them land except compact blocks. That is why the minimum compact block should admeasure about 100 acres. However, if 100 acres of land is spread out within a diameter of five miles, there is no objection to consider compact block of about 25 acres of land. However, the above limit of 100 acres and 25 acres should not be scrupulously followed. There is no objection if a compact block comprises of 90 to 100 acres and sub-blocks of 23 to 25 acres. A Co-operative Society of such persons may be formed in an area of five miles or equal diameter for this

purpose. The Certificate issued by the Social Welfare Officer is sufficient to grant land to the Society for the Prant Officer. If the District Registrar demands to form Co-operative Agricultural Society, he should be given a period of six months.

10. Land should be allotted to the applicant is otherwise qualified:

Even if the applicant has no bullock cart or agricultural implements but he is otherwise qualified, he may not be refused to grant land.

11. When to give possession:

When there is standing crop of the person other than one who is to be granted land on permanent basis, he should be given possession of the crop of that person is harvested.

12. for implementation of the said Resolution:

1. Inter-se Priority Order among backward class persons.

Backward class persons include Scheduled Castes, Scheduled Tribes, Social and Educationally Backward 82 castes shown in Annexure-I appended with G.R., Social Welfare and Tribal Development Department No. BCR-1078-13734-H, dated 1-4-1978 as well as Economically Backward landless persons as stated in para-4 of the resolution dated 1-4-1978. However, inter se priority among backward classes will be as under:-

(A) Scheduled Castes and Scheduled Tribes; but if case arises Valmiki Class may be given first priority.

(B) In scheduled areas, first priority should be given to Scheduled Tribe persons and second preference to Scheduled Castes.

(C) 1. Socially, Educationally and Economically Backward classes, landless persons.

2. Kolis from Chotta Udepur Prant may be treated as backward class and granted land.

3. Backward classes Co-operative Societies means such societies, wherein minimum 60% members are from backward classes.

4. Definition of self-cultivation.

Self cultivation means – (1) with own labour or (2) with the labour of members of the family, not sharing in crop; but cultivation of the land by labourers and servants kept on wages, payable in cash or kind occasionally.

5. Economic holding shall be as under for the purpose of the

Resolution:-

1. About 16 acres of dry land, or

2. About 8 acres seasonal irrigated land or land fit for growing paddy; or

3. About 4 acres of perennial irrigated land.

Where a person holds two or more types of lands then for determining whether he holds the land more than, equal to or less than the area of economic holding all his lands shall be converted to equivalent dry land as one acre perennially irrigated land shall be four acres of dry land and one acre of seasonal irrigated or land fit for growing paddy shall be 2 acres of dry land.

Note : - Self cultivation means the same as “cultivate personally” defined as per Bombay Tenancy and Agricultural Land Act, 1948.

While calculating size of economic holding pot-kharaba area shall be excluded.

6. Standard area: - Standard area shall be as prescribed in Bombay Prevention of fragmentation and Consolidation of Holdings Act.
7. Resident: - Resident means the person living in the village, where land is situated or the person living in any adjoining village situated within a radius of five miles from the land.
8. Possessing land : - Possessing land as owner or as tenant or as both.
9. Family: - Family includes – father, mother, dependent sister, son, dependent daughter and other co-partner.
10. Fragments: - Fragments means fragments as defined in Bombay Prevention of Fragmentation and Consolidation of Holdings Act.
11. Virgin land: - The land not cultivated since continuous three years before 1<sup>st</sup> March, 1960.
12. Landless persons :- Tenants, who have been evacuated from the land or who have handed over his lands or persons cultivating lands, less than 1/16<sup>th</sup> of the ceiling as defined in Section 2(26) of the Gujarat Land Ceiling Act are included among them.
13. Grant of government waste or gauchar land for poultry farming.
  - (1) The government waste/gauchar lands shall be given on new and impartible tenure as mentioned in resolution No. 1970/45, dated 17<sup>th</sup> October, 1947 on priority as stated in resolution, dated 1<sup>st</sup> March, 1960 for poultry farming.
  - (2) The person who request for land should have veterinary degree/diploma certificate of training in poultry farming run by Animal Husbandry Department.
  - (3) First preference to eligible Scheduled Caste, Scheduled Tribes and persons included in Socially & Educationally Backward Classes.
  - (4) land should be selected at higher place to construct poultry farm, so that there may not be water logging or moistrous atmosphere and the poultry may get protection from heat by surrounding tress.
  - (5) The Collector shall be required to get opinion of District Planning Officer, Intensive Poultry Development Block, District Extension Officer and concerned Officer to grant land.
  - (6) For Birds unit of 50 birds, 125 sq. feet ground floor for poultry house and gauchar house of 75 feet ground floor adjoining to it are required. Its bottom should have been constructed by cement concrete. Its height should be two feet, Surrounding area of poultry house should be open, so as to facilitate air pass cage. In short, land shall be granted at 8 sq. feet per bird including construction and open land for the occupation. If Poultry unit is for 100 or 150 birds, he shall be entitled to have more

lands accordingly. Moreover, food storage, residence for watchman etc. should be considered on merits of the case.

- (7) The District Collectors shall grant lands in accordance with above conditions and as per prescribed priority order, without auctions but at prevailing market price alongwith regular taxes on the conditions laid down in resolution No. 1970/45 dated 17<sup>th</sup> October, 1947 on new and impartible tenure terms.

14. Disposal of isolated government waste land survey number:-

The villages in which most of the government lands in final list have been disposed of and isolated government waste land survey number is pending for disposal and if individual demands from Scheduled Castes members are received, following procedure should be adopted.

- (1) Talati should display a list of government waste arable lands alongwith their survey numbers and area at the Chavdi of every village in such a way that everybody can read it. When any member of Scheduled Castes living in the village comes to get information, he should be provided information to his satisfaction.
- (2) After getting information of government waste lands if any, Scheduled Castes person apply for it, it should be ensured that he applies in prescribed form. If he has applied on plain paper, he should be provided with a typed form forthwith and he should be instructed to deliver it to the concerned Mamlatdar in person.
- (3) If the applicant comes to the Mamlatdar Office with application, it should be ensured that the application form is complete in all respects in the presence of the applicant. If there is incomplete information in any column he should ask him and make it complete.
- (4) After getting application, the Mamlatdar should send to the concerned Circle Officer for enquiring and should insist to get report alongwith case papers within seven days. When Circle Inspector/Circle Officer reports and if government waste lands are handed over to the applicants, direct possession may be given alongwith the order because the land is open. It should be insisted that he includes site inspection in his report.

If the land in question is under encroachment, the Circle Officer should mention other open government waste land, its survey number and area in his report as an alternative.

- (5) The Mamlatdar should on receipt of the report of Circle Officer, should submit his report to the Prant Officer with his clear opinion within seven days.
- (6) The Prant Officer should dispose of the application within fifteen days from the date of receipt of the papers alongwith opinion of the Mamlatdar.
  - (1) If the land may be allotted, orders shall be issued accordingly;
  - (2) If the land in question is such that it may not be allotted, detailed written reply should be made to the applicant alongwith reasons.

(7) If orders have been issued to allot the land to the applicant as requested, the Prant Officer should keep such papers till the report pending from the Mamlatdar is received, of having given direct possession to the claimant. The Prant Officer should insist that actual possession of the land is given within one month from the date of issue of the order.

### Grant of government waste lands for Non-agricultural purposes

Instructions have been given under integrated resolution of Revenue Department dated 6-6-2003 to grant government waste lands for various non-agricultural purposes. As original papers of the proposal covering basic process on the applicants' applications for availability of the land in question viz.; existing position according to revenue record area, encroachment of the land in question, plans of the site, eligibility of applicant as per said resolution, written statement of the applicant, surrounding position, statements of the concerned persons are prepared in Mamlatdar Office under his supervision, the provision of the resolution require study.

Therefore, these instructions have been included for guidance of all implementation officers. They are as under:

Revenue Department has issued 75 resolutions/circulars, consolidated all of them and issued integrated resolution to grant government waste lands for non-agricultural purposes. All Implementation officers have been instructed to implement these instructions. If while implementing, the question of interpretation arises, provisions of original resolution issued should be taken into consideration. Provisions to grant government waste lands for non-agricultural purposes are as under:

**1. Grant of land for house sites to farmers, agricultural labourers, backward class persons and Backward Class Cooperative Housing Societies.**

(A) Government lands in rural areas may be given to needy farmers, agricultural labourers, backward class persons individually upto 200 sq. meters and to their Cooperative Societies maximum 100 sq. meters per member for house sites without auction. The persons who are given lands shall have to pay every annual non-agricultural assessment and other taxes and cesses as may be levied from time to time.

(B) Government has further decided to enhance the existing power of disposal of government land and to vest following powers to the District Collector to grant government waste lands for non-agricultural purposes :-

Sr. No.	Purpose	Existing powers Area Price in Rs.	Enhanced powers Area Price in Rs.
1.	Industrial purpose	2 hectares Rs. 6 lakh	2 hectares Rs. 15 lakh
2.	Commercial purpose (land should be given by auction only)	50 sq. mtr. Rs. 50 thousand	50 Sq. mtr. Rs. 1 lakh
3.	Residential purpose – (a) Government employee and individual case	200 Sq. mtr. Rs. 50 thousand Rs. 50 thousand	200 Sq. mtr. Rs. 1 lakh Rs. 1 lakh

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Sr. No.	Purpose	Existing powers Area Price in Rs.	Enhanced powers Area Price in Rs.
	(b) Cooperative Housing Society.	8000 Sq. mtr. Rs. 3 lakh	8000 Sq. mtr. Rs. 6 lakh
4.	To Cooperative Societies to construct godowns.	500 Sq.mtr. Rs. 1 lakh	500 Sq. mtr. Rs. 3 lakh
5.	National Grid Scheme	4000 sq. mtr. Rs. 2,40,000/-	4000 Sq. mtr. Rs. 5 lakh.
6.	To Cooperative Society and other organizations for other purposes and to Public Trust on recovery of price.	200 sq. mtr. Rs. 1,20,000/-	200 sq. mtr. Rs. 3 lakh
7.	For religious purposes viz.; for temple, mosque, church. Grant of land on payment.	200 sq. mtr. Rs. 30,000/-	200 sq. mtr. Rs. 50,000/-
8.	State government Board/Corporations. Grant of land on taking price of land	2 hectares Rs. 7.5 lakhs	2 hectares Rs. 15 lakhs.
9.	Central government Departments for public purposes	1 hectare Rs. 5 lakh	1 hectare Upto Rs. 15 lakh

- (2) The Collectors shall not have powers to grant lands in six urban agglomerations, viz.; (1) Ahmedabad, (2) Vadodara, (3) Surat, (4) Rajkot, (5) Jamnagar and (6) Bhavnagar under Urban Land Ceiling Act, 1976. Proposals in this regard shall be submitted to the government.
- (3) Provisions to grant/not to grant lands for the purposes other than this shall be as per policy determined by various resolutions.
- (4) Powers vested vide paragraph-B shall have effect from 27-11-2000.

### 2. **Concession in occupancy price of house-sites to Backward Class persons and their Housing Societies:**

When government land for house-sites are given to the Backward Class persons individually or to their Cooperative Housing Societies for residential purposes, it has been decided to give following concessions in the price of the lands :-

- (A) When government lands are granted to backward class persons individually or as members of Cooperative Housing Societies for residential purposes, it has been decided to give concessions of 33% in the occupancy price of the lands. All conditions regarding allotment of lands for residences remain same. These provisions shall be effective from 1-8-2000.
- (B) Lands shall be granted to backward class persons individually or as member of Housing Societies within a limit of 40 sq. meters at above concessional rates in the cities having two lakh or more population. In remaining areas, lands shall be granted subject to limit of 100 sq. meters at above concessional rates.
- (C) Backward class persons include Scheduled Castes and Scheduled Tribes, Socially and Educationally Backward 82 castes, Landless individuals-classes-groups mentioned in Annexure-1 appended to Govt. Resolution, Labour, Social Welfare and Tribal Development Department No. BCR-1078-13734-H, dated 1-4-78 and economically backward landless individuals mentioned in para-4 of the said resolution dated 1<sup>st</sup>



April, 1978 and newly added castes, classes and groups as per amendment in the resolution from time to time.

- (D) In case of granting lands as above, lands having less price should only be preferred. If the Collector feels that any other proper land may be available in the area where low prices are prevailing, no concession should be granted in occupancy price of the lands; even though the applicant satisfies the conditions for concessions and other provisions.
- (E) Where the government has incurred expenditure for lands acquisition or where paid betterment tax or incurred expenditure for betterment, no concession may be given in market price to the persons eligible for concession.
- (F) Persons who are not of backward classes as per revised classification based on the norms of economic backwardness but are backward classes according to old classification shall be entitled to concession.

### **3. (A) Grant of government lands to declared nomadic or semi-nomadic tribes:**

- (A) Nomadic or semi-nomadic tribes who want to settle in future or groups of such persons should apply through the Mamlatdar for land. The Collector may empower Mamlatdar to grant government waste land to such persons for permanent habitation without any objections. However; such granting of lands should be in consultation with local gram Panchayat or where there is no Panchayat of representative persons. Though it is not necessary that their concurrence is required. If waste land is available at convenient place; any suitable private land may be acquired for the purpose at government cost after getting approval of the government.
- (B) Majority of these people being animal-breeders, they would like to settle on rural areas or surrounding forests. Therefore, the lands should be preferred in rural areas in order to settle them. However, there is no objection to give them government lands in urban areas for house-sites according to their individual requirements.
- (C) They may be given lands upto two gunthas without auction and free of occupancy price per individual house-site plot. If any person among them is in position to pay full occupancy price or at concessional rate, the occupancy price should be recovered from him in view of his paying capacity.
- (D) If the Collector feels that person who receives land is not in a position to pay non-agricultural annual assessment at prevailing rate in the area, for first five years and even thereafter, annual non-agricultural assessment should be levied equal to one agricultural assessment for further five years of two fixed rates of non-agricultural assessment applied to the areas, whichever is less. Thenafter, every non-agricultural assessment should be charged; which is prevailing in the area or which are revised from time to time. Other taxes and cesses as may be amended from time to time shall be recovered in addition to non-agricultural assessment.
- (E) Above concessions shall be available to the persons who have not been settled and living nomadic life.

### **3 (B) Government lands may be given to Medium Income Cooperative Housing Societies or Lower Income Groups Cooperative Housing Societies on payment of annual non-agricultural assessment prevailing in the area or as may be modified from time to time at market price without any auction for house-site.**

## Collector Manual

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- (A) Market price of the land shall be the price on the date on which the land is given or at existing market price.
- (B) Land shall be granted to Medium Income/Lower Income groups Cooperative Societies' members or to medium income persons on individual basis without auction at prevailing price for residential purposes. However, income limit for them is Rs. 48,000 per annum. The provision shall be effective from 21-5-2001.
- (C) On account of intensive devastation due to statewide severe earthquake recently on 26-1-2001; it has been decided to give exemption from income limit in case of grant of house-site plots at prevailing rate without auction to the Cooperative Housing Societies' members of severely earth-quake affected talukas. It is also decided to repeal the condition of possessing other land/property for members of Cooperative Housing Societies. These orders shall apply to the areas/villages of severely earthquake affected 38 talukas.
- (D) Lands shall be granted to the persons and Cooperative Societies on new-impartiable tenure and restriction to sale condition under the order. However, lands may be granted to the Cooperative Societies subject to additional conditions.
  - (1) The Society shall prepare a proper scheme to develop the land at its cost and shall submit lay out plan within six months from the date of taking possession to the Collector for sanction.
  - (2) The Society shall not construct anything without written pre-permission of the Collector. It shall construct houses, roads, gutter within two years as per approved plan from the date of sanction of the plan by the Collector.
  - (3) The Society shall observe all rules and regulations regarding houses which are decided by rules and orders issued under Land Revenue Code and that are applicable to the area.
  - (4) The Society shall not sell, mortgage or lease or otherwise transfer any plot from the land to any other person other than member of the Society without prior written sanction of the Collector. It shall not give on rent any house to non-member. However, these regulations shall not apply to mortgage made in favour of Cooperative Housing Financing and/or any Cooperative Financing Institution and to sales of lands mortgaged to any cooperative Financing Institution to recover unpaid debt on land. The relaxations on restrictions are subject to following conditions. In the event of sale of lands made by mortgagee Gujarat Cooperative Housing Financing Society or any other Cooperative Financing institution, government shall be entitled unrealized half of the price, that is half the difference of sale price of land and originally paid occupancy price plus any additions, alterations made by the purchaser in the land. Sale shall not be approved till government's share of unearned income is not paid to it and the purchaser shall hold the land subject to conditions on which the land was given to him. Decision of the Collector shall be final regarding unearned income.
  - (5) If the occupier of the plot commits breach of condition regarding plot, the Collector may issue notice regarding breach of conditions and if he does not rectify the breach of condition within six months, he may be evicted from the plot without paying any compensation.
  - (6) The land shall be resumed to the government on breach of any of the terms without paying any compensation.
  - (7) In addition to above conditions, the Society shall be required to make agreement in form 'H' or 'HH' as required by the Collector and appending conditions as deemed by the government.

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### 4 (A) Grant of government lands to retired/to be retired

#### (Servicemen ) for agricultural/residential purposes:-

Existing policy to grant government lands to the retired/to be retired servicemen contained various provisions. Among them, provisions in column-3 are amended and provisions in column-4 are to be decided to apply.

Sr. No.	Point	Existing Provision	Amended provisions
1.	Income Limit	Income shall not exceed Rs. 3000/- per month from non-agricultural sources except pension to obtain government land for residential purposes while income shall not exceed Rs. 750/- per month from non-agricultural sources other than pension.	Income limit should be same to obtain land for residence or agriculture. That is, they should be entitled to obtain land if their income from non-agricultural sources except pension does not exceed Rs. 3000/- per month.
2.	Designation	Retired/to be retired servicemen below the rank of Major and native of Gujarat are considered eligible.	Retired/to be retired servicemen below the rank upto Colonel; but only natives of Gujarat should be considered eligible.
3.	Eligibility to get Gallantry Medal.	No provision at present	The servicemen who achieved Gallantry Medal during war to show bravery should be considered to grant land, irrespective of their status. However, natives of Gujarat only should be considered eligible.
4.	To grant gauchar land for agriculture without santhani.	No provision at present	There is a provision to grant gauchar lands to soldiers by Santhani only. Gauchar lands should not be granted by releasing them; but by "Santhani" only for agriculture.
5.	Lands to be granted to servicemen who sacrificed their lives during war.	If the servicemen become martyr in war and sacrifice their lives while performing their duties, their widows may be granted land irrespective of the period for which they performed duties.	If the servicemen dies during operation of war, their legal heirs should be granted land irrespective of any eligibility.
6.	Lands to be granted to soldiers who are rendered disable.	Servicemen who have been rendered permanently disabled during last war with Pakistan should be granted land, irrespective of their domicile.	Land should be granted to servicemen who have been permanently disabled irrespective of any limitations. Only the nativess of Gujarat should be held eligible.

2. All existing provisions other than those mentioned above shall be unchanged.

3. Te order shall take effect from 27-3-2001.

### **4 (B) To grant government waste lands to the soldiers who have been martyr in the recent war at Kargil Front for agriculture /residence :-**

- (1) Government has decided to grant agricultural lands to legal heirs of servicemen natives of Gujarat and who become martyrs in the recent war at Kargil front for livelihood subject to limit of 16 acres irrespective of their income-limit, designation and duration of duties.
- (2) The Collector should trace arable lands in the district and immediately make procedure to allot lands to the legal heir of the martyr soldier without Santhani.
- (3) The agricultural lands shall be granted on new impartible tenure and on condition restraining their sales.
- (4) If the heir/relatives of the martyr soldier live in urban areas and are not in a position to do agricultural work, immediate action should be taken to give them land from government waste lands for residential purposes as an alternative of agricultural land.

### **5. Grant of government lands at concessional rate to physically handicapped persons for various purposes without auction :-**

- (1) Government has decided to allot government waste lands to physically handicapped for following purposes :-
  - (A) For construction of houses,
  - (B) To start occupation
  - (C) To start school for physically handicapped.
  - (D) To establish research centres for physically handicapped
  - (E) To establish industry by physically handicapped entrepreneurs.
- (2) Government waste lands shall be given to them for above purposes at concessional rate of 50% of market price.
- (3) Physically handicapped having annual income upto Rs. 60,000 shall be entitled to obtain land at concessional rates.
- (4) Definition laid down in para-2 of Protection of Equal Rights to Physically Handicapped Act, 1995 of Government of India for physically handicapped shall be considered. A person who is physically handicapped according to the definition shall only be entitled to obtain such lands.
- (5) Certificate of Civil Surgeon of the respective district shall be recognized.
- (6) Lands shall be admissible according to prevailing norms of government for the purpose of demand of lands.
- (7) Powers to dispose of government waste lands have been vested in District Collector by above para 1(B). In the case of demands by physically handicapped of government waste lands, as per above policy, the Collectors shall decide within their powers. If they are not within his power, they shall be submitted to government for decision.
- (8) This order shall be effective from 20-4-2001.

### **6. To grant government lands to Freedom Fighters and concession in price of lands:-**

Freedom fighters are allotted government waste lands for residential purposes by taking occupancy price vide Govt. Resolution, Revenue Department No. LND-3962-3985-A, dated 1<sup>st</sup> May, 1963, it has also been decided to give following concessions in occupancy price:-

- (1) When freedom fighters are granted government land individually or as member of Cooperative Housing Society, they shall be required to pay 50% of occupancy price of the land or at Rs. 50 per sq. meter, whichever is less.
- (2) The freedom fighters shall be granted land within a limit of 40 sq. meters individually or as member of Cooperative Housing Society at concessional rate as stated above in the cities having population of two lakh or above, while at other places lands will be granted within a limit of 100 sq. meters at concessional rate as stated above.
- (3) In the event of granting government land to freedom fighters for agricultural or residential purposes, monthly income limit is fixed at Rs. 3500/- including freedom fighter pension. This order shall be effective from 20-8-2001.

### **7. Allotment of government lands to transferable officers/ employees of State Government/ Panchayat services for residential purposes without auction:-**

With a view to bring uniformity in the policy of allotting lands to officers/employees of State government/Panchayat services; the State government has decided to change previous policy of granting lands to transferable officers/employees of State government/Panchayat services for residential purposes and adopt following new policy :-

#### **(1) Eligibility:**

- (A) Land shall be available to permanent/temporary Officers /employees of State government/ Panchayat services who have completed five years service on the date of application.
- (B) He/she should not possess house/flat in his/her name or in the name of husband/wife or dependent within a radius of eight kilometers from the place under demand on the date of application of officer/employee or on the date of getting possession.

#### **(2) Where will the land be available:**

Officer/employee may get land in his/her native district or in the district where he/she is serving at his/her option.

However, for Gandhinagar district, the transferable officers/employees shall not get land in Gandhinagar city but at any other place in Gandhinagar District or in his native district.

- (3) Area of eligible plot and price of land:
  - (A) In order to determine the plot to be allotted, basic pay on the date of application shall be considered.
  - (B) In order to determine price of land, the District level Valuation Committee constituted vide resolution of Revenue Department dated 15-1-1998 shall decide prevailing market price. The allotment price shall be 50% of that price. Taking allotment price as base and in view of basic pay on the date of application, the officer/employee shall be entitled to get area of the plot at concessional rate as under :-\

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Sr. No.	Basic pay	Area of the plot (Sq. meter)	Price of the land
1.	Up to Rs. 9899	90	50% of existing allotment price
2.	Rs. 9900 to 13,199	135	75% of existing allotment price
3.	Rs. 13200 to Rs. 14,899	200 or 250 as per demand	100% of existing allotment price - 100% of existing allotment price upto 200 sq. meters and 1½ times the allotment price of additional 50 sq. meters.
4.	Rs. 14,900 and above.	200 or 250 or 330 as per demand	100% of allotment price upto 200 sq. meters and 1½ times the allotment price of additional sq. meters.

- (C) If the officers getting basic pay upto Rs. 9899/- are class-I officers and makes demand for 135 Sq. meters of plot instead of 90 sq. meters, the plot shall be given at 75% of the allotment price.
- (D) If husband and wife both are State government employees and are eligible to get plot, the income of husband and wife shall be counted jointly and plot commensurating to the income shall be allotted. Plot of maximum 250 sq. meters shall be allotted and its price shall be taken as above.
- (4) Conditions:
- (A) Plot allotted shall be used for residential purposes only. It shall not be used for any other purpose.
- (B) Construction on the allotted plot shall be completed within three years. During this period, construction shall be completed invariably. He shall have to live in it compulsorily. If it is not possible to do so, on account of grounds beyond control, he shall be required to apply in advance for extension of time limit alongwith evidences, otherwise the plot shall be resumed to government without any compensation.
- (C) Permission shall not be granted to sell open plot without construction.
- (D) If the plot holder is not in a position to make construction on the plot, he shall be required to return the plot to the government.
- (E) Irrevocable power of attorney may not be issued as regards sale of allotted plot. If such thing comes to notice, the plot allotted shall be resumed to the government without any compensation.
- (F) If the plot alongwith construction is sold for special reasons, differential amount in the below mentioned proportion, shall be deposited with government as premium. Differential amount shall be derived by deducting original occupancy price paid by the employee from the price of the plot at prevailing market price. He shall have to explicitly give details along with necessary evidences for special reasons of such sale.

Sr. No.	Duration of period from the date of occupancy certificate	Premia to be paid for differential amount
1.	Within 10 years	100% (x)
2.	After ten years but within 15 years	75%
3.	After 15 years but within 20 years	50%
4.	After 20 years but within 25 years	25%
5.	After 25 years	0%

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- If the house constructed on allotted plot is sold within ten years, original amount paid and ten percent simple interest on original amount paid shall be deducted from the market price of the land and he shall be required to pay 100% premia on remaining differential amount.
- (G) In the case of Officer/employee, grant of land shall be decided in view of availability of government land at relevant place.
- (H) Government employee/officer shall obtain land under the scheme only once during entire service period. If the officer/employee has formerly obtained land at concessional rate in previous schemes and has sold to other, he shall not be entitled to obtain the land again.
- (5) If there are more than one demand for the same land for residential purposes, allotment of land shall be by draw system by the District Collector.
- (6) If service conditions apply to State government employees are applied to the Panchayat service employees and whose recruitment, qualifications, promotion and other service conditions are framed under Gujarat Panchayat Act, 1961, such officers/employees shall be included in Panchayat services.
- (7) In cases of demands of officers/employees of government land for residential purposes, the District Collectors shall decide subject to the powers vested in them by government Resolution, Revenue Department No. JMN-392000-1697-A, dated 27-11-2000, if they are not within his powers, he shall submit proposal to the government.
- (8) The resolution shall be effective from 4-4-2001. Pending demands of officers/employees for residential purposes on the date of resolution shall be decided under the resolution.
- (9) In order to avoid difficulties and inconvenience to the employees to trace and get lands and they may smoothly select lands, and situation of the land/survey numbers are easily available to them, the District Collector shall circulate necessary information in their district and shall take immediate steps to remove their difficulties.
- (10) Form of Affidavit is given blow.

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### AFFIDAVIT

Name

Father's name

Caste

Occupation

Age in years

Residence

I hereby declare by the affidavit that I \_\_\_\_\_  
serving as \_\_\_\_\_ in the office of \_\_\_\_\_ Department. I  
joined my service on \_\_\_\_\_. My continuous service is of \_\_\_\_\_ years.

2. Details of members of my family are as under:-

Sr. No.	Name	Age	Occupation	Yearly income	Relation
1.					
2.					
3.					
4.					
5.					

3. I hereby declare that I do not possess plot of land or house in the name of myself, my wife/husband or dependent within a radius of eight kilometers from the place of land under demand.

4. I live at \_\_\_\_\_ at present. Proof is enclosed.

5. I or any of my family members have obtained/not obtained land/house/flat from government for residential purposes.

6. Affidavit executed by me is true to the best of my knowledge and belief. I hereby declare that if I am proved wrong or guilty, I shall be punishable under government rules. I have understood this and I declare the above facts by affidavit.

Place:

Date

Introduced by

(11) Register of applications for the demands of plots for residential purposes by officers/employees of State Government/Panchayat services.

1. Name, Designation, Office of the  
Employee who made demand.



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2. How many years of service has been completed by the applicant on the date of application for demand of residential plot.
3. Where does the applicant wants to get land?  
In the native district or district of service?  
Name of village  
Name of taluka  
Name of district.
4. Monthly basic pay of the applicant:
5. If husband/wife of the applicant is in Government service, state following Details:-  
Name of Office:  
Basic pay  
Others
6. If he/she has obtained land at concessional rate previously as Government officer/employee. its particulars should be included in the prescribed affidavit.

Date

Signature of the applicant.

### 8. Grant of government land for residential purposes Area of plot and Rules for construction:-

(A) In the plot of land allotted for residences, the Cooperative Housing Society shall be given lands upto 100 sq. meters per member as regards area of land to be kept open and construction. In the total area of land given to the society, plotting should be made and provision has to be made for common plot, roads, margin etc. As following provision has been made in construction and open lands, the construction shall be made accordingly:-

Sr. No.	Area of plot	Area for maximum construction (Floor)	Minimum width	Open lands to be left			Remarks
				Front (In meters)	Rear (In meters)	Side (In meters)	
1.	40 to 90 Sq. meters	60%	5 meters	2.5	1.5	-	-
2.	91 to 200 Sq. meters	50%	8 meters	3.0	2.0	2.5	In the plot of twin plots of 150 and 200 sq. meters any one side shall be considered.
3.	201 to 500 Sq. meters	40%	10 meters	4.5	3.0	3.0	
4.	501 to 1000 Sq. meters	40%	12 meters	4.5	3.0	3.0	
5.	1001 and above Sq. meters	40%	15 meters	4.5	3.0	3.0	

- (B) Plot of 40 sq. meters shall be considered permissible in the cases of Housing Scheme run by competent authority established by the law in force at relevant period or Government of India, State Government, local body or any other institute.
- (C) Moreover, F.S.I. shall be kept at 1.2 at the time of construction. If it has been decided to keep maximum F.S.I. in Urban Development Authority or Town Planning Scheme in any area, and it is less than 1.2, total area of construction shall be regulated according to F.S.I.
- (D) For leaving margin, it would be at the will of plot holder to decide whether to adopt the said norms for margin or to adopt norms prevailing in local municipality or Municipal Corporation.

**9. Grant of sanction to sell land/plot on new term given for residential purposes, Breach of condition of new tenure, Extension of time-limit in construction of house - completion of construction:-**

- (A) Sale of land/plot on new tenure and regularisation of unauthorized sales

No unconstructed land/plot given for non-agricultural purposes on new tenure may be transferred by sale, mortgage etc. However, lands/plots given for industrial/commercial purposes may be permitted by the Collector to mortgage to recognized financial institutions or nationalized banks or cooperative banks to obtain loan for construction on plot/land or for commercial purposes.

The Collector may permit to sell land/plot alongwith construction given on new tenure for non-agricultural purposes on payment of following premia, provided proper reasons are given for it.

- (1) Based on difference between original price of land/plot paid to the government and when permission to sell is given or order is issued to regularize unauthorized sale and competent officer may determine its price, following percentage shall be taken as premia:-

- (A) Land/plot given for residential purposes - 50% of difference in price as stated in (1) above may be charged as premia.

- (B) Land/plot given for other purposes except agriculture - 75% of difference in price as stated in (1) above.

- (C) Premia as per (B) above may be taken when the sale or transfer is on account of mortgage. When the plot/land including construction is transferred unauthorisedly, it should be regularized by taking following premia:-

- (1) For Plot/land given for residential purposes -  
75% of difference in original price as stated in (1) above may be taken as premia.

- (2) For plot/land given for purposes other than residential -  
100% of the difference in price as stated in (1) above may be taken as premia.

- (B) Extension of time-limit for construction as well completion of construction of house:-

- (A) First Breach of condition:

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Where construction of house is not completed within two years from the date of taking possession of the land and if proper reasons viz.; natural calamity, difficulties in obtaining construction materials, financial stringency etc. are put forth and if Collector is satisfied by it and if he feels that if time limit is extended for original land holder, he will be in a position to complete construction, he may extend the limit for further two years on following premia:-

(A)(1) Plot given for residential purposes – Amount equal to 10 times of existing non-agricultural assessment may be taken as premia.

(A)(2) Plot given for the purpose other than residential – Amount equal to 20 times of existing non-agricultural assessment may be taken as premia.

(A)(3) If original land holder belongs to Scheduled Castes or Scheduled Tribes or Other Backward Classes, half of the amount as shown in A(1) and A(2) above may be recovered as premia.

(B) Second breach of condition:

If construction of the house is not completed even after extension of two years after first breach of condition and if the Collector feels that it has happened such on account of circumstances beyond control and if original land holder assures that he is in a position to complete construction if further two years are extended, the Collector shall regularize breach of condition and extend the limit for further two years on payment of following premia:-

(B) (1) Plot given for residential purpose - Amount equal to 20 times of existing non-agricultural assessment may be taken as premia.

(B) (2) Plot given for purpose other than residential – Amount equal to 50 time of existing non-agricultural share may be taken as premia.

(B) (3) If original land holder belongs to Scheduled Castes or Scheduled Tribes or Other Backward Classes, half of the amount as shown in B(1) and B(2) may be taken as premia.

(C) No extension of time-limit may be granted after two breaches of condition. In such cases, the land may be resumed and entered as government waste land and dispose it off as per rules.

(D) If six years time has lapsed after taking possession on the date of issue of the order and –

(1) If no construction has been made in the land, it should be confiscated and disposed of as per rules.

(2) If part construction has been made, the land may resumed and entered as government waste land and then may be regranted at existing market price.

(3) If the construction has been completed after six years from the date of taking possession; the land should be entered as government waste land and regranted at current market rates.

(E) All the Collectors should dispose of the cases of land/plot granted on full occupancy price or at concessional rates.

(F) Cases which are not included in the above instructions or there are sufficient reasons for them or are necessary to be disposed of on merits, should be submitted to the government by the Collector. When land on new tenure is given to any registered

firm/company on lease or sale and if there are changes in the names of partners, pre-sanction of government shall be sought when land of new tenure is given to the firm/company on lease, or sale, names of all members/partners of the firm/company, their addresses, true copies of *pedhinama* and partnership deed etc. should be enclosed and a condition should be entered into order of land that if there may be any changes into existing members or partners that is, if one or more partners at the time of original grant of land are relieved or new partners are added, government permission may be sought. While granting pre-permission, they will have to pay 20% premia of notional market price of relevant land at the time of change in partners in the firm. The changes made except this shall be considered breach of condition and the land may be resumed to the government.

(G) Needy, financially weak and members of low income group may mortgage lands on new and impartible terms and restriction of sale to Gujarat Rural Housing Board on following conditions :-

- (1) No financial assistance shall be paid from government or Panchayats on plot after its mortgage.
- (2) If the payment of loan is not made to the Board and if the land/house is confiscated out of profit accrued from its sale, Board shall pay 50% of the difference of the market price of the date of sale and price of grant of land.

10-A. Grant of government waste lands for Industrial purposes:

The District Collectors shall grant government waste lands upto two hectares area and price upto Rs. 15 (Fifteen) lakh for industrial purposes without auction under following conditions :-

1. Consent/opinion of Commissioner of Industries/Industries Officer shall be obtained for such demand;
2. Prior to proceed to grant such lands after getting opinion of the branch/office of concerned Town Planning Department further action shall be taken in accordance with the powers given.
3. The Collector shall not exercise such powers in six large city areas and urban complex, viz.; (1) Ahmedabad, (2) Vadodara, (3) Surat, (4) Rajkot, (5) Bhavnagar and (6) Jamnagar. In other words, the proposals to get government waste lands in these areas shall be submitted to government.
4. Whether the government waste lands under demand are required for any public purpose shall be pre-examined by the Collector.
5. Price of such land shall be determined by Deputy Town Planner.

10-B. Special procedure when gauchar land is allotted for industrial purposes:

(At present provision of the resolution is postponed)

**10-C. Simplification of procedure to grant government land for industrial purposes for accelerated industries development in earth-quake affected Kutch District.**

It has been decided to adopt following procedure to grant government land for industrial purposes in earth-quake-affected Kutch District.

(A) Gujarat Industrial Development Corporation shall make demand of land for industrial purpose in Kutch district;

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(B) Following Committee is formed to supervise the work to make land allotment process simple and speedy for industrial purposes :-

(1)	Principal Secretary, Revenue	Chairman
(2)	Principal Secretary, Industries	Member
(3)	Principal Secretary, Finance	Member
(4)	Principal Secretary, Urban Development	Member
(5)	Chief Town Planner	Member
(6)	Commissioner of Industries	Member
(7)	Collector, Kutch, Bhuj	Member Secretary

(C) The Committee shall decide areas of land suitable for industrial purposes and give opinion about evaluation of land.

(D) The Committee will take care to see that work of earmarking of areas of lands useful for industries, demand by Gujarat Industrial Development Corporation and devolution of existing powers, procedure to sanction the demands are completed within a period not exceeding two months.

2. This order shall be effective from 1-8-2001.

10-D. Allotment of government land to non-resident Indians for industrial enterprise:-

When non-resident Indians apply to get government land through State Government Bureau, viz.; Industrial Extension Bureau (Index-B) for requirement, all Collectors/District Development Officers shall make such arrangement that their demands are expeditiously met with.

10-E. Allotment of lands to Hotel, Motel, Restaurants under various tourism projects:-

1. The government has declared new tourism policy and government has made arrangement to grant government waste lands to industrial units for various tourism projects as mentioned in para 5.1.2. Now, government has reconsidered the matter and decided that government waste lands shall be given to them as they are given to industries. Now, such lands shall be granted at prevailing market price for hotels, motels, amusement parks etc.
2. The Collectors shall prepare proposals on such demand and submit to government for sanction with consent/opinions of Director of Tourism. Price of the land shall be determined by Deputy Town Planner.
3. If such demands are from industrial units, Secretary, Tourism Department shall be included in the Committee formed by Govt. Resolution, Revenue Department No. JMN-3993-1126-A, dated 12-7-2994.
4. Land shall be granted at prevailing price for 23 types of tourism projects declared under tourism policy.
5. Before granting such lands recommendation of Tourism Department shall be obtained for requirements of land for projects. The projects sanctioned by Tourism Department or Corporation shall be considered to grant land at prevailing market price.
11. Transfer of lands given on lease for industrial purposes by charging premium:-
  - (A) It was a policy of Saurashtra Government to grant government lands for industrial purposes on yearly rent on lease of 99 years. Accordingly, government lands have been granted on lease for industrial purposes on new tenure with restriction on sale in Saurashtra areas. Entire lands are mentioned in lease on

the condition of restriction on sale for industrial purposes. When permission is sought under condition-5 to transfer it to other during continuance of lease alongwith factory and machines, the permission may be granted at a premium of one percent of the market price of the land. The person in whose favour the lease/transfer is made, shall continue to hold land on lease at original condition. Such permission of transfer may be given by the Collectors.

- (B) Government waste lands are given to partnership firms on lease or perpetual sale for industrial purposes. If there is any change in partners, viz.; partner is relieved or changed or when new partner enters, government permission is required in the process of any change. In such cases, it has been decided to pay premia at 20% of the notional market price. It has also been proposed to enter such condition in the orders granting lands. Any change made without permission of the government shall be considered breach of condition and the lands shall be resumed to the government.

12. Grant of land for the purpose of kiln-furnace, Installment of occupancy price:-

In order to dispose of applications for permanent demand of Government waste lands for lime-kiln earlier, the applicants whose economic condition is poor, shall be given maximum five equal annual installments on merits of the case. Simple interest at 6% shall be levied on remaining unpaid amount of occupancy price. The Collectors shall recover the amount alongwith installments.

13. Non-grant of government/village site and gauchar land on permanent basis or lease for business purposes:-

1. Generally government village site or gauchar land is not granted for business purposes.
2. Entrepreneurs in petrol pump, diesel pump or crude kerosene depots etc. may earn profit by commercial use in their business enterprise. They may purchase private lands by paying more. Therefore, government/village site or gauchar lands may not generally be granted for business purposes. In case it is required to be given, it should be seen that they are not granted without auction.
3. There is exception for demand of government/village sites and gauchar lands for business purposes by Scheduled Castes and Scheduled Tribes persons. When government/village site or gauchar lands are given to Scheduled Castes, Scheduled Tribes for Petrol/Diesel pump, gas agency, Kerosene/Crude oil depots like commercial purposes on permanent basis, they may be granted at market price as may be decided. But its price should not be recovered at a stretch but in three yearly installments. Out of these three instalments of occupancy price, first instalment shall be recovered prior to issue of regular order of grant. No interest shall be charged on these instalments. If they do not pay instalments within prescribed time-limit, interest shall be recovered of delayed payment.
4. Where lands have been given on lease previously for business purposes, the proposals of renewal or extension of time limit shall be submitted to government.
5. Generally permission for non-agricultural use is sought on private lands for brick kilns. Such permission may not be granted perpetually.

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6. Government waste lands may be granted to nationalized banks for construction of building for banks on request on realization of existing market price. Price of the land shall be determined by Deputy Town Planner.
  7. Milk producers Cooperative Society is a backbone of economy at village level and give substantial contribution in rural development. Government has decided to allot them 200 sq. meters of land without auction for the purpose of construction of cattle centre, office but not godown. As the villages falling in radius of 10 kms. of urban areas have development potential, price of such lands is to be determined by Deputy Town Planner.
14. Grant of government waste lands to Cooperative Societies for construction of godowns:-
- (A) When Cooperative Societies are granted government waste lands for construction of godowns, the occupancy price may be determined as per rule and proposal may be submitted to government to grant land at 50% price.
  - (B) When Cooperative Societies are granted land for construction of godowns and when such cooperative societies were previously granted lands at concessional rate of 50% and when the same cooperative societies again demand government lands at concessional rate for construction of new godown or extension of the existing godowns, they should not be given 50% concession but economic position of the society and activities undertaken by them should be kept in view and concessions should be reduced accordingly. The District Collectors may first seek opinion of District Registrar, Cooperative Societies and after considering what concessions should be given in such cases and then submit the proposals to the government.
  - (C) On getting such proposal from the District Collector, the District Registrar, Cooperative Societies should take in view the economic viability of Cooperative Society, activities undertaken by it and give clear opinion as to how much concession should be given to such society.
  - (D) In cases where Cooperative Societies are prepared to pay full amount of occupancy price, their proposals should be duly disposed of without delay without following any procedure as per paras 2 and 3.
15. Allotment of land for fisheries in brackish water:-

Fisheries Department has issued order to implement Coastal Aquaculture Scheme in coastal areas. If private persons make demand for land under these orders, the respective Departments have to place their lands of or near coastal areas and land with revenue survey numbers have to be placed under Revenue Department. Government has decided as under in this regard:-

Policy for grant of coastal areas land for brackish water has been decided by resolution of Revenue Department dated 4-4-1987. According to the provision of this resolution, lands of brackish water area are given on lease. Brackish water area means such land which is flooded by sea water occasionally or frequent on account of natural spread of sea water or the land which is not affected by artificial evasion of coastal saline water; but where rush of sea water is such that cannot be prevented. Rent of land is charged Rs. 100 per annum per hectare as decided vide Govt. Resolution, Revenue Department N. JMN-3986-2730-A, dated 1-7-1986. Fisheries in brackish water require technical knowledge, training, financial facilities etc. Those

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who are allotted land on individual basis do not have to cope up with these requirements. As fisheries are based on traditional catching of fish, this industry could not adequately develop.

In view of these aspects, it has been decided to organize meetings at higher level, to change existing policy and it is proposed to make following amendments.

- (1) Period: - Existing period for lease of land for fisheries is 15 years.  
years for first stage and 15 years for second stage. Instead, it should be kept 20 years for first stage and 20 years for second stage.  
Rate of rent:-
  - (A) According to the present rate, rent of Rs. 100 will be charged for first three years;
  - (B) From fourth year, rent for big plots requiring huge investment should be increased to Rs. 500, while rent of Rs. 200 will be charged on plots upto five hectares from fourth year to individual beneficiary.
- (2) Professional fishermen shall be given first priority in view of financial capability to undertake to acquire knowledge, study and activities in addition to selection criteria of individual beneficiary.
- (3) In case of individual demands, priority order shall be as under:-
  - (A) Priority order among individual fishermen:-
    1. Professional fishermen,
    2. Scheduled tribes,
    3. Scheduled Castes,
    4. Other Backward Classes recognized by government,
    5. Non-backward persons.

From among above applicants, first priority shall be given to the person of the respective village. If suitable person from village is not available or the land to be allotted is more, persons from respective taluka and respective district shall be considered.
  - (B) Selection Committee:-

Now, Selection Committee at district level shall be comprised as under:-

    1. Collector or his representative, not below the rank of Prant Officer,
    2. Deputy Director, Fisheries or Superintendent of Fisheries,
    3. Social Welfare Officer of the respective district,
    4. Concerned Taluka Mamlatdar.
- (4) Before allotting land for aquaculture, a survey should be carried out for each area. Lay out of plot should also be prepared after survey. Large sized plots in the lay out shall be for mother farms. Small plots of five hectares shall be prepared surrounding mother farm. Mother hatchery shall provide seeds and necessary guidance to small plot holders. It shall arrange for sale of fish also. 15 to 25% of lands shall be allotted for such mother hatchery, remaining land shall be given to small plot holders. Such type of master plans shall be prepared by the Commissioner of Fisheries with the help of Collector within six months. The Collector may allot plots admeasuring five hectares or less for aquaculture on the basis of the Master Plan.



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- (5) Large plots which may be developed with huge investments may be reserved not for individual but for big project and small plots which may be individually developed with large investments may be given on individual basis.
- (6) In order to undertake this activity for allotment of government waste lands and for speedy disposal of applications Deputy Secretary (Land) in Revenue Department has been entrusted the work of supervision and coordination.
- (7) The lands which are considered suitable for aquaculture by the Commissioner of Fisheries and which is not objectionable by Revenue Department should be entrusted to Fisheries Department for systematic planning and arrange to give to eligible persons on lease as per rules of the planning.
- (8) Only local Co-operative Societies consisted of persons specified in 3(A) shall be eligible to get lands not more than fifty hectares. The Collector shall have power to do so. However the Collector shall consider recommendation of Fisheries Department.
- (9) Corporations, Public Limited Companies, private companies etc. shall demand for lands according to their projects. Industrial units may generally make demand upto 100 hectares. However, considering expertise, use of international technology, economic aspects of the project and technical feasibility of the project shall be taken into consideration and such companies may be granted more than 100 hectares of land on lease. Reports of the Collector and Commissioner of Fisheries shall be obtained under this paragraph. The Committee of government shall have powers to give land on lease. Such proposals shall be placed before the Committee consisted of Secretary, Revenue Department, Tribal Development Department, Fisheries, Ports and Transport department and Social Welfare Department at government level and the proposal shall be submitted to the government for sanction after the recommendation of the Committee.
- (10) The lease shall be given subject to following conditions:-
  - (1) The lessee shall use land for brackish water fish farm only and to be utilized for fish/shell fish culture or cultured fish and for marketing of shell fish.
  - (2) Leased land shall be given to the lessee for a lease of 20 years. However, lessor may extend its period for another maximum 20 years.
  - (3) Total tenure of the lease shall not exceed 40 years under any circumstances. After 20 or 40 years, the leased land shall return to the lessor alongwith all construction thereon. On expiry of lease; land will be resumed to the department and constructions thereon shall be removed at his cost.
  - (4) Labourers required on farm shall be obtained by the lessee locally or from surrounding areas. If there is local member, he shall be preferred for technical and other activities of the farm.
  - (5) The lessee shall be required to give information on production etc. when demanded by the officers of Revenue and Fisheries Department.
  - (6) The lessee shall grow trees on all the four borders of leased land. Such activities may not be carried out on any land other than borders of the land.

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- (7) The lessee shall give all types of facilities when Revenue and Fisheries Officers come to the site for inspection of farm and other activities.
  - (8) The lessee shall bear all necessary expenditure for boundary marks of land leased and for document of the lease.
  - (9) The lessee shall not give the land on lease or transfer to anybody; but if lessee requires financial assistance for aquaculture use, he shall mortgage it to the nationalized banks or financing institutions recognized by government to obtain loan.
  - (10) The lessee shall not possess or occupy more lands than those given to him.
  - (11) Government or its representatives reserve their rights to propose any additions – alterations in the conditions of the lease.
  - (12) When the lessee makes breach of any of the conditions of the lease, the lease may be revoked without paying any compensation by giving three months notice.
  - (13) If lease land is required for any public interest, the State Government and its representatives reserve their rights to terminate the lease without paying any compensation.
  - (14) When lessee wants to surrender up the lease, he shall give three month notices to government and shall return the leased land.
  - (15) The lessee shall pay to the Talati of the revenue village in advance the yearly rent of the leased land in the month in which the lease was obtained. The Talati shall proceed to get sanction and the Taluka Mamlatdar shall sanction such yield for village.
  - (11) For the lands allotted for this purpose, in the form of *Sanad* prescribed in Land Revenue Rules, the conditions mentioned above shall be added into the form of *Sanad* to grant land on lease.
16. To give on rent the government owned maidans:-

Government owned *maidans* are given on rent for short term, i.e.; for the period of maximum 15 days. Their rent is as under:-

Sr. No.	Purpose	Rate of rent
1.	For Industrial, trades and other purposes, which may raise financial income.	1. Rs. 50 per day for land admeasuring 1000 Sq. meters or part thereof.
2.	To organize election meetings by recognized political parties.	2. Rs. 20 per day for land admeasuring 1000 sq. meters or part thereof.
3.	For educational, religious and useful purposes for people and other community purposes from which no income is to be derived.	Rs. 5 per day for land admeasuring 1000 sq. meters or part thereof.

17. Government lands given on lease for circus in urban areas:-

(A) According to the existing policy regarding rent of government land leased for short duration for circus in urban areas, the price which is determined per sq.

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meter on the date of order by Deputy Town Planner or Rs. 150 per sq. meter, whichever is higher. Rent is to be collected at 6% of the price including other taxes. Human Resources Development Ministry, Youth affairs and Sports Department, Government of India by its letter No. F-18-1-86-D-3(sp.) dated 10<sup>th</sup> June, 1986 directed all State Governments to give circuses having membership of Indian Circus Federation should give on rent the medans at reasonable rate. It has been decided to give lands on following lump sum rent in various urban areas to the member circus of Indian Circus Federation because they are on the verge of starvation and so that they feel relief in the economic stringency of circus industries.

List of recognized Members of Indian Circus Federation as on 1<sup>st</sup> June, 1986:

Sr. No.	Name of recognized member	Sr. No.	Name of recognized member
1.	Gemini Circus	12.	Great Golden Circus
2.	Great Roman Circus	13.	Rajkamal Circus.
3.	Great Oriental Circus	14.	Olympic Circus
4.	National Circus	15.	Panama Circus
5.	Great Bombay Circus	16.	Jamuna Circus
6.	Bharat Circus	17.	Venu Circus
7.	Great Royal Circus	18.	Great Indian Circus
8.	Amar Circus	19.	Empire Circus
9.	Apollo Circus	20.	Asian Circus
10.	New Grand Circus	21.	Prabhat Circus
11.	Jumbo Circus	22.	Famous Circus.

Urban Areas	Daily rent
1. Ahmedabad, Vadodara, Surat	Rs. 200/-
2. Rajkot, Bhavnagar, Jamnagar	Rs. 150/-
3. Other areas.	Rs. 100/-

(B) The power to lease out land at the first two months is conferred on the Collectors and after two months, if it is found to extend the lease period, proposal has to be made and orders obtained before expiry of the period. In case the possession of lease is continued without approval, the Collector shall recover two and a half times the prescribed rate.

(C) Other taxes legally applicable, such as educational tax, local fund cess etc. shall be recovered besides above rent.

18. Renewal and permanent disposal of lease granted in long term in city survey areas of Ahmedabad, Surat and Bharuch.-

The following concessions are available for recovery of occupancy price or rent of land whose lease expires in 1966 and 1967 for lease granted on long term in city survey areas of Ahmedabad, Surat and Bharuch.

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(A) Concession available in occupancy price of leased on long term:

Sr. No.	Description of land leased out	Concessional price to be recovered.
1.	All land holders possessing lease of 99 years prior to 1 <sup>st</sup> January, 1948 whose lease expires in 1966 or 1967.	15 per cent of market value for the year in which the lease expires, means in respect of year of 1966 or 1967.
2.	All land holders possessing lease of 99 years on 1 <sup>st</sup> January, 1948 or thereafter; but before 31 <sup>st</sup> December, 1956 whose lease expires on 1966 or 1967.	25 per cent of market value.
3.	All land holders possessing lease of 99 years on 1 <sup>st</sup> January, 1957 or thereafter; but before 31 <sup>st</sup> December, 1960 whose lease expires on 1966 or 1967.	60 per cent of market value.
4.	All land holders possessing lease of 99 years on 1 <sup>st</sup> January, 1961 or thereafter; but before 31 <sup>st</sup> December, 1964 whose lease expires on 1966 or 1967.	80 per cent of market value.
5.	All land holders possessing lease of 99 years on 1 <sup>st</sup> January, 1965 or thereafter whose lease expires on 1966 or 1967.	No concession shall be available to such persons.

(B) No concession shall be available in short term lease which are not included in the above categories. While disposing short term leases the Collectors of Ahmedabad, Surat and Bharuch should ensure that the land granted permanently is not required for government or public purposes, the Collectors should verify that recipient of land permanently whether they can construct permanently as per rules of construction of the government or local bodies.

The land holder who have asked for grant of land on lease permanently as per the provision of GR No. LND-3962-98189-A, dtd. 30<sup>th</sup> April, 1966 their cases should be disposed of immediately.

If the lease is transferable, the land should be granted on old tenure and where restrictions have been imposed on transfer of land on lease, the land should be granted on new impartible and unalienable tenure. Where condition of lease is violated and lease of land on new tenure is transferred, the land holders in this case are not eligible to concession in price of land. He has to pay market value at the rate of the year 1966 and 1967.

(B) Renewal of lease:

The lease should be renewed for 50 years by charging 15 per cent rent on the above mentioned terms and conditions. Where an undertaking has been given for 99 years lease, it should be extended to 50 years or 99 years as per the demands of the land holders. The lessee of long term lease shall have to pay non-agricultural assessment, other taxes and cess for the respective area as prescribed.

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All the lands leased on long terms where time-limit has been mentioned or not, they should be extended as per the above instructions or disposed of permanently.

19. Grant of land permanently leased on short term in city survey areas of Ahmedabad, Surat and Bharuch:-

(A) The land leased out on short terms in city survey areas of Ahmedabad, Surat and Bharuch should be disposed of permanently in the following manner :-

Sr. No.	Category	Market value
1.	The lease holders who have lease for 7 years and they have been extended for 7 times or their total period of lease is for 50 years and those lease-holders whose span of lease of first stage is not less than 7 years.	15 per cent market value on 17 <sup>th</sup> July, 1971 or 15% market value on date of application whichever is later.
2.	The lease holders who have lease for 7 years and they have been extended for 6 times or their total period of lease is for 40 years and those lease holders whose span of lease of first stage is not less than 7 years.	30 per cent market value on 17 <sup>th</sup> July, 1971 or 30 per cent market value on date of application whichever is later.
3.	The lease holders who have lease for 7 years and they have been extended for 4 times or their total period of lease is for 30 years and those lease holders whose span of lease of first stage is not less than 7 years.	45 per cent market value on 17 <sup>th</sup> July, 1976 or 45 per cent market value on date of application whichever is later.
4.	The lease holders who have lease for 7 years and they have been extended for 3 times or their total period of lease is for 20 years and those lease holders whose span of lease of first stage is not less than 7 years.	60 per cent market value on 17 <sup>th</sup> July, 1971 or 60% market value on date of application, whichever is later.

(B) No concession shall be available in short term lease not included in the above categories. While disposing cases of short term leases, the Collectors of Ahmedabad, Surat and Bharuch should ensure that the land to be granted permanently is not required for government or public purposes. The Collectors should verify whether the persons who have received land permanently can construct permanently as per the rules of the government or local bodies as per Building Rules. The Collectors should clarify to the persons who have received the land permanently that the government does not give any guarantee that permanent construction can be carried out on their land as per local Municipal Building Rules. These concessions are available only to land holders of short periods authorizedly holding it and not to the land holders of short terms who have got land through unauthorized transfer.

(C) The land leased out on short terms which are not included in these orders shall be disposed of by public auction as per the standing orders of the government. If the land holder belongs to SC, ST or OBC, he is eligible to grant of land permanently on market value of 17<sup>th</sup> July, 1971 or on date of application whichever is later.

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- (D) Grant of non-agricultural land leased on short term in urban area on concessional rates. For land granted at concessional rate on short term lease permanently for non-agricultural use in urban areas, recovery of occupancy price as below can be made by grant of further relief to lease holders of SC, ST and OBCs. :-

Sr. No.	Details of lease	Price of right of possession
1.	Those lease holders whose first period of lease is not less than seven years, such seven years lease which are renewed for seven or more times or whose total lease period is 50 years.	10 per cent market value on 17 <sup>th</sup> July, 1971 or market value on date of application whichever is later.
2.	Those lease holders whose first period of lease is not less than seven years, such seven years lease which are renewed for six or more times or whose total lease period is 40 years.	20 per cent market value on 17 <sup>th</sup> July, 1971 or market value on date of application whichever is later.
3.	Those lease holders whose first period of lease is not less than seven years, such seven years lease which are renewed for four or more times or whose total lease period is 30 years.	30 per cent market value on 17 <sup>th</sup> July, 1971 or market value on date of application whichever is later.
4.	Those lease holders whose first period of lease is not less than seven years, such seven years lease which are renewed for three or more times or whose total lease period is 20 years.	45 per cent market value on 17 <sup>th</sup> July, 1971 or market value on date of application whichever is later.

Part of government land granted on lease for non-agricultural purposes should be recovered at 15 per cent of market value on annual rates.

20. Disposal of land earmarked for public purpose of areas of six Urban Development Authorities of State and Gandhinagar City and District:-

Any land earmarked for public purpose whether it is earmarked for pasture or for any other purpose, which is belonging to six urban conglomeration of the State, of the area of urban Development Authority, villages of Gandhinagar District should not be transferred for other purpose without prior approval of the government and such land which has high potential for non-agricultural use should also not be granted for agricultural purpose also.

21. Allotment of land at 50 per cent of market value to the institutions/trusts engaged in social work and activities:-

As regard grant of land at fifty per cent of market value to the institutions and trusts which are engaged in social work, after careful consideration, the government has decided that as per the Land Revenue Code provisions, the public institutions engaged in social work are granted government land at market value. However, the institutions engaged in Social, educational, cultural, media work and other voluntary organizations and hospitals and public trusts engaged in social work do not suffer due to lack of fund and they can carry out their work smoothly and develop their activities, they are allotted land at 50 per cent of market value on merit. This order takes effect from 14-8-1991.

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### 22. Grant of land at concessional rate to higher educational institutions:-

The government has laid down certain criteria for grant of land to higher educational/medical educational institutions, which are as under:

1. The land shall be made available to institutions of higher education such as Medical College, Physiotherapy College, Dental College, Nursing College, Engineering College, Polytechnic Training College, College for Information Technology etc.
2. Available government waste land shall be allotted for this purpose, land shall be allotted after verifying availability of land and requirement of land for other public purposes.
3. Consent of concerned department shall be obtained first for starting such higher/Medical educational institution and thereafter allotment of land shall be considered
4. Minimum Land as prescribed by respective council of Government of India higher medical educational institution shall be granted at 50 percent rate of market value and 1 to 15 percent land than the minimum required land shall be granted at 75 percent of market value and more than that ratio shall be granted at 100 percent rate of market value.
5. Land shall be granted to the institution after full recovery of price as above or if the institution intends, the land shall be granted on lease of token rent for the first seven years. After seven years, the land shall be transferred to the institution after recovery of initial price of land and simple ten percent interest on it. If the land granted is not used fully by the institution during the seven years, the land shall be resumed by the government.
6. On grant of land to the institutions/trust it shall complete the construction of the educational complex in three years from one year.

2. Land at the following rate shall be admissible to the higher educational institutions.

Criteria for Grant of minimum land			Land (in acres)	
Sr. No.	Subject	Rural	District H.Quarter	Metro City
1.	Engineering & technology (Degree)	25	10	5
2.	Engineering & Technology (Diploma)	20	10	5
3.	Pharma (Degree) Hotel Management & Catering Technology. (Degree)	5	2.5	0.5
4.	Pharma Degrees Hotel Management & Catering Technology. (Diploma)	3	1.5	0.5
5.	Pharma Degree + Diploma	5	2.5	0.5
6.	Applied arts (Diploma)	2.5	1.5	0.5

Minimum standard for grant of land for medical college is 25 acres and for dental college is five acres. If Physiotherapy College is started, land can be allocated as per the recommendation of the University. If any other faculty demands land the government can decide the matter accordingly.

(1) This order takes effect from 6-9-99.

### **23. New Tourism Policy Transfer/entry of land under Tourism Corporation.**

Government Waste Land is transferred to the Tourism Department free of cost under administrative order No. 3. The tourism Department has laid down a policy of transferring these lands to the Gujarat Tourism Corporation under its GR Dt. 1-7-78 and accordingly land is transferred to it as treating share contribution of the government as land price. Thus, for land transferred to the Gujarat Tourism Corporation, entries to that effect are not made in the government records.

2. As per the current Tourism Policy government waste land is granted to the Boards/Corporations by charging present market value. However, for speedy implementation of Tourism policy of the government of Gujarat, it has been decided by the government that the land under Gujarat Tourism Corporation which has been transferred to the Tourism Department under Administrative order No. 3 of Revenue Rules previously. They are transferred to the corporation by treating equal price of land as share contribution to the corporation.

3. Thus, the value of such lands to be transferred to the Gujarat Tourism Corporation shall be assessed by the Deputy Town Planner and the market value arrived at shall be treated as share contribution of the government and the land in question shall be transferred to Corporation and a note to that effect should be made in government record. Necessary mutation entries should be made in record of rights accordingly and tourism Department informed accordingly.

### **24. Grant of land for fruit juice parlours.**

A scheme is designed by G.R. Agriculture Co-operation and Rural Development Department Dt. 28-10-95 to extend assistance to unemployed youths for setting up of fruit juice parlours. Accordingly, Gujarat Agro-Industries Corporation shall allot fruit juice parlours by setting them at places frequented by people in various cities of the state. When land is demanded by Gujarat Agro Industries Corporation for this purpose it shall be leased out to it on the following terms and conditions:

#### **Terms and Conditions:**

1. Rent of land shall be recovered at the annual rate of 15% of full market rate. Market value of the land shall be got assessed by Deputy Town Planner and 20 times assessment of non-agricultural land shall be added and arrived value shall be market value and on it, 15 percent rent shall be recovered.

2. The lease shall be for seven years in first instance and after seven years it shall be renewed. If not renewed, the land shall be surrendered.

3. The land shall be used for the purpose for which it is granted.

4. The leased land shall at no time shall be mortgaged, gifted, sold or transferred in any way without the permission of the collector.



5. The land granted shall not be transferred to any foreign person domiciled or settled in India without permission of the government.
6. An undertaking in a prescribed form shall be given and the terms and conditions laid down in it shall be complied (Undertaking is given in Gujarat Land Revenue Rules) Violation of any of the terms and conditions shall lead to termination of the lease. Any infringement of above terms and conditions or undertaking shall result in resumption of land without any compensation.
7. The land shall be rented to the Gujarat Agro Industries and the Corporation shall be responsible for timely payment of rent to the government.

(2) The Collectors are conferred with powers to lease out the land when demanded by Gujarat Agro. Industries Corporation. The Collectors shall send copies of order to the government.

(3) Where the beneficiary is unable to pay the annual rent individually as it being high, it is permitted to recover rent in 12 equal monthly instalments instead of yearly interest as per rules. If representation is made by individual beneficiary to the Gujarat Agro Industries Corporation Ltd. action as above shall be taken.

**25. Assessment of value of land while approving non-agricultural land when govt./ govt. interest is involved.**

The district level committee consisting of the following members shall assess value of land in which government/ government interest is involved:

		<b>Committee</b>
(1)	District Collector	- Chairman
(2)	D.D.O.	- Member
(3)	Concerned Dy Town planner Town planning and valuation Dept.	- Member
(4)	Resident Dy. Collector	- Member Sec.

2. After assessment of government land of any district by the said committee, when the matter is to be decided by the Government for the assessment made by the District Committee is Rs. 50 lakh or more, the matter shall be referred for opinion of Chief Town Planner of Town Planning and valuation Department. Further, for deciding the matter on opinion of the Chief Town planner of the state, it is decided to formulate a high level committee consisting of the following secretary/ Additional Chief Secretary/ Principal Secretary.

**Committee**

1. Secretary/Additional Chief Secretary/ Principal Secretary, Revenue Department.
2. Secretary/Additional Chief Secretary/ Principal Secretary, Urban Development urban Housing Department.
3. Secretary/Additional Chief Secretary/ Principal Secretary, Finance Department.

3. The Collector shall send his opinion of above district level committee for value of land to the government along with proposal or approval for land and above action shall be taken for proposal sent for approval under their power.
4. Action as to obtain opinion of Chief Town Planner on proposals sent for approval of the Government and to obtain decision of Committee of secretary on opinion of Chief Town Planner shall be made by (Revenue Department).
5. This resolution shall take effect from 15-1-98.
6. Meeting of valuation Committee of the district level shall be convened at least once every month.
7. The said committee shall determine price of land when fixing amount of premium at the time of transfer, change of purpose, change of condition of all land involving interest of the government.
8. While deciding valuation of land by the District Valuation Committee, Valuation made by the Town Planner has to be considered. Special factors if found proper after discussion and if left out by the Town planner shall be considered after increasing/ decreasing it. For making this, detailed note with reasons for the same shall be prepared for agenda. A statement prepared by Town Planner along with agenda of District Valuation Committee shall be enclosed compulsorily.
9. While evaluating land by District Valuation Committee and state level valuation committee, they shall be guided by ready reckoner prices.

**26. Leasing out of token rent the land of Government/ Panchayat at token rent to the Gujarat State Road Transport Corporation and sanctioning of commercial use of land.**

1. The State Government has decided in principle that when the Gujarat State Road Transport Corporation asks for land from government/ Panchayat for setting up of bus stand, it should be given on lease of 99 years for a token rent of Rs. 1/-.
2. When the Gujarat State Road Transport Corporation uses this land for commercial purpose, the income derived from it shall be used for making up of loss it has incurred.
3. The Gujarat State Road Transport Corporation shall submit its demand for grant of land before the Collector who shall submit the proposal to the government for consent after verification of site position with records. Every proposal shall be decided on merit basis.
4. Maximum 10 percent land of total land allotted on lease to Gujarat State Road Transport Corporation shall be used for commercial purpose.
5. It can be used for ancillary facilities of passengers for commercial purpose.
6. Land is leased to the corporation so the corporation does not have any ownership rights on land. So the land can be given on sub lease contract basis for commercial purpose. It cannot be disposed on permanent basis.

### **27. Disposal of Government waste land Exemption from “Narmada ban”.**

In order to make available land immediately for rehabilitation of displaced persons of Narmada Yojana, a complete ban has been imposed on disposal of government waste land situated in Surat, Bharuch, Panchmahals and Vadodara Districts and a ban is also imposed on disposal of government land concentrated in 50 acres or more area of other districts of the state. A ban is also imposed on disposal of Shir waste land of Dharampur Taluka of Valsad district. Due to the above restrictions, process of allotment of land for industrial, social, educational and other development activities was delayed. So now for relaxing the above restrictions it has been decided that no exception from the ban shall be obtained from Narmada and Water Resources Department in cases fulfilling the following terms and conditions while allotting government waste land:

- (1) The land in question should not fall in command area of Sardar Sarovar Yojana or other proposed or existing irrigation scheme.
- (2) The land in question shall not be concentrated in 100 acre area or part of one big block or a part of 100 acre of a block adjoining each other.
- (3) The land in question should not be required for Sardar Sarovar Project or distributaries of Sardar Sarovar Narmada Nigam Ltd.

2. While sending proposal to the government for allotment of land or for allotting of government land, the concerned District collectors should ensure that whether ban exemption is required under the said provisions, and if required, he should clearly mention, exemption from ban with the proposal.

3. This order shall take effect from 4-7-98.

### **28. Scheme of allotting plot as gift to cricketers of International levels of Gujarat State.**

Looking to the contribution made in field of cricket by the cricketers of the state at national and international levels, it has been decided to allot land/ plots for residential purpose subject to the following terms and conditions:

- (A) The concerned cricketer should be a domicile of Gujarat.
- (B) The concerned player should have played at least for five seasons at national and international levels or he should have participated in five events. For this, it is not necessary that he should have played in continuous five seasons.
- (C) He should produce a certificate from Indian Cricket Control Board.
- (D) The cricketer who demands land for residence, the village/ city mentioned by him shall have open government land.
- (E) This player shall be eligible to maximum of 500 sq.mt. plot/land only for residential purpose and it should be in residential area.
- (F) This land/plot for residence shall be given on new and impartible tenure and it shall not be disposed by way of Sale, mortgage, transfer, lease or any other way.
- (G) The concerned cricketer shall apply to respective collector subject to the provisions of this G.R. in which he should mention detail of land required. The Collector shall prepare a proposal as per rules and send it to the Secretary, Sports, Youth and Cultural Activities, Department. The sports, youth and cultural activities Department shall send this proposal to the Revenue Department with

necessary recommendation. Revenue Department shall send the proposal to the concerned collector and secretary, sports, youths and cultural activities Department to the government for approval of allotment of land with recommendation of the Department.

**29. To lease government land for Panjarapol/ Gaushala in scarcity affected area.**

It has been decided to lease out 3 Acres of government waste land in first instance at token rent of Rs. 1/- for three years to institutions that wish to run Panjarapol/Gaushala in scarcity affected areas.

2. If the institutions which receive land run the Panjarapol/ Gaushala properly, the lease can be extended after completion of the above three year period.
3. If the institution which has been allotted Panjarapole/ Gaushala fails to use for the purpose in prescribed time limit or it is used for other purpose, the land shall be resumed without any compensation and in these circumstances no compensation shall be given for any construction made on it.
4. Under the G.R. only registered trust/institutions shall be entitled to get the land.
5. This G.R. shall take effect from 25-5-2001.

**30. To grant permanently government land leased out for non agricultural purpose at old tenure and to convert in old tenure the land granted on new tenure for non-agricultural purpose.**

1(A) After careful consideration, it has been decided to grant permanently government land leased a out for non-agricultural purpose previously on new tenure subject to the following terms and conditions:

1. To grant permanently on old tenure the land leased for non-agricultural purpose by charging 100% of prevalent market price.
2. The land leased for tree plantation and farming on Israel method shall not be granted permanently under these provisions.
3. If the land holder has continuous possession of land for 15 years or more, the land can be allotted permanently.
4. Under the provisions, maximum five acres of land can be granted permanently on old tenure.
5. Total less than five acres of land shall be granted to lease holder for non-agricultural purpose permanently on old tenure as above.
6. If the total area of land leased for non-agricultural purpose is more than five acres and the holder of land has invested for its development and demands are made for permanent grant of land on old tenure based on merit, the government will consider these facts. On additional land, if holder has not made any investment and the land is open, the land shall be resumed by the government.
7. If the land holder of non-agricultural land of area more than five acres after completion of 15 years returns except in above Sr. No. (6) the excess of five acres of land, he shall be granted five acres of land permanently on old tenure.

- (B) After careful consideration, it has been decided to convert the land granted for non-agricultural purpose on new tenure to old tenure as per the following provisions:
- (1) The land granted on new tenure for residential purpose shall be converted in old tenure by changing 75% premium amount of difference of prevalent market price and occupancy price.
  - (2) It shall be converted in old tenure by charging 100% premium amount of difference of prevalent market value and occupancy price for non-agricultural purpose except residential purpose.
  - (3) If the applicant is in legal possession of land for 15 years or more than land shall be converted in old tenure as above.
- (C) For above mentioned land converted in old tenure, other prevalent rules such as Ribbon Development Rules, zoning, rules of local authorities/ town planning for construction shall apply.
2. The proposal as per rules as above shall be submitted to the Government for approval by the collectors.
  3. This order shall take effect from 8-8-2001.

**31. Transfer of government waste land for solving the problem of residence of police personnel of the state.**

When Police Department requires land for construction of police staff quarters or for other purpose, it has been decided to follow the following procedure for transfer of land:

- (1) Police Commissioner of respective city at city level shall prepare a proposal and submit it to the collector.
- (2) Except for areas mentioned in (1) above, Head of Department declared by Home Department shall prepare a proposal and submit it to the collector through superintendent of police of respective district.
- (3) After approval of the proposal, possession of the land shall be handed over to the Police Commissioner of the concerned city or Police Superintendent of the respective district by the collector by his designation.
- (4) Under Administrative order No. 3 of chapter-2 of the Gujarat Land Revenue Rules, 1972, the collectors shall have to transfer the land. However if the cases do not fall in jurisdiction of the district collector, the proposal shall be submitted to the government for decision.

**32. Transfer of the government land to the court:**

As per subject allotted to the Legal Department in Part-II of the first schedule under Rule No. 4 of the Business Rules of the Government of Gujarat. Court Building/ land has been vested in the government for purpose of the state. For construction of court building government land has to be transferred to the Legal Department. Hence when demand is made for grant of government land for construction of court building it is hereby informed to all the collectors that necessary action should be taken for transferring government land to legal Department under Administrative order No. 3 of Gujarat Land Revenue Rules 1972.

**33. Grant of Government waste land to educated handicapped persons/ blind for STD/PCO booth at concessional rate:**

Government has decided to allot government waste land to educated unemployed blind/handicapped persons for STD/PCO Telephone booth at concessional rate subject to the following terms and conditions:

- (1) Those educated unemployed handicapped/blind persons who have been sanctioned STD/PCO Telephone by Telephone Department under plan shall be eligible to concessional land.
- (2) Land shall be given on lease and the beneficiary shall pay rent as per the standing orders of the government issued from time to time.
- (3) For quantum of land for STD/PCO telephone booth, a certificate to this effect from telephone Department shall be produced.
- (4) The power to allot land on lease shall vest in the concerned collector.
- (5) The land allotted shall be used for the purpose for which it is allotted else violation of the term shall result in forfeiture of land to the government.

**34. Disposal of land under other departments of the government.**

As per the section 37 of the land Revenue code, any land which does not belong to any person or persons legally, all such lands are administered by collector under government orders. As per the provision of land Revenue code under circular R.D. No. LND-3963-15807-A dated 20-11-63 it is specifically directed that no department except Revenue Department shall dispose of any lands under it temporarily or otherwise. If it does so it is not fair and legal. If any department does not want to hold any land temporary or permanently, they should hand over these land to the Revenue Department. The collectors are empowered to dispose of these lands for public purpose and as per requirement of other Department permanently as per rule and policy in force. Hence all the departments of government and all the district collectors shall have to consult revenue department in view of above legal position for disposal of land under other department.

**35. Allotment of government land for agricultural or non-agricultural purpose in joint name of husband and wife.**

When demand is made for grant of government land for agricultural or non-agricultural purpose by any person and it is sanctioned, it shall be granted in joint name of husband and wife and the Sanad shall be prepared in joint names. However, if the land is demanded by woman applicant for agricultural or non-agricultural purpose and if the land is granted, it shall be granted only in the name of the concerned woman individually and Sanad shall be prepared accordingly.

**36. Securing/mortgaging government land/plot granted on new tenure for non-agricultural purpose.**

Before securing/mortgaging government land granted on new tenure for non-agricultural purpose to approved financial institutions/nationalized banks or co-operative banks for loan purpose, prior permission of the collectors shall have to be obtained. For mortgaging land to institutions other than the above institutions, permission from government shall have to be obtained.

The collectors should bring this provision to the notice of approved financial institutions/nationalized banks and co-operative banks.

**37. Inclusion of condition of permission of non-agricultural purpose for grant of land for non-agricultural purpose of the land situated in agricultural zone.**

When land of urban areas and rural areas is granted for non agricultural purpose, “the applicant unit/owner has to obtain permission for non-agricultural purpose of land”. This condition is to be included in order for grant of land. For case of land situated in non-agricultural zone this condition need not be included.

It is hereby instructed that the condition as above should be included in grant of land in r cases henceforth. It has been decided by the government that this condition is imposed for recovery of conversion tax under section 67(A) of Land Revenue Code while granting land when recoverable and timely recovery of standard non-agricultural assessment and accordingly necessary instruction have been issued as above. Hence when land is granted for non agricultural purpose, it is necessary to impose above conditions.

When any land is granted not only in agricultural zone but also land of any zone is granted for non-agricultural purpose above condition should be invariably included. This instruction has been issued to all the collectors.

**38. Work of watershed development in government waste land and gauchar land.**

The collector has to carryout work of grant of required permission for water shed development under GR RD No. JMN-3994-2548-G Dt. 5-8-95. For speedy implementation of the scheme, he has to take immediate steps for its permission and expeditious disposal. When informed about project implementation under water shed development by PIA agency immediate action should be taken for grant of possession of land of government and Gauchar land under GR Dt. 5-8-95 and the assets raised on it and immediate sanction for preservation of the same to the association.

**39. Disposal of government waste land through public auction.**

Government waste land, village site or Gauchar land generally should not be granted permanently or on lease on commercial purpose and if such land is to be granted, in no circumstances it should be granted without auction and in six major cities means within 10 Km. radius of the limit of Corporation and for remaining cities, in radius of 5 km. radius of municipality areas, village sites and government waste land and Gauchar land in areas as above should be identified and considering development of concerned cities and Urban Development Schemes and after reserving for future use of various departments of the government and for open community use, the remaining land can be disposed of through public auction. Hence, the land situated in cities which can be used for commercial purpose should be identified and put to auction immediately and for this upset price should be determined by the Town Planning Department and thereafter sold through public auction so that it can fetch higher prices. As the land is sold through auction, the condition of new and unalienable impartible tenure of GR RD No. 1970/45 Dt. 17-10-47 does not apply and the land can be granted on unrestricted tenure means at old tenure. The collectors should make a list of such land and fix upset price by Town Planning Department and put to auction at early date and detail of auction, name of highest bidder, persons participating in auction, detail of advertisement of auction, area of land, map showing situation etc. order of grant of land should be

placed before government for approval and after obtaining prior sanction of the government issue the order of approval and handing over of possession should be undertaken.

#### **40. Auction of land of new tenure:**

Under G.R. R.D. No. 1790/45 Dt. 7-10-47 and No.LND-3850-75117-B Dt. 7-8-56 when land granted on new tenure at price without auction are mortgaged to financial institutions and the cases in which institutions have to put to auction these lands, all the collectors should ensure that the government gets premium as per rules. When the collector grants permission for mortgaging the land the order should clearly mention that the land of new tenure cannot be auctioned without sanction of the government.

Moreover, when the land is mortgaged to the financial institutions on new tenure an order should clearly mention that the responsible person of the respective financial institution shall furnish an undertaking for payment of premium to the government as per rules.

#### **41. Disposal of government land through public auction received through illegal encroachment.**

1. Before disposal of the land becoming clear due to state wide campaign of removal of illegal encroachments by the Government the concerned authority of the land should ensure that the land does not belong to roads, it is not blocking, and it is not of tank.
2. The said available cleared land shall be videographed and it should be ensured that it is not encroached once again. For this purpose, a responsible officer/employee be entrusted its maintenance.
3. Concerned officer should verify that no litigation is pending in local court or Hon'ble High Court for the said open land. Moreover, before disposal of this land, verdict/direction of Hon'ble High Court should be specially looked into.
4. After action under Sr. No. 1 to 3 above, following action should be taken.

##### **(1) Priority List:**

For disposal of cleared land as above, it shall be reserved separately for government village site for the following purpose:

- (1) For governments own use.
- (2) For use of village Panchayat, Nagar Panchayat.
- (3) For use of public enterprises.
- (4) For public purpose.
- (5) After reserving the land for above purpose, the remaining land shall be disposed through auction except government and Gauchar lands.

##### **(2) Disposal through auction.**

For the disposal of the said land, public auction as under shall be conducted:

##### **1. Committee.**

A committee under chairmanship of the respective collector shall be formed. Its members shall be DDO and Resident Additional Collector which shall complete entire procedure.



**2. Price.**

The Collector / D.D.O. shall fix price of said land. Based on this price upset price shall be fixed by the committee as (1) above.

**3. Auction:**

The auction of the said land shall be carried out by resident Additional Collector, Deputy D.D.O.

**4. Other procedure:**

All the remaining process shall be carried out as per provision indicated in Land Revenue Code 1879.

**5. Other precautions:**

Before disposal of the said available land it shall be ensured that Ribbon Development Act and Town Planning Act are complied with.

The authority shall complete all the above procedure in six months and detailed report of receipt from it shall be submitted to the government in 15 days.

**42. Exhibition of advertisement on rocks, hills and mountains:**

As per the instructions of Forest and environment Department and direction of Hon'ble Supreme Court the Collectors/D.D.Os are hereby instructed that necessary action for immediate removal of advertisement affecting environment of mountains, hills, rocks and national highways and state highways of the state should be taken.

**43. Renewal of lease of government land leased for non-agricultural (commercial, residential and industrial) purposes and fixing of rent from time to time.**

Under G.R. R.D. Dt. 21-10-1982, the policy of recovery of 15 percent full market value of rent for the government land leased out, is in existence. However there is no clarity for fixing rent from time to time in the policy and no action is being taken for renewal of lease under provision of Land Revenue Rules. This has come to the notice of the government. Thus the matter of renewal of lease and fixing of rent from time to time was under consideration of the government. After careful consideration the following instructions are issued:

1. Under note No.106 of rule-39 of Land Revenue Rules 1972 for renewal of lease, the collector shall serve a notice to the lease holder before six month of expiry of the period of lease whether he thinks of any action for the land leased out.
2. The collector has to decide that as per the date of register for expiry of lease, in all cases whether the lease should be renewed/ it is renewable.
3. A notice should be served to the lease holder before six month of expiry of the lease except during this period, the lease holder has applied for renewal of lease.
4. The lease holder on expiry of the said period, shall handover the possession of the said land in as it was condition and without any objection except the lease is renewed for further period.
5. The lease holder shall deposit annual rent and other taxes in advance. After prescribed date of 90 days 12 percent interest on it shall be recovered. If the applicant fails to deposit rent with interest in 24 months, the lease shall be forfeited to the government.

## Collector Manual

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6. The rent for government land leased for non-agricultural purpose at 15 percent annual rate of full market value shall be recovered.

(1) Market value of land on 1<sup>st</sup> August of revenue year in which lease starts shall be fixed by the District Valuation Committee and accordingly full market value of land in question should be fixed and thereafter annual rent as per G.R. R.D. Dt. 21-10-1982 shall be fixed.

(2) Pro-rata (proportionate) rent for first year starting from lease on the month of 1<sup>st</sup> day to 31 July should be recovered and thereafter recovery of annual rent should be done as per revenue year.

(3) As detailed above, after each five year on 6<sup>th</sup> revenue year on 1<sup>st</sup> August rent should be renewed.

(8) This G.R. shall take effect from 5-4-2003.

1. Government waste land for salt production:

(1) Under Consolidated G.R. R.D. No. MTHJ/597/1372-K Dt. 10-10-2000 a policy has been formulated for grant of government waste land for production of salt. Accordingly on receipt of application of applicants a proposal should be prepared. For fixing rent of this land the GR Dt. 12-4-2001 should also be in considered.

(2) It has decided to recover Rs. 150 annually per hectare rent of government waste land granted for production of Browne like land of salt under GR R.D. No. MTHJ-2399-2267-K Dt. 30-5-2000.

2. Grant of land for Industrial purpose under Vibrant Gujarat Programme.

Under Circular R.D. No. HNJ-102001-VG- 2007-A1 Dt. 15-8-2007 following instructions have been issued for consideration.

(A) The Collectors shall provide necessary information to unit of selected land or other government land identified by land bank.

(B) As per the Appendix enclosed here with the applicant unit shall provide documents and the district collectors should verify the proposal in time limit as per the government policy.

(C) The time for preparation of proposal at district level shall be 45 days from receipt of the application.

(D) If the applicant unit has not enclosed necessary documents with application the Collector/Mamlatdar shall return the application with note showing deficient documents and a copy of this shall be sent to Industries and Mines and Revenue Department. If unit applies again with deficient documents the application shall be treated as afresh (de-novo).

(E) If for any reason there is delay in allotment of land due to any question or policy, the applicant unit shall be informed accordingly.

(F) Written instructions shall be given to all the Mamlatdars and Prant officers by the collector for strict compliance of these instructions.

### Selection of land

- (1) First preference-land of land Bank.
- (2) Other government land.
- (3) When the above land is not available Gauchar land can be demanded.
- (4) No land of tank or water bodies will be allotted.

### Application to concerned collector by Industrial enterprise and enclosure.

- (5) Application in prescribed form
- (6) Copy of M.O.U.
- (7) Certified copy of extract of village Form No. 7/12 for land demanded.
- (8) Opinion of District Industry Officer/ Industry Commissioner/ concerned competent authority.
- (9) Zoning Certificate and Part Plan and F-Form if any.
- (10) Under taking for payment of market value
- (11) Resolution of village Panchayat in case of Gauchar land.

### Points to be verified for proposal

- (12) Demand for earmarked land, reserved and encroached land shall be rejected.
- (13) Map of abuttals showing site situation vide inspection of site by circle officer.
- (14) Valuation by District Valuation committee (with assessment sheet, minute of meeting, report of D.T.P.)
- (15) Price of trees for land demanded.
- (16) Consent of removal of electrical poles and consent of bearing cost of their removal.
- (17) Certificate of G.M.B. for land demanded in Port area land.
- (18) Opinion of collector if used except for purpose not permitted in the zone.
- (19) Consent of unit for payment of additional 30 percent of market value in case of Gauchar land.
- (20) Verification whether user's right in land under demand is granted (for e.g. gas pipe line, water pipe line etc.)
- (21) After verification of all these points a standard proposal shall be sent in person.
- (22) After verification of all these points, clear opinion of collector for allotment of land.

### 3. Imposing conditions of construction for allotment of government land for special economic zone, I.T. Park purposes.

Under G.R. R.D. No. JMN-3901-2621-A-1 Dt. 27-2-2008 following instructions are issued which should be observed.

- **Purpose of SEZ other than I.T.**

The developer of Special Economic Zone shall start construction in six months from date of notification and complete it in three years from date of notification. If this is not done, the land on which construction has been started shall be resumed by the government.

### **(2) Purpose of I.T. Parks**

The developer of I.T. Park shall complete construction of at least the million sq. feet in three years from taking over the possession of land. Additional each million sq. feet. construction shall be completed in next two years.

After review of construction carried out by I.T. developer at five years, decision of extension shall be taken.

### **(3) Purpose of I.T. Special economic zone.**

Developer of I.T. Special Economic Zone shall complete construction of at last one million sq. feet in three years from date of notification. Additional each million sq. feet construction shall be completed in next 2 years. After review of construction carried out by I.T. developer at five years decision of extension shall be taken.

All the collectors are directed that detailed order of allotment of land consistent with land allotment for concerned purpose and respective condition as above must be included in the Sanad.

### **4. Important Points to be remembered for government land.**

**(1) Narmada ban exemption:** Under GR RD No. JMN-392004/ 3264 A Dt. 25-1-2005, it has been decided to dispense with ban on disposal of government land and method of no objection certificate.

**(2) Land to government departments:** Under Administrative Order NO. 3 of Land Revenue Rules 1972 when land is transferred to the government departments, it should be ensured that these departments should use land for the purpose for which it has been transferred and they cannot dispose of it as per their wish. Latest detail of grant of land to which government department has been made should be prepared by Mamlatdar.

### **(3) Restrictions on land granted for agricultural purpose.**

Government land granted for agricultural purpose, shall be of new tenure and it shall be regulated by restrictions of section 68 and 73 of Land Revenue code. So the record of land granted for agricultural purpose should invariably mention new and impartible tenure. In view of provision of GR R.D. no.1970-45 Dt. 17-10-47 the sanad of land granted for agricultural purpose should mention new tenure land it cannot be used without prior sanction of collector except for the purpose it is granted.

### **(4) Restrictions on land granted for non-agricultural purpose.**

For land granted for various purposes of non-agriculture, looking to provisions of above GR the Sanad granted for non-agricultural purpose must mention that it can not to be used without prior sanction of collector except for the purpose it is granted. Thus for use of land granted for non-agricultural purpose restrictions imposed should be observed.

### **(5) Restrictions on land granted for Industrial and Commercial purpose.**

Conditions other then G.R. R.D. No. LND-3956-75117-B Dt. 7-8-56 should contain the order and it should be ensured that they are complied.

### **(6) Disposal of government kotar lands:**

As per GR, R.D. No.JMN-3952-52055-G Dt. 20-6-83 instructions have been issued for disposal of government Kotar land for agriculture on permanent basis and for other purposes. Proposals for such land shall be prepared as per priority and terms and conditions set out in it.

**(7) Policy of making government waste land useful for agriculture by adoption of modern technology.**

The policy of this GR has been decided with the aim of making government waste land useful by adopting modern technology under GR RD Dt. 17-5-2005, to encourage big industries and farmers to make the land agriculture worthy and encourage horticulture and other use, and raise employment opportunities for agricultural labourers and skilled workers. Under this GR it has been decided to grant land on lease to big industries and individual competent farmers for which the applicants have to submit projects. For verification of the project, a committee under chairmanship of the collector has been constituted and at government level, a committee has been formed for making recommendation of the project under chairmanship of the Minister for revenue. It has been decided that government waste land of 500 acres or more area can be allotted under GR RD No.JMN-3903. 453-A (Part-I) Dt. 1-9-05 for the talukas under districts shown in the Appendix of this GR, the collectors can approve proposal of land projects.

**(8) Wind farm Projects:**

A policy of leasing out government land for wind farms has been decided, under GR RD No. JMN-3903-UOR-29-A Dt. 11-6-04. This Resolution has been amended by GR Dt.2-12-2004. which provides for extending the period of lease, rate of rent and advance possession.

**Grant of uncultivable government waste land for cultivation of fruit and other trees and for cotton and other crops.**

**Grant for plantation of fruit trees and other trees.**

It was provided frequently under circulars GRs of RD for demand of land for raising fruit trees and other trees and disposal of Kotar land. In supersession of the provisions of all these Circulars, Resolutions, it has been decided under GR RD No. JMN-392003/454/ (2) A Dt.11-6-2003 to dispose of the demands as under when they are made for such land.

**1. To which land applicable:**

This resolution shall apply to government waste land. Government waste land, Sandy, salty waste land and ravine and Kotar land which has not been cultivated. However under GRRD Dt. 1-3-60 and consolidated GR of 24-4-81, the land which has been put to final list for cultivation shall be excluded from the scope of this GR. Similarly the land which has been vested in to the Gram Panchayats for Gauchar land this GR shall not apply. Moreover, as per GR Dt.1-3-69 as mentioned above, except land mentioned in final list, the land remaining waste shall be disposed of under this GR.

**2. Priority:**

The priority for grant of land under this GR shall be as under:

- (1) Gujarat Gram Vikas Nigam
- (2) Village level Co-operative Societies consisting of tree growers, persons of S.T./ S.C./ land less agricultural laborers marginal/ small farmers/ Baxi Panch members and registered and under co-operative societies Act.

**Explanation:**

- (A) All the members of such society should belong to above category.
- (B) For purpose of this GR meaning of "Marginal and small farmers" shall be those eligible under IR DP.

- (3) Individual claimants:

For individual claimants, priority shall be as under:

- a. Agricultural labourers
- b. Land less labourers
- c. Marginal farmers
- d. Small farmers
- e. Voluntary agencies working for the benefit of and for co-operation thereof.

**Explanation -2:** As mentioned in above explanation-1, for disposal of individual demands of Sr.No.1 to 4, first priority shall be to claimants of S.T, S.C. and Baxi Panch members.

- (4) (1) Besides government undertakings, joint undertakings of government in which government has substantial share.
- (2) Registered public trust.

### **3. To what base and to what maximum extent it can be granted.**

- (1) Under this GR the land cannot be disposed on permanent basis but the claimants are to be granted land of 15 years lease.
- (2) As mentioned in priority in 2(1) of GR of availability of land, Gram Vikas Nigam can be granted maximum of 80 hectares. For co-operative societies mentioned in 2(2), and voluntary agencies mentioned in priority of 3(2) (5) land can be granted maximum of 2hectares per member. However, in no case the land to be granted to any society or voluntary agency maximum land shall not exceed 80 hectares per individual. However, in Tribal areas where land less than one hectare is available, the tribals can be granted land about half a hectare as per availability of land also.
- (3) In case of individual demands as mentioned in priority of GR, maximum of one hectare and maximum of 2 hectares of land can be granted.
- (4) Under this GR, for grant of land or lease to co-operative societies the collector has to grant permission under Agricultural Land Ceiling Act.
- (5) In individual case of demand, while allotting land acreage standard is not be applied to marginal and small farmers.

### **4. Terms and conditions of lease:**

- (1) Land shall be granted on 15 year's lease as per priority shown in para-3.
- (2) After grant of lease and after handing over lease of first year no rent shall be charged. Thereafter for seven years, rent at half the rate for agriculture in which area the land is situated shall be recovered. After completion of 15 years lease, if the lease is to be renewed for further period, for each year after 15 years, full rent of agricultural rate of the respective area shall be recovered.
- (3) Under the scheme, the lease holder of land shall grow and raise at least 1000 (one thousand) fruit trees, fuel, timber or any type of trees. However in view of trees to be grown one thousand per hectare is not found possible the number of trees can be reduced suitably by the collector in consultation of Forest and Environment Department.
- (4) If the land is remaining open after raising at least one thousand trees per hectare as shown in above (3) of the land leased, such open space shall be used for growing grains or grass.
- (5) No right of ownership on land leased shall be created. However, the lease holder shall have right on trees, grass, leaves on land leased.
- (6) The passages passing through the land leased out and ways of other persons for passage in to the field shall be kept open and if there is any need to make any barricade to protect grown trees by the lease holder it shall be subject to right of such existing ways.
- (7) If for any public interest or for any requirement the competent officer thinks that the trees raised on such leased land are to be removed he has sole right to do so. However in such case all the produce from removed trees will be handed over to him but if the lease holder has incurred substantial expenditure for land improvement and for plantation of trees, the amount as fixed by collector found first by him can b granted to him as compensation.

- (8) The land granted on lease by this resolution shall be developed fully in maximum of three years from the date of handing over the possession. However if the competent authority is satisfied that during the period of these 3 years the land could not be developed due to fair and just reasons he can extend the period for maximum of two years. During this extended period if the lease holder fails to develop land on expiry of extended period the competent authority shall cancel the lease without any compensation.
- (9) After completion of 15 years of lease whether it is to be extended or not and if it is to be extended then for what period, the decision as to this shall rest with discretion of the collector.
- (10) If the lease holder of the case dies during currency of the lease the lease can be continued for remaining period by his legal heir but except that it cannot be transferred to other persons.  
Explanation: For transfer it should be clarified that the lease holder can borrow money from government approved legal financial agencies or from nationalized banks for better use of land and for that purpose, rights of respective financial institution can rise for recovery of loan.
- (11) If any of the terms and conditions of above lease is violated or it is used for other purpose than granted the collector shall cancel immediately without any compensation for violation of the conditions.
- (12) For trees allotted to government industrial undertakings and joint industrial undertakings and when the programme of tree planting is to be carried out only local labourers can be engaged for their employment, so that maximum benefit desired from these programmes would reach poor of the local areas.

### 5. General:

- (1) In order to carry out the purpose of national programme of development of waste land and to decide grant of land under the GR where the Prant officer is competent and where superior officers are competent there shall be a committee at Prant level for recommending case as under.
1. Prant Officer
  2. Director, Gram Vikas Agency
  3. Concerned Taluka Mamlatdar
  4. Social Welfare Officer (State)
  5. District Agri. officer.
  6. Woman member of concerned Taluka Panchayat.
- (2) A detailed test of land available for disposal on Taluka shall be with this committee and when demands are made to the Taluka for land, they will be put before this committee. The committee shall dispose demands put up before it as per priority and recommend them.

### 6. Delegation of power:

Rights of grant of land shall be as under (on receipt of recommendation of the committee).



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- (1) Land can be granted at the level of Prant Officer to cooperative society, Cooperative union and registered public trust.
- (2) In case of Individual demands, recommendations of committee shall be put up before collector and he will verify and make orders.
- (3) Public and joint Industrial Undertaking having substantial interest of government and demand of voluntary agencies working for benefit of local people and with their co-operation shall be submitted to the government at level of collector with recommendation of the committee and when demands are made, Secretaries of R.D., Rural Development Department. Social Welfare Department and Tribal Development shall verify proposal of the committee and recommend to the government and under this, recommendations shall be made by the government for grant of land on lease to such undertakings.
- (4) For demand made by rural development agencies as it being government agency, decision of grant of land on lease shall be taken by the collector.

### **7. Financial assistance by lead bank:**

In order to make available financial assistance as loan to beneficiary person/institution of this scheme and to contact lead bank to it for financial assistance urgently as per rules when an order is made for allotment of land to any institution/agency as per GR Dt. 1-1-87 by revenue officer of the district, a copy of the same is to be sent to lead bank of district and Deputy Manager, National Agri. & Rural Devel. Bank, Nanalal Chambers, IInd floor, Ashram road, P.Box No. 8, Ahmedabad. 380009.

### **8. For implementation of the scheme following actions shall be taken:**

- A. Under this GR the land to be allotted is to be identified as uncultivable and a certificate of District Agri. Officer (Appendix – A) that the land is uncultivable but trees can be planted on it can be issued in his presence after verification. It can be enclosed with proposal.
- B. Allotment can be made after considering following without change in priority of GR para 2 of the GR.
  - (1) Allotment of land identified as uncultivable under the scheme shall be made every two months of February, April, June etc. and if it is not done during this time for any reason, when done in later period shall be covered. No allotment of land then the prescribed month shall be done.
  - (2) 50 percent from total land identified for allotment shall be kept for S.T. S.C. persons.
  - (3) If the land to be allotted to S.C. S.T. persons individually and members of tree planting cooperative and beneficiary of voluntary agencies is more than 80 per cent the area of land to be allotted to them shall be considered in 50 percent allottable as per sub para (2) above.
  - (4) 30 percent of total land to be allotted shall be for women deserted by their husbands shall be given priority.
  - (5) If there are women members in co-operative society for 30 per cent land to be allotted to women and women beneficiary of voluntary agencies 30 per cent shall be covered as shown in sub-para-4 of area for consideration of part of woman members/beneficiary out of total land of society/ institution.

(6) As per para-2 of this GR allotment of land as per percentage of area as shown in priority shall be made.

**(2) Grant for plantation of cotton and other crops:**

**1. Type of land:**

Under this scheme, the land which is uncultivated and waste in which government waste, sandy, salty waste land and which is not reclaimed, ravine and kotar land shall be allotted. However, the land which is cultivable waste land and acquired by Gram Panchayats Gauchar land shall not be allotted. The land which is uncultivable but falling in areas of 20 km. radius of six metres having urban Muni. Corpo. Non agricultural land for use of residence on industries, business potential shall be excluded.

**2. To whom shall be allotted:**

It shall be allotted to (1) Non-residential Indian Companies and (2) Individuals, Co-operative Societies, Industrial houses of India, Corporation bodies and public limited companies which intend to undertake land development activity by adopting Israel Technology or other scientific methods and for planting of medicinal plants.

**3. Ratio of allotment of land:**

The above claimants shall be allotted minimum of 1000 acres and maximum of 2000 acres (800 hectares) looking to the availability of land considering experience of company expertise, use of international technology, economic aspect of project, investment, potential for employment opportunities, productivity etc. of claiming land at one place.

**4. Tenure:**

Land shall not be granted perennially but on lease of 20 years.

**5. Terms and conditions of lease:**

(1) Land shall be granted for lease of 20 years in first instance and after expiry of that period, lease can be extended for another 20 years.

(2) For first 10 years out of 20 years of first lease rent at the following rate shall be recovered.

(A) Year of lease period	Annual rent to be recovered per acre (Rs)
1	2
First	Nil
Second	Nil
Third	25
Four	27.50
Five	30
Six	32.50
Seven	35.00
Eight	37.50
Nine	40.00
Ten	42.50

(B) After 10 years government shall review basic rate of Rs. 25 and accordingly rent shall be recovered.

(C) Time of lease shall be from the date of order of lease granted.

(3) Lease holder shall have no right on leased land but he shall have right to proceeds of crops grown.

(4) If no work is started in two years from taking ever possess on of land under scheme for development, extension for one year shall be made on reasonable grounds and thereafter if no work of development of land is started the lease is liable to be cancelled without any compensation.

(5) The lease shall be used for the purpose for which is granted and if it is used for other purpose the lease shall be liable to be cancelled for violation of terms.

(6) Priority shall be given to local people while employing in development of land.

(7) This land shall not be sublet.

### **6. Delegation of powers :**

A proposal of demands received from NRI Companies, Corporate bodies, limited companies shall be prepared and sent to revenue Department and it shall be scrutinized by committee of Secretaries of R.D, Agri. & R.D. Dept., Forest and Environment Department, F.D. and make recommendation on it and the decision in this regard shall be made by government.

### **(3) Grant on permanent basis:**

Land granted for rearing of fruit trees and other tress and planting of cotton and other crops, and for farming on Israel method shall be on lease only. It is not the policy of the government to grant land on permanent basis. (GR, RD No. JMN-392000-45-A Dt. 8-8-1)

There orders are issued by consolidating all the above orders issued on this subject. Now these orders are to be implemented instead of all the above mentioned orders but when a question on of interpretation is raised provisions of original resolution shall be considered.

### Disposal of permanent islands and river bed lands.

Under consolidated GR RD No. LLB- 3979/188 5-G Dt. 8-11-79 provisions have been made for grants of perennial ploughing of permanent islands and river bed lands. Provisions have been made for disposal of permanent islands and river bed lands as under:

1. Permanent Islands and river bed lands are such land which is not likely to submerge due to floods. The lands on which once in two-three years flood water sweep shall not be considered permanent Island and river bad lands. Moreover, this land of two beds of river which is open except monsoon is granted for growing of vegetables, potatoes, water melons and musk melons. This land is not included in it, because such lands get submerged in floods of the river. Whether the land belongs to permanent island and riverbed lands shall be considered by above explanations by the collectors. In the year 1968 and 1970 land of permanent islands and riverbed was submerged but generally the land is not vulnerable to flood waters shall be considered as permanent island and river bed lands.
2. The land of permanent island and river beds should be granted to their present lease holders permanently. The lease holders who are eligible for such lands should be real holders but they should be granted land permanently the land not more than 4 acres. If any land holder has more than 4 acres such land he should be granted land upto 4 acres. However if a person has a little more than 4 acres of such lands and it is not more than 10 gunthas then extra land of ten gunthas should be allowed to him and it should not be taken back.
3. For permanent disposal of land of permanent island and river beds following value of possessory rights shall be recovered.

Sr. No.	Retail of leaseholder receiving land	Norm of value of possessory rights to be recovered.
1	2	3
1.	S.C, S.T, Backward farmers and landless lease holders.	The year in which land is disposed permanently the rent of three previous years of it out of which maximum annual amount should be taken and of these amount 6 (six) fold amount should be taken.
	(A) Those who till such land for more than ten or more years.	-
	(B) Those who till the land for less than ten years.	The year in which land is disposed permanently rent of three previous years of it out of which maximum amount should be taken and of this amount twelve fold amount should be taken.
2.	Non backward lease holders.	

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Sr. No.	Retail of leaseholder receiving land	Norm of value of possessory rights to be recovered.
1	2	3
	(A) Those lease holders who till land for more than ten years.	The year in which land is disposed permanently the rent of three previous years of it out of which maximum annual amount should be taken and of these amount 18 (eighteen) fold amount should be taken.
	(B) Those lease holders who till land for less than 10 years.	The year in which land is disposed permanently the rent of three previous years of it out of which maximum annual amount should be taken and of these amount 24 (twenty four) fold amount should be taken.

4. The persons holding more than 4 acres of permanent island and river bed land should surrender extra land than granted as per above para-2 of the GR. Persons of S.C., S.T., B.C. and land less farmers shall be granted as per price of above norm and in limit of 5 acres.
5. If the cooperative society holds permanent island and river bed lands, it should be allowed to retain it on the terms applicable. They should pay revenue and other taxes. Present rent shall not be paid. When the society is wound up, or when it requires the land no longer the land shall vest in the govt. automatically. No possessory rights are to be given to the society.
6. When market price is to be fixed for disposal of land and to avoid delay in this matter and for fixing price of this land, the collector shall form a committee of Prant Officer, Taluka Mamlatdar and District Inspector of land Record, and get the price fixed and all the cases should be disposed.
7. If the members of SC, ST and backward classes apply for instalment for payment of price of land, the collector should fix instalments with interest. Six percent interest in this should be recovered.
8. District wise land revenue for permanent disposal of land of island and river bed is fixed as under:

Sr. No.	District	Land revenue to be received for per area of land
1	2	3
1.	Panchmahals, Kutch, and Sabarkantha	4-00
2.	Banaskantha, Mehsana, Ahmedabad & Gandhinagar.	5-00
3.	Junagadh, Bhavnagar, Surendranagar, Rajkot Jamnagar, Amreli & Kheda.	6-00
4.	Bharuch and Vadodara.	8-00
5.	Surat	8-50
6.	Valsad	9-00

9. Land revenue to be recovered in each case or as per area of plot of land should be got fixed by District Inspector of land records by collector.
10. Assessment of local fund cess and other cesses should be assessed on the amount of assessment of land revenue on permanent is land and river bed lands as per rules.
11. Power to dispose of permanent Island and river bed lands permanently is delegated to the Prant officer.
12. While granting such lands, the land with such land holder should not exceed ceiling area as fixed by under Total Agricultural and ceiling Act.

**Disposal of non permanent Island river bed lands.**

Under government consolidated GR of RD No. LBB- 3979-1917-G Dt. 18-1-80 the government has made the following provisions for grant of temporary Island river bed lands either on lease or on rent:

- (A) The present land holders shall be allowed to hold temporary island riverbed land on over year basis and for such continued land, rent as per proviso (D) and (E) shall be paid. If the present land holders violate any conditions of lease, expires or does not want to till the land and with the result they are entitled to till the land, or want not to continue the lease the land held by then shall lapse or on expiry of lease period, the land shall be disposed of on one year basis considering the following.
- (B) New formed temporary island river bed lands and current temporary island river bed land, which is not leased out and as per provisions of (A) above it can be leased out such land shall be granted for one year on priority basis on following terms.
  - (1) Cooperative group agricultural societies of farmers or of backward class persons, if the area of land is sufficient for grant for ten members of the society it can be granted.
  - (2) Cooperative farming society which is made up of backward class members and if fulfilling the above conditions, it can be granted the land.
  - (3) Landless backward class persons or whose land being less than economic from these, the persons who are landless should be given preference and persons with less land should be given next preference.
  - (4) Landless agricultural labourers who are non-backward who wish to till the land by themselves.
  - (5) Other persons except backward class whose land is less than the economic field.
- (C) In no case while disposing land of temporary islands and river bed land shall exceed four acres land and the area with other land held by lease holder shall not exceed one economic field. For this purpose, the acre land of temporary Island and river bed land is equal to three acre jirayat land.
- (D) On temporary island land and river bed land annual rent at the following rate shall be recovered.

New lease holders except:

- (1) Cooperative society of non-backward persons and persons of backward class, new lease holders than persons of other backward and S.T. and S.C. persons society, shall fivefold rent of annual assessment and local fund and education cess etc.
- (2) Lease holders other than non-backward class and S.T. or S.C. shall pay seven fold rent of annual assessment and local fund and education cess etc.

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(3) Present lease holders who do not belong to S.C., S.T. or other backward class shall pay 7.5 fold rent of annual assessment for first four acres and on excess land present rent being paid proportionate local fund cess and education cess etc.

(E) For fixing rent as fixed in proviso (D), assessment amount shall be as under:

Sr. No.	District	Amount to be recovered per acre	
		Rs.	Ps.
<b>1</b>	<b>2</b>	<b>3</b>	
1.	Kutch, Panchmahals and Sabarkantha	4-00	
2.	Banaskantha, Mehsana, Ahmedabad & Gandhinagar.	5-00	
3.	Junagadh, Bhavnagar, Surendranagar, Rajkot, Jamnagar, Amreli & Kheda.	6-00	
4.	Bharuch and Vadodara.	8-00	
5.	Surat	8-50	
6.	Valsad	9-0	

The collector shall get fixed by District Inspector, land record, the rent land revenue and in each case or rent to be recovered of each plot as per its area of land.

(F) New rent policy as per proviso (D) and (E) shall come in to effect from revenue year of 1972.

(G) In such cases, when conditions of grant of land are violated or terms of lease are violated or he fails to till himself, the lease shall be cancelled and such land can be granted to on one year basis "at fixed rent" (fixed at average rent of last three years) to land less Harijans or tribals.

(H) As per present orders of the government Prant officers shall dispose of such land of temporary island or riverbed land on lease or renew the current lease.

(I) It shall be answered while granting of land that the area of land with lease holder does not exceed land of island and river bed land then the ceiling fixed under land ceiling Act.

The amended resolution No. JMN-3980-571 Dt.31-12-83 lays down that in case grant of non-permanent river bed land to tribal and economically weak farmers, it shall be disposed on one year basis by charging annual rent of threefold of the assessment. For weak economic condition the collector has to use his discretion.

## **Extension of village site assignment and declaration of revenue village.**

### **1(A) Extension of village site assignment:**

Under (1) section 38 of land revenue code 1879. (2) Rule 73 of land Revenue Rules 1972, (3) Section 108 of Gujarat Panchayat Act 1993, and (4) GRRD No.JMN-3980-5326-G Dt. 15-2-80 the procedure for extending village site has been prescribed.

#### **(1) Selection of land for extension of village site.**

Selection of land for extension of village site shall be in following order:

(1) Government waste land (2) land vested to panchayat (3) land of private ownership to be purchased by village people through discussion among themselves. (4) Acquisition of land of private ownership under Land Acquisition Act can be acquired.

When proposal is to be made for taking over Panchayat land for public purpose under section 108(4) of Gujarat Panchayat Act, 1993, the collector shall take action under GC RD No.JMN-3965-52695-A Dt. 14-2-66.

#### **(2) Procedure for extension of village site:**

Various procedures for extension of village site have been prescribed under circular of RD No.JMN-3963-2015 G Dt. 19-4-84.

If the government land is to be added to village site, the work shall be completed in 4 months and if private land is to be acquired, the work shall be completed in 6 months. If the land vested in Panchayat is to be selected the work should be completed in 45 days. While making proposal for assigning land for village site, the collector should ensure that whether the proposal has been jointly sent by TDO and Mamlatdar as per instructions of circular RD No. JMN-3984-11673-G Dt. 5-12-90.

#### **(3) Important points to be considered for selection of land.**

When proposal for extension of village site is made jointly by Mamlatdar and TDO, the points to be considered for selected site of government waste land or Gauchar land generally are as under:

When village site is to be assigned under plot Scheme of tree house site to land less agricultural labourers, or for needs house site of needy backward class people, it should contain (1) land of demand (2) Name of village (3) Population of village (4) Survey no. Block No. (5) Area (6) quantum of land to be assigned (7) Copy of 7/12 and mutation entry (8) Certified copy of resolution of Gram Panchayat with resolution with date (9) whether land to be assigned belongs to Gauchar or Waste land. (10) Detail of requirement of pasture land in ratio of cattle. (11) Map of land demanded (12) Adjoining area of land demanded (13) facility of public road (14) Detail of ribbon development Rules violation (15) Opinion of public health officer (16) Detail of land where it is bumpy (17) Detail of trees on land (18) Detail of encroachment on land if any (19) list of plots



likely to be allotted. And (20) For land demanded, resolution of land committee consisting of president of Taluka Panchayat, TDO Mamlatdars and local MLA.

After 1955, administration of all land of district assigned as village site vest in District Collector and it is the responsibility of Revenue Officer under control of collector. The administration of site of pasture land of Panchayat grazing land is being done by Panchayat under Gujarat Panchayat Act, 1993. Hence all action should be taken by Panchayat for all encroachment in such lands. He should monitor as collector for removal of such encroachment.

**1(B) Declaration of new Revenue village:**

This is provided under section (7-A) of Land Revenue Code Under section (7-A) the state government is empowered to change limit of villages or its amalgamation or its formation. Accordingly the state government shall change the limit and it can extend it or amalgamate two or more villages or form new village.

This section has been introduced in 1950. The state government has been empowered to add survey No. or Nos. in other villages.

The State Government has circulated instructions while making proposal to government of declaring independent revenue villages to Gram Panchayat. Para, Peta-paras, muvadas, localities etc. under circulars from time to time in 1966, 1968, 1976, 1983 and 1984. However, proposal received were incomplete and in explaining them there was delay. With a view to avoid delay, the government has issued following instructions under circular No. PFR-102001-MR-38-Z Dt. 31-1-2003 and proposal should be made with documents attached with the schedule. The Mamlatdar should consider the following items while making proposal.

1. The concerned village should have status of separate independent Gram panchayat or

If it has no independent Gram Panchayat as above, than such paras, peta paras, falia, Muvada are to be declared as separate revenue village they should have population of more than 500.

2. If it has not independent Gram Panchayat as above and such Paras, Peta Paras, Falia, Muvada are to be declared as separate revenue village they should have population of more than 500 and upto 1000, the distance from respective Gram Panchayat should be more than 3-0 km.

3. There should be a resolution for Gram Panchayat which has been declared independent Gram Panchayat and the village which has to be separated both the Gram Panchayats should have made resolution for consent

or

if there is no independent Gram Panchayat than such paras, peta paras, Muvadas, falias, which are to be declared as separate independent revenue village, than there should be a resolution for consent for part of respective Gram panchayat.

4. There should be resolution for consent for declaring revenue village of concerned Taluka Panchayat and District Panchayat.

5. There should be resolution of consent from MLA and MP of concerned area.

6. The collector shall consider proposals of declaring revenue villages after verification of forms and if there is no objection from geographical point of view, he should take further action of declaring independent revenue village to independent Gram Panchayat, paras, peta paras, Muvada, falia etc. and send it the Settlement Commissioner. The settlement commissioner shall verify the proposal and sent it to the govt. with his opinion.

**Schedule**

List of enclosures to be attached with proposal for declaration of revenue village or change in Rakaba.

1. Certified copy of notification of Panchayat Department for declaration of separate Gram Panchayat.
2. Certified copy of resolution of consent of both Gram Panchayats.
3. Certified of Dy. Ex. Engineer for distance between two villages.
4. Certified copy of resolution of consent of concerned Taluka Panchayat.
5. Certified copy of resolution of consent of concerned District Panchayat.
6. Opinion of consent of MLA of concerned area.
7. Opinion of consent of MP of concerned area.
8. Clear cut opinion of collector for declaring of revenue village.
9. Certificate of number of cattle in village and Gauchar sufficient for strength of cattle (40 acre against 100 cattle)
10. Certificate of D.E.L.R. that no survey no is left out after tallying about geographical states with record of office of D.E.L.R.
11. Certified map in three separate colours showing clearly village boundary of villages to be separated and remaining villages by D.E.L.R. in triplicate.
12. Opinion of Development Commissioner affecting seat of Taluka Panchayat District Panchayat by separation of one revenue village to another of Peta para, falia, Muvada.
13. List of survey No. of present revenue village in order, showing clearly and clearly typed, certified by Talati and Circle officer of names of land holders, areas, assessment, total area etc. with abstract in triplicate.
14. List of survey No. to be included in newly formed revenue village, in order, showing clearly and clearly type, certified by Talati and Circle Officer of names of land holders, area, assessment, total area etc. with abstract in triplicate.
15. Clear cut opinion of Suptd. of Land Records.
16. After action of declaration of revenue village to concerned village state detail of change made in Taluka or district due to regional change by government and resolutions of this Taluka, District Panchayat, opinions of MLA/MP of area.
17. Detail of if any court case is filed for formation of Gram Panchayat or in this connection.

**2. Investing village property in Panchayats.**

Vesting of village property in Panchayats has been provided in GR RD No. LND-3970-UO-2600-G Dt. 5-1-70. Under this, property, like wells, tanks, open sites, waste land, grazing land, open space, trees, land of streets and way chavdi, etc. area be vested to Panchayat subject to certain general conditions. The property which has been assigned for the purpose shall be used for that purpose only. The purpose for which the property is assigned to Panchayats and if they are not required for Panchayats, they shall restored to the government. These properties shall not be transferred by Panchayats by way of lease, sale or by any other way without written prior sanction of the collector. The panchayats shall keep in good condition and allow no encroachment on it. In case of violation of any terms, the government shall take back without any compensation unconditionally. The property shall stay vested into panchayats as long as they exist and when any Panchayat is converted into municipality, the vested property shall restore to government automatically.

**3. Arrangement of trees on land vested in Panchayat.**

Provision has been made in GR RD No. JMN-1667-41679-G Dt. 1-3-72 for arrangement and disposal of trees on land vested in Panchayat. In this GR provision has been made for reserved, unreserved trees. The trees on road sides though planted by Panchayat they shall belong to government. When such trees are needed to government, they can be given at Rs.2 per tree royalty, Royalty shall be paid to forest Department and prior sanction of government has to be obtained for this. When such trees are required for other purpose, the forest Department shall sell it. After deduction of expense from the proceeds, the fifty percent amount from remaining amount shall go to panchayat. The trees which are ripe, dry, harmful or blocking, or in dangerous condition can be felled with sanction of forest officer. Except this, sanction for felling of trees of government shall be obtained.

Unreserved trees vested in Panchayat, situated in side of road under Panchayat through planted by Panchayat they shall belong to Panchayat. When such trees dry, fall down, the wood would belong to Panchayat. When these trees are in dangerous, harmful condition or are blocking they can be cut with prior sanction of the collector. In this regard the GR, Circulars of RD, Panchayat Department and Forest and Environment Department issued from time to time shall have to be considered.

**Comments:-**

- (1) "Backward Class Persons" shall include cattle-breeders like Rabaris, Bharwads, Dhangars, Maldharis and persons of any community of the like nature and Machhis. However, inter se priority amongst the Backward Classes will be as follows:-
  - (i) Scheduled Castes and Scheduled Tribes.
  - (ii) Other Backward Classes (according to the old classification and not according to the revised classification based on economic backwardness).
- (2) "Backward Class Co-operative Society" means a society having at least 60 per cent, members of Backward Classes.
- (3) "To cultivate personally" means to cultivate on one's own account (i) by one's own labour, or (ii) by the labour of any members of one's family and with the occasional assistance, if, any, of hired labour or servants, on wages payable in cash or kind but not in crop share;

(4) For the purposes of this resolution, an economic holding or a family holding should be- acres Instead of 16 acres **(16 acres of Jirayat land, or (8 acres Instead of 16 acres)**

(b) 8 acres of seasonally irrigated land or paddy or rice land, or

(c) 4 acres of perennially –irrigated land.

land is given on lease to non-backward class person because no demand has been made by backward class persons even though they were contacted. These orders shall not apply to the cases of renewal of such existing leases for one year.

(c) The growers take possession of the Government lands without permission and escape by paying penalty only under section 61 of Gujarat Land Revenue Code. According to the provisions of Section 61, standing crops on government lands may be confiscated in such cases. Government also directs that Revenue officers should consider taking timely measures to confiscate the standing crops in suitable cases. **( Following provision should be added: - The growers take possession of govt. land without permission and escape by paying penalty only under section 61 of L.R.C, if the same growers are found in possession of same govt. land, action should be initiated under provisions of Land Grabbing Act (PASA))**

**3. (A) Priority order to allocate lands in the areas other than scheduled areas.**

1. Farmers/ land-holders/ families whose agricultural lands have been totally washed away on account of heavy rainfall or flood and thereby they have become destitute, such persons should be given the available waste lands in the village or in surrounding areas on top priority basis for agriculture for their resettlement. If the number of affected claimants is more, first preference should be backward classes farmers or Agricultural co-operative societies of such land-holders.

2. The lands shall be allocated to the retired/ to be retired military personnel keeping in view the following facts.

**Income limit:**

Income-limit should be uniform to obtain land for residences as well as agriculture. They shall be entitled to get lands if their monthly income does not exceed Rs. 3000**(R.S. 10,000 instead of 3,000)** from non-agricultural sources other than pension.

**Designation:**

Retired/ to be retired military personnel upto colonel level and habitant of Gujarat should only be considered eligible.

**Eligibility of Gallantry award winners :**

Gallantry award winners who displayed bravery during war should be considered eligible to obtain land, irrespective of their rank. The residents of Gujarat should only be considered eligible.

**To give gauchar land for agriculture without rent for cultivation:**

Other officers from any headquarter of army. Person requesting for land is to retire within 2 years and is holding rank of major, it should be specifically

mentioned in the certificate that he is not likely to have promotion in the rank upper than Major.

2(3) Soldier or ex-soldier has to give guarantee for obtaining land that after retirement he wants to have his maintenance mostly through agriculture and if after retirement he joins any service or business and his monthly income shall be more than Rs. 3000/- **(R.S.10,000 Instead of R.S.3,000)** from N.A. sources except agriculture he shall surrender government land to Government without asking for any development expenses or government can resume said land without compensation. After having obtained such guarantee his case of granting land will be considered by competent officer. If other conditions for having land by soldier are satisfied and if land is allotted to him this guarantee may be introduced as a condition in form of Sanad to be given to him.

2(4) As it has been intended to grant government land to soldiers after retirement with a view that he can maintain himself by farming land personally, the land to be allotted to him shall be main source of his maintenance. This shall have facility of payment of price by instalment of permanent right of possession is given and a warning in register of Form is also given.

**Rate of Penal interest:** If the instalments are not paid regularly and competent authority condones delay in payment of instalment and does not forfeit government land, the defaulter shall pay annual 8 percent penal interest for delay on such instalments. **(The following provision should be added: - This procedure should be completed within 2 months from the date last instalment)**

(C)(A) For trees grown on land to be disposed if the grantee is willing to pay the price is lump sum or in installments they should be given away. Price of trees should be fixed as per the land acquisition Act. As far as possible auction of trees should be avoided.

(D) Orders contained in (C) above do not apply to reserved trees.

(E) When government waste land is disposed for agriculture purpose, price of prosopis julifera (Vilayati Babual) should be charged as per rules.

(F) When it is decided to grant govt. land permanently or on lease in such cases when price for possession or rent in instalments is not to be recovered, no detailed formal order for

**3 (B) Government lands may be given to Medium Income Cooperative Housing Societies or Lower Income Groups Cooperative Housing Societies on payment of annual non-agricultural assessment prevailing in the area or as may be modified from time to time at market price without any auction for house-site.**

(A) Market price of the land shall be the price on the date on which the land is given or at existing market price.

(B) Land shall be granted to Medium Income/Lower Income groups Cooperative Societies' members or to medium income persons on individual basis without auction at prevailing price for residential purposes. However, income limit for them is Rs. 48,000 **(Rs. 1 lakh instead of Rs. 48,000)** per annum. The provision shall be effective from 21-5-2001.

(C) On account of intensive devastation due to statewide severe earthquake recently on 26-1-2001; it has been decided to give exemption from income limit in case of grant of house-site plots at prevailing rate without auction to the Cooperative Housing Societies' members of intensive earth-quake affected talukas. It is also decided to repeal the

condition of possessing other land/property for members of Cooperative Housing Societies.

any compensation.

6. The land shall be resumed to the government on breach of any of the terms without paying any compensation.
7. In addition to above conditions, the Society shall be required to make agreement in form 'H' or 'HH' as required by the Collector and incorporating conditions as government feels necessary.

**4 (A) Grant of government lands to retired/to be retired military**

**Soldiers for agricultural/residential purposes:-**

Existing policy to grant government lands to the retired/to be retired military soldiers contained various provisions. Among them, provisions in column-3 are amended and provisions in column-4 are to be decided to apply.

Sr. No.	Point	Existing Provision	Amended provisions
1.	Income Limit	Income shall not exceed Rs. 7000/- <b>(Rs. 10,000 instead of Rs.3,000)</b> per month from non-agricultural sources except pension to obtain government land for residential purposes while income shall not exceed Rs. 750/- per month from non-agricultural sources other than pension.	Income limit should be same to obtain land for residence or agriculture. That is, they should be entitled to obtain land if their income from non-agricultural sources except pension does not exceed Rs. 3000/- per month.

**6. To grant government lands to Freedom Fighters and concession in price of lands:-**

Freedom fighters are given government waste lands for residential purposes by taking occupancy price vide Govt. Resolution, Revenue Department No. LND-3962-3985-A, dated 1<sup>st</sup> May, 1963, it has also been decided to give following concessions in occupancy price:-

- (1) When freedom fighters are granted government land individually or as member of Cooperative Housing Society, they shall be required to pay 50% of occupancy price of the land or at Rs. 50 per sq. meter, whichever is less.
- (2) The freedom fighters shall be granted land within a limit of 40 sq. meters individually or as member of Cooperative Housing Society at concessional rate as stated above in the cities having population of two lakh or above, while lands will be granted within a limit of 100 sq. meters at concessional rate as stated above.
- (3) In the event of granting government land to freedom fighters for agricultural or residential purposes, monthly income limit is fixed at Rs. 3500/- **(Rs.10,000 instead of 3,000)** including freedom fighter pension. This order shall be effective from 20-8-2001.

**To grant government lands to Freedom Fighters and concession in price of lands:-**

Freedom fighters are given government waste lands for residential purposes by taking occupancy price vide Govt. Resolution, Revenue Department No. LND-3962-3985-A, dated 1<sup>st</sup> May, 1963, it has also been decided to give following concessions in occupancy price:-

- (1) When freedom fighters are granted government land individually or as member of Cooperative Housing Society, they shall be required to pay 50% of occupancy price of the land or at Rs. 50 (**Rs. 100 instead of Rs. 50**) per sq. meter, whichever is less.
- (2) The freedom fighters shall be granted land within a limit of 40 sq. meters individually or as member of Cooperative Housing Society at concessional rate as stated above in the cities having population of two lakh or above, while lands will be granted within a limit of 100 sq. meters at concessional rate as stated above.
- (3) In the event of granting government land to freedom fighters for agricultural or residential purposes, monthly income limit is fixed at Rs. 3500/- (**Rs. 10,000 instead of Rs. 3,000**) including freedom government/village site or gauchar (**Gauchar should be deleted**) lands are given to Scheduled Castes, Scheduled Tribes for Petrol/Diesel pump, gas agency, Kerosene/Crude oil depots like commercial purposes on permanent basis, they may be granted at market price as may be decided. But its price should not be recovered at a stretch but in three yearly instalments. Out of these three instalments of occupancy price, first instalment shall be recovered prior to issue of regular order of grant. No interest shall be charged on these instalments. If they do not pay instalments within prescribed time-limit, interest shall be recovered of delayed payment.
4. Where lands have been given on lease previously for business purposes, the proposals of renewal or extension of time limit shall be submitted to government.
5. Generally permission for non-agricultural use is sought on private lands for brick kilns. Such permission may not be granted perpetually.
6. Government waste lands may be granted to nationalized banks for construction of building for banks on request on realization of existing market price. Price of the land shall be determined by Deputy Town Planner.
- (15) The lessee shall pay to the Talati of the revenue village in advance the yearly rent of the leased land in the month in which the lease was obtained. The Talati shall proceed to get sanction and the Taluka Mamlatdar shall sanction such yield for village.
- (11) For the lands allotted for this purpose, out of form for *Sanad* prescribed in Land Revenue Rules, the conditions mentioned above shall be added into the form of *Sanad* to grant land on lease.

16. To give on rent the government owned medans :-

Government owned *medans* are given on rent for short term, i.e.; for the period of maximum 15 days. Their rent is as under:-

Sr. No.	Purpose	Rate of rent
1.	For Industrial, trades and other purposes, which may raise financial income.	1. Rs. 50 <b>(Rs. 1,000 instead of Rs. 50)</b> per day for land admeasuring 1000 Sq. meters or part thereof.
2.	To organize election meetings by recognized political parties.	2. Rs. 20 <b>(Rs.1,000 instead of Rs.50)</b> per day for land admeasuring 1000 sq. meters or part thereof.
3.	For educational, religious and useful purposes for people and other community purposes from which no income is to be derived.	Rs. 5 <b>(Rs.100 instead of Rs.50)</b> per day for land admeasuring 1000 sq. meters or part thereof.

Sr. No.	Name of recognized member	Sr. No.	Name of recognized member
1.	Gemini Circus	12.	Great Golden Circus
2.	Great Roman Circus	13.	Rajkamal Circus.
3.	Great Oriental Circus	14.	Olympic Circus
4.	National Circus	15.	Panama Circus
5.	Great Bombay Circus	16.	Jamuna Circus
6.	Bharat Circus	17.	Venu Circus
7.	Great Royal Circus	18.	Great Indian Circus
8.	Amar Circus	19.	Empire Circus
9.	Apolo Circus	20.	Asian Circus
10.	New Grand Circus	21.	Prabhat Circus
11.	Jumbo Circus	22.	Famous Circus.

**Urban Areas**

**Daily rent**

- |    |                             |  |
|----|-----------------------------|--|
| 1. | Ahmedabad, Vadodara, Surat  | Rs. 200/- <b>(RS.10,000 instead of Rs.200)</b> |
| 2. | Rajkot, Bhavnagar, Jamnagar | Rs. 150/- <b>(RS.5,000 instead of Rs.150)</b>  |
| 3. | Other areas.                | RS. 100/- <b>(RS.5,000 instead of Rs.100)</b>  |

(B) The power to lease out land at the first two months is conferred on the Collectors and after two months, if it is found to extend the lease period, proposal has to be made and orders obtained before expiry of the period. In case the possession of lease is continued without approval, the Collector shall recover two and a half rent than the prescribed rate.

(C) Other taxes such as educational tax, local fund cess etc. shall be recovered besides above rent legally.



**39. Disposal of government waste land through public auction.**

Government waste land, villager site or Gauchar (**Gauchar should be deleted**)land generally should not be granted permanently or on lease on commercial purpose and if such land is to be granted, in no circumstances it should be granted without auction and in six meters means within 10 Km. radius of the limit of Corporation and for remaining cities, in radius of 5 km. radius of municipality areas, villages and government waste land and Gauchar land in areas of Corporation and Municipalities should be identified and considering development of concerned cities and Urban Development Schemes and after reserving for future use of various departments of the government and for open community use, the remaining land can be disposed of through public auction. Hence, the land situated in cities which can be used for commercial purpose should be identified and put to auction immediately and for this upset price should be got fixed by the Town Planning Department and thereafter sold through public auction so that it can fetch higher prices. As the land is sold through auction, the condition of new and unalienable impartible tenure of GR RD No. 1970/45 Dt. 17-10-47 does not apply and the land can be granted at uncontrolled tenure means at old

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# Land Reforms Functions

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## Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

### 1. Purpose and Implementation:

This Act known as Prevention of Fragmentation and Consolidation of Holdings Act, 1947 was implemented from 8-4-1948 in erstwhile Bombay State. This Act was extended to princely states areas of Vadodara, Vansda, Dharmapur from 29-7-55. This Act was also extended to Saurashtra and Kachchh areas from 1-4-1959. Similar Act was there in force from 1954 in Saurashtra, but there were no provisions covering consolidation aspect.

The Act is divided in two parts: Part one is concerned with "Prevention of Fragmentation" and the other part is concerned with "Consolidation of land Holdings".

### 2. Prevention of Fragmentation

Chapter 2 of this Act contains provisions relating to prevention of fragmentation of holdings. If agricultural lands are fragmented, the agriculture cannot be profitable or efficient. In view of this, the Act was enacted to prevent fragmentation of holdings. Transfer of "fragments" is prevented except in certain circumstances. Moreover, there is provision of consolidation of scattered lands. Rules of 1959 made under this Act shall be implemented along with the Act.

#### A. 'Standard Area' and 'Fragmentation'

Standard area defined in clause (10) of section 2 of Fragmentation of Holdings Act. as the area which the State Government may under section 5 decides from time to time as minimum required area for profitable cultivation in any local area as standard area. As per clause (4) of section 2 fragments of lands less than standard area is/are considered as 'Fragment/s'. The provisions of this Act are for such fragments.

#### B. To decide Standard Area :

Before deciding standard area, the State Government may, after making proper enquiry and publishing notification in the Official Gazette, declare any Village, Mahal, Taluka or its any part thereof as 'Local Area' for the purpose of this Act. (Section 3)

Then, the State Government after making enquiry as it deems fit, and after consulting District Advisory Committee or other organizations appointed by it, shall decide provisionally minimum area that can be cultivated profitably as a separate plot in any local area.

The State Government shall publish such area in gazette and invite objections under sub-section (2) of section 4. It shall publish notification in concerned Taluka/Mahal in Gujarati Language, which will be displayed for three months. If any objections are received within three months from the date of publication of the notification, Government shall decide standard area for land of every class from local area after considering as above and after making further enquiry as it may deem fit. Such area shall also be notified in Government gazette under sub section (3) of section 5.

The standard area is different from economic area. Economic area is decided for different purpose on different standards, whereas standard area is fixed for the purpose of this Act only.

A plot of land less than standard area is called 'fragment'. Thus norms of "standard area" were declared under sub-section (3) of section-5 in old Bombay State vide notification No. 5869/45-7 dated 17<sup>th</sup> May, 1950. Accordingly "standard areas" in majority areas of the State are as follows:

<b>Type of Land</b>	<b>Acre - Gunthas</b>
Dry Land	2 - 00
Paddy Land	0 - 20
Horticulture	0 - 20

In some parts of Mehsana, Viramgam and Banaskantha, the norms of "standard areas" are as follows:

Dry Land	3 - 00
Paddy Land	0 - 20
Horticulture	0 - 20

Well-irrigated land has been included in horticulture for the purpose of this law.

### **C. Method of entry of 'fragments'**

When standard area is declared, survey number which is less than this area may be considered 'fragment'. As per sub section (1) of Section 6 of the Act, all such 'fragments' have to be entered into record of rights in a prescribed manner. Method of entries in record of rights has been laid down in Land Revenue Code and rules therein. Notice which is to be given after entry of fragments into record of rights is notice under section 135-D. Accordingly, public and personal notices are to be issued, objections be heard and then the entry of 'fragment' be certified. When entry in record of rights is finally certified, notice under Fragmentation of Holdings (Prevention) Act is given to the land holder under sub-section (2) of section 6. Such notice should be served to him/her in the manner as prescribed under Section 191 of Land Revenue Code. This notice is different from notice given for the entry of record of rights. After getting such notice under sub-section (2) of Section 6, fragments holders cannot transfer their fragments to anybody other than the owner of recognized sub-division of survey number or adjoining survey numbers as per restrictions of this Act. Fragments cannot be sold even by order of the court except as prescribed under this Act (Section 14).

### **D. Entry of Existing Fragments.**

As decided in section 7 of the Act, such registered existing fragments shall not be transferred or alienated to anybody other than owner of adjoining survey number or owner of recognized sub-division. However, such fragments may be transferred or placed as security to State Government or Land Development Bank or any other Co-operative Bank to obtain loan. In spite of any type of agreement or deed, the fragments may not be given on lease to tillers or anybody except those holding adjoining land. Such type of ban is found in sub-section (2) of section 7. As per sub-section (2) of Section 7, such fragments cannot be given through agreement or deed or through lease to anybody except the holder of the adjoining land. There is no ban on transfer of fragments by inheritance. Land should not be divided in such a way that there may be fragments (Section 14).

**E. Provision in law for non-fragmentation :**

For non-fragmentation of holdings, section 8 provides that in any local area, division or transfer of land should be made in such a way that 'fragment' may not be created. 'Fragments' are result of wrong method of division. One farmer may have 4 acres of land and when he divides four acres of land among his three sons and if each of them insists for his part, there may be fragments by division. Such fragments have been prohibited. It has been explicitly laid down in section 8AA that when two or more persons are entitled to shares in an undivided agricultural land either by transfer or decree or succession or otherwise, the land has to be partitioned among them in a manner so as not to create a fragment.

Among partners, cash compensation maybe given for the land in his part but it should be ensured that there are no fragments. Where divisions are to be made by the court or collector and in effecting such partition among several co-sharers, it is found that share in the land cannot be given without creating a fragment, co-sharer/s shall be compensated in money and the amount of such compensation shall be determined so far as practicable in accordance with the provisions of Section 23of the Land Acquisition Act, 1894.

Where there is no unanimity as to who should hold land and who should take compensation, the question will be solved by drawing lots. If the parties divide the land without fragments, it would be accepted. Even in inheritance division shall be so made that there would not be fragments.

**F. Transfer of 'fragments' for public purpose:**

Section 8-A of this Act provides that ban of sections 7, 8 and 8AA will not apply where fragments are to be transferred for public purpose. In other words, transfer of fragments is not prohibited for prescribed public purposes.

Government has prescribed following public purposes under notification No. CON-1158/40675-M dated 14-4-1959.

(1) Public wells, tanks, canals, channels and other works for flow of water, (2) Construction of Dharmashalas, Schools, Public Dispensaries, Library and School compound (3) Construction of roads, (4) Crematorium and cemetery, (5) Construction of Latrines for public purpose by local organization. (6) Co-operative Housing Society for construction of houses (7) Construction of School for public purposes.

A person who wants to transfer his land for public purpose shall have to apply to the Government and if the collector satisfies after enquiry, he may sanction such transfer.

**G. Result of transfer of fragments *ultra vires*.**

As decided in section 9, transfer of fragments and division process leading to fragmentation shall be considered void. Owners of such land shall be subject to penalty not exceeding Rs. 250 by the collector as decided by the State Government by General order. Such penalty shall be recovered as arrears of land revenue. The possessor of such fragments shall be evicted by summary trial.

**3. Consolidation of Holdings:**

Chapter 3, 4 and 4A of this Act contains provisions relating to consolidation of holdings.

**A. Purpose:**

- (1) Purpose behind consolidation is to prevent division of lands on account of fragments of land and to improve it.
- (2) Scattered lands of one person to be put into compact block.

- (3) As the lands are compact, labour and agricultural expenses will be saved and used in betterway.
- (4) Improved agricultural practices can be easily adopted in compact and consolidated lands.

**B. Process of Consolidation of Holdings :**

Government shall first of all publish notification in Government Gazette that government at its own or by public demand wants to introduce consolidation scheme in certain villages, talukas, mahals and in the areas under its jurisdiction (Section 15).

When the notification under section 15 is issued, the Collector shall publish the details of notification at taluka office and in all concerned villages by beating drums and by displaying at the village chavdies (Rule8)

Government shall simultaneously appoint consolidation officer for consolidation scheme. Such officer's work shall be to prepare consolidation scheme. The consolidation officer after sufficient publicity shall go to village, shall discuss with land holders and village committee and prepare consolidation scheme. In preparing scheme, the consolidation officer shall keep in view as to how many blocks are to be made and of how much land and how the new plots are to be given and what are the recommendations of the village committee. As per Rule 9 made under this Act, the scheme shall include mainly the following details:

- 1) Village map, which shall show existing survey numbers and its sub-division, recognized roads, cart way, pedestrian way and land for other public purposes.
- 2) Another village map, in which red lines will be drawn to show that how the above details will be changed on account of scheme.
- 3) Record of Rights shall be updated, which shall have statement showing names of land holders, title, area, assessment, land tenure etc.
- 4) A statement, which shall show newly constituted block which are proposed to be given to land-holders.
- 5) Details of compensation to be paid or to be recovered for exchange of lands in making block.
- 6) Consolidation of public roads, which have been included in scheme under sections 17 and 18.

(Section 17 is for amalgamation of public roads, section 18 is for any land specifically assigned for any public purpose shall cease to be so assigned and to assign any other land in its place).

**C. Publicity of Draft Plan :**

As per Rule 14 made under this Act, when such scheme is prepared, the consolidation officer shall give it wide publicity in the village. The person who is affected thereby shall send his objections to the consolidation officer within 30 days of its publication. The consolidation officer shall consider such objections and shall make changes as he deem fit and submit it to the Settlement Commissioner with his remarks.

Settlement Commissioner shall take into consideration the objections and submit the scheme to the Government with his remarks. The State Government shall after considering objections shall sanction or reject the scheme.

If the scheme is sanctioned the State Government shall notify it in the State Government Gazette in the form in which it has been sanctioned. It shall be notified in every village. If

2/3 of the land holders agree to exchange the possession of the land, the consolidation officer shall allow them to do so from the date which he prescribed.

If 2/3 land-holders do not agree to exchange possession, the persons to whom the lands have been given, shall take possession of the lands in new agriculture year after the date of publicity of the scheme.

The consolidation officer may evict anybody from the land summarily for implementation of the scheme. (sub-section-2A of section-21) According to Kapoor Committee report, such schemes are implemented in two-three years as much time passes between the publicity of draft and final sanction of the draft.

**D. Restrictions on transfer of holdings during continuance of consolidation proceedings:**

As laid down in section 27, from the date the consolidation officer undertakes to prepare scheme under section 15 till the proceedings are completed, that is, till the scheme is implemented-

- (i) No proceedings under section 153 or 155 of Land Revenue Code shall be done (Section 153 is regarding resuming of land for arrears of land revenue, while section 155 is regarding sale of rights and interest in immovable property in case of default of land holder;
- (ii) Award prescribed under Bombay Co-operative societies Act shall not be served;
- (iii) Awards under Debt. Redemption Act. shall not be served;
- (iv) No proposal of Civil Court regarding land shall be served;
- (v) Land shall not be divided or sub-divided;
- (vi) The land shall not be transferred.

As these restrictions are for about two years, the scheme has become a source of irritation among the land holders.

**E. Restrictions on New blocks after Consolidation Scheme.**

As laid down in section 31 of this Act, any land allocated under the Act or part thereof shall not be sold, gifted, exchanged or leased or otherwise alienated for serving decree of civil court or recoverable as arrears of land revenue. No sub division shall be made except with written permission of the State Government. (not even by decree or order of any civil court). It has been decided in rule 27 that blocks may be transferred with the permission of the collector.

It has been provided in Section 28 that the land allotted under consolidation shall have same rights which it had in original holding.

The State Government made amendments in section 31 of this Act by Gujarat Act No.9/1979 and those amendments have been effected since 29-3-79. By these amendments provision of clause (b) of sub section (1) of section 31 has been amended which says that except with a written permission from Collector, a Block cannot be fragmented into sub-plots. Sub section (2) has been newly added and it has been provided that restrictions of sub-section (1) of section 31 shall not obstruct where whole block or holding is transferred. That means there is no restriction to transfer whole block. When block is sub-divided on account of inheritance, the restriction of Section 31(1) shall not obstruct the partition without fragmentation. Now, restrictions of section 31 have been relaxed. Collector can allow division except in cases of inheritance. No permission shall be required to be sought for the whole Block. There are no restrictions on co-shares by inheritance for their parts till any fragment is created.



### Land of Scheduled Tribes-restrictions and transfer

(1) Restrictions on transfer of lands possessed by tribal land holders were first imposed vide notification dated 4/4/1961 issued under Section 73A of the Land Revenue Code, 1879; wherein it was specified that in all Scheduled Areas where original survey settlement has not taken place as on 4/4/1961, lands possessed by tribal land holders shall not be transferred without the prior permission from Collector. This was limited to certain areas in the State only. Thereafter, consequent upon the new Sections 73AA to 73AD included in Land Revenue Code, 1879 from 1/2/1981 and related legislative rules (Land Revenue Rules 57-k to 57-S) implemented vide notification issued dated 21/6/1982, a comprehensive guidelines` on restrictions on transfer of tribal lands came into existence. Detailed and latest instructions on the said subject were issued vide consolidated Circular No. ADJ-102003-2632-J, dtd. 18-3-2006.

(2) **Provisions related to section 73AA.**

Under section 73A of Gujarat Land Revenue Code, 1879, restriction was imposed on the transfer of land owned by tribal people in the Scheduled Areas which were not part of the original survey settlement on the date of notification i.e. 4-1-61. With a view to make these provisions more effective, new sections 73AA, 73AB, 73AC, 73AD have been added after section 73A under Gujarat Land Revenue Code, 1879 by Gujarat Land Revenue (Gujarat Second Amendment) Act, 1980 and Gujarat Act 37 of 1980, and the provisions of this Act have come into effect from 1-2-81. Under the above Act, restrictions have been imposed on the transfer of the land owned by tribal people in the entire State without the prior approval of the Collector. Certain provisions of these sections in brief are as follows:-

**Section 73AA, sub-section (1):** According to this sub-section, no land of any tribal in the State shall be transferred to any other person without the prior approval of the Collector.

**Section 73AA sub-section (2):** There is a provision to formulate rules regarding prior approval on certain conditions and circumstances for transfer on sale to other person by a tribal for his own land.

**Section 73AA, sub-section (3):** If any tribal sells or transfers his land to another tribal, then there is a provision to return this land to the original tribal owner of this land. For this, the original tribal owner of the land has to apply within two years after sale or transfer. If he does not apply in this period, then this land will be with him to whom it is transferred. Due to ignorance of the fact regarding restriction over transfer without prior approval for the tribal owners in tribal areas where original survey settlement has not been made by a notification dated 4-4-61, some tribals have transferred their lands to other tribals and breached the provisions of section 73A. Such cases, created from 4-9-61 to 31-1-81 remain automatically legalized. (Conclusion: - Transfer cases without prior approval during 4-4-61 to 31-1-81 should be regularized).

**Section 73AA, sub-section (4):-** Legal procedure has been established to resume the land to the Government of lands transferred/sold without prior approval by the tribal to a non-tribal. According to this, notice should be issued to a non-tribal who has received such land by transfer.

Such transaction is treated and declared as illegal and such land becomes free from any encumbrance and is resumed by the Government. (Conclusion: The land transferred without prior approval by the tribal to a non-tribal is treated as resumed by the Government).

**Section 73AA, sub-section (5):-** There is a provision to return land to the original tribal after such land is forfeited by the Government as above. As per the provisions in sub-section, the original tribal owner has to give a written assurance that he is ready to cultivate this land. (Conclusion: To return the land resumed by the Government to original tribal).

**Section 73AA, sub-section (6):-** If the original tribal owner himself is not ready to take back this land and to cultivate it, there is a provision to give back the land to another tribal of the same village or nearby village, and if both of them are not ready to take back this land, there is also a provision to grant the land on priority as decided by the Government. (Conclusion: To give the land to another tribal of the village or nearby village or to grant as per priority decided by the Government).

**Section 73AA, sub-section (7):-** A provision has been made for a penalty up to three times of amount of the price of the land besides any other penalty to the non-tribal purchaser of this land, where the land of a tribal person is transferred without prior approval to the non-tribal person. (Conclusion: Penalty to the non-tribal to the extent of three times the amount of the price of the land,).

**Section 73AA, sub-section (8):** There is also a provision to recover penalty as arrears of land revenue from non-tribal as mentioned above. (Conclusion: Such recovery shall be made as Land Revenue Arrears).

**Section 73AB:** The tribal can mortgage his land for taking agricultural loan from the Government, Co-operative Society or Nationalized Bank without the permission under this Act. If the loan is not repaid, the organization can sell this land by taking possession, and can be adjusted against the loan amount. The land mortgaged, cannot be sold to the non-tribal without the prior approval of Collector. (Conclusion: To take loan land can be mortgaged; such land can't be sold off without the prior approval).

**Section 73AC:-** The procedure laid done under Section 73A and 73AA and 73AB, shall be kept out of the purview of the Civil Court. Under the above sections, the order of the Collector cannot be challenged in any Civil or **Criminal Court**. The Civil Court cannot issue temporary or permanent stay order. (Conclusion: - The decisions of the Collector are out of the purview of any civil court).

**Section 73AD:-** This section suggests amendment in the provisions of the Registration Act, 1908. The sale-deed of the land executed by the tribal can be registered only after the production of a proof of a prior approval of the collector.

Moreover, an important provision made in the schedule of the Act, amending the Tenancy Act is that the land of a tribal cannot be taken by a non-tribal as a tenant in certain cases. Some concomitant amendments have also been made in Section 79A and 214 of the Gujarat Land Revenue Code, 1879 (Conclusion: Registration of the sale-deed can take place only after production of a proof of prior approval from Collector).

The legal provisions are described in brief as above. Detailed provisions made in the Gujarat Act No. 37 of 1980 should be taken into consideration while deciding a case under the said Section.

With respect to implementation of the said provisions of the Act, the first priority is to record in Village Form No 7/12 that such lands are controlled under Section 73AA of Land Revenue Code and instructions to Collectors regarding recording a note like "controlled under

Section 73AA" with the red ink on the left hand top in 7/12 Form on all such tribal lands have been issued by the Government. (Conclusion: On the top of 7/12 "controlled under Section 73-AA" should be written within the margin).

**3) Provisions related to Rules 57-L to 57-S of the Gujarat Land Revenue Rules, 1972:**

**57-L: Conditions and circumstances for transfer of land under section 73-AA (1) by the Collector-**

(1) The Collector may sanction transfer of occupancy of tribal to any other tribal if the sale is at the market value and any of the following conditions are satisfied:-

(i) the transferor is leaving the village permanently for settlement elsewhere for better means of livelihood; or

(ii) the transferor is not rendered landless or without means of livelihood; or

(iii) the transferor is unable to cultivate the land personally due to the old age or physical or mental disability and there is no person in his family to undertake the cultivation of the land or:

(iv) the land is being, sold for recovery of dues specified in section 73 AB or other dues recoverable as arrears of land revenue or

(v) such land is being given in gift whether by way of trust or otherwise and such gift is made bona-fide by the owner in favor of a member of his family or in accordance with the customs of the tribal people.

(vi) the land is being sold for construction of a house of agricultural labourers and Small and Marginal farmers.

(2) Where the permission is granted under any of the conditions specified in clauses (i) to (v) of sub-rule (i) of this rule of rule 3, such permission shall be subject to further conditions that the person in whose favor the transfer of the land is made, shall cultivate the land personally. If the purchaser fails to cultivate the Land personally within one year from the date on which he took possession, the permission given shall be deemed to have been cancelled and the transfer shall be deemed to have been made without the previous sanction of the Collector, such permission shall be granted only if the tribal purchaser is holding land less than an economic holding and only up to such area as would not made him holding more than an economic holding.

(3) The Collector may sanction transfer of occupancy of tribal person to any non tribal person if any of the following conditions are satisfied and only after obtaining, except for land required for industrial undertaking, and except in case of clauses (iii) and (iv) below, the previous approval of the State Government.

(i) The Land has non-agricultural potentiality and is required for Commercial undertaking, Educational or Charitable institution, a cooperative housing society or for such public purpose for bonafide use; or

(ii) The transfer is in favor of a person who has been or is likely to be rendered landless on account of compulsory acquisition of his land for any public purpose; or

(iii) The land being sold for recovery of dues specified in section 73AB or other dues recoverable as arrears of land revenue.

(iv) the land is being sold for construction of a house of agricultural labourers and Small and Marginal farmers.

(4) The Collector or as the case may be District Panchayat so far as Scheduled Areas are concerned, may sanction transfer of occupancy of any land of a tribal to any tribal or non-tribal if the following conditions are satisfied:-

- (i) The Land is acquired by a tribal from non tribal through his own means,
- (ii) The Land is not granted to the tribal under any act or rules.

**57-M: Notice to the transferee under clause (a) of Sub-section (3) of Section 73AA.**

Under section (A) of sub-section (3) of section 73AA, the notice to be issued by the Collector to the transferee shall be in form K-1

**57-N: Liability for Payment of arrears of Land Revenue in respect of tribal occupancy on restoration to the tribal transferor under clause (a) of Sub-section (3) of Section 73AA**

The tribal transferor to whom the occupancy is restored under clause (a) of sub-section (3) of section 73AA, shall be liable to pay the arrears of land revenue in respect of such occupancy from the year in which such transfer was made to the revenue year in which the occupancy is restored to him in not more than 3 annual installments as may be fixed by the Collector.

**57-O: Period for intimation of acceptance of restoration of the possession of occupancy when the same is ordered to be restored under clause (a) of Sub-section (3) of Section 73AA**

The tribal transferor shall intimate to the Collector about his acceptance of the restoration of the occupancy within a period of ninety days from the date of communication of the order of the restoration by the Collector under clause (a) of sub-section (3) of section 73AA.

**57-P: Occupancy price to be charged to the tribal transferor under Sub-section (5) of Section 73AA:**

(a) The tribal transferor shall be granted occupancy under sub-section (5) of section 73AA on payment of a nominal occupancy price of one rupee for the first occasion and concessional occupancy price at three times the land revenue for the second and subsequent occasions, which should be paid within the period as specified by the Collector from the date of receipt of notice from the Collector.

(b) When the occupancy is to be granted to a tribal other than the tribal transferor under sub-section (5) of section 73AA, it shall be granted on payment of occupancy price which shall be twelve times the land revenue payable in respect of the land and when the occupancy is to be granted to a person other than a tribal it shall be granted on payment of market value of the land.

**57-Q: Distance for grant of occupancy under sub-section (6) of the section 73AA:**

A tribal residing within a distance of eight kilometers from the village in which the occupancy is situated shall be eligible for grant of occupancy under sub-section (6) of section 73AA of the Act, and when no such tribal intimates his willingness to purchase the occupancy, it shall be granted to other classes of persons in accordance with the priority and conditions laid down for disposal of Government Waste Lands.

**57-R: Registration and specimen of declaration under clause (a) of Sub-section (1) of Section 73-AD.**

The declaration required under sub-section (a) of section (1) of section 73-AD, shall be as per specimen K-2 and shall be verified as prescribed in the above specimen.

**57, S: - Manner of verification of declaration furnished under Sub clause (a) of Clause (1) of Section 73-AD.**

The verification of declaration furnished under sub-section (a) of section (1) of section 73-AD, shall be done in the same manner as claim application represented under section-7 of the Mamlatdar Court Act, 1906.

**(4) Conditions and circumstances for the transfer of tribal land for industrial purpose:**

1. When land is required for new industries, and for that no other land except the land of tribals is available in that area, prior approval of the Collector is a prerequisite under section 73AA of the Land Revenue Code. Before giving such approval, following points must be verified:
  - 1) Tribal should get reasonable price for his land
  - 2) Following details should be obtained from industrial units:
    - In case of small industries, S.S.I. registration from Industries Commissioner/DIC
    - In case of medium scale industries, DGTD Registration from the Director General of Technical Development.
    - In case of large scale industries, Letter of Intent/Industrial License from Government of India.
  - 3) The Collector should ensure from the Director General of Technical Development/Industries Commissioner/DICs about the requirement of area for such industries.
2. Collectors were given powers to give prior permission for transfer of tribal lands for all kinds of industrial purpose. However, it is observed that tribal lands get easily transferred on the pretext of industrial purpose and tribals in turn become landless and lose their sources of livelihood. Now, for industrial purpose, the Government after careful consideration, has decided to keep powers of Collector to give prior permission for transfer of tribal lands under LRC section 73AA only for the following industrial purpose:
  - Large scale industries for which purchaser has to take Letter of Intent/Industrial License from the Government of India.
3. Except the industries as mentioned above, the Collector has to get prior permission of the Government before giving permission under Section 73AA of the Land Revenue Act to transfer the land of the tribal for industries as mentioned below :-
  - 1) Small Scale Industries in which the purchaser of land has to get SSI/Small Industries Registration from Industries Commissioner/DIC.
  - 2) Medium Scale Industries in which the purchaser of land has to get DGTD Registration from Director General of Technical Development.
4. For purposes mentioned under para 3(1) (2), Collector, before giving permission for transfer of tribal lands for industrial purpose under section 57 (L) (3) and section 73AA of the Land Revenue Act, prior permission of the Government has to be sought, and for the purpose mentioned under para 2(1), the Collector may give permission exercising his powers; but, a copy of the order issued in this regard should be sent to the Government.

With reference to para3(1) and 3(2), the Certificates of the concerned officers/authorities as indicated above should be sent to the Government at the time of submitting proposal for sanction of prior approval for transfer of such lands by the Government.

5. The Collectors should strictly implement the above instructions, and after ensuring as above, and in case of prior approval from the Government, the Collectors will have to give permission under section 73AA of the Land Revenue Code only after getting prior permission of the Government.

**(5) Specimen of application for sale/transfer of land under section 73AA of Land Revenue Code.**

With a view to bring uniformity across the State, specimen of an application form is prescribed (Annexure 3). Where the land has further restrictions of “new and unalienable tenure” application form mentioned in Annexure-4 is to be submitted along with Annexure-3.

**(6) Check list for cases of prior permission of Government under section 73AA:**

Check list 5 (Annexure 5) concerns with cases related to prior approval of Government under Section-73 AA and check list 6 (annexure 6) concerns with prior approval of such tribal lands having restriction of “new and unalienable tenure”. In cases of tribal land with “new and unalienable tenure” restriction, both check lists have to be forwarded at one time with clear opinion by Collector/

It has come to the notice of the Government that proposals are being sent to Government as “Special Case” mentioning that permission could not be given by the Collector/DDO in the cases in which Collectors/DDOs are empowered for the cases under the Act/Rules/Orders. So, such proposals should not be submitted to the Government and such cases should be disposed off by the Collectors/DDOs.

**(7) Valuation of land to be transferred:**

For all such cases where prior approval of Government is required under section 73AA, valuation at the district level should be done considering standards being taken into consideration while evaluating transfer of lands of new and unalienable tenure.

**(8) Which sanction should be given first in cases lands controlled both by section 73AA of Land Revenue Code and section 43 of the Tenancy Act?**

In all such cases, prior approval under section 73AA of Land Revenue Code is to be taken first and thereafter the approval under section 43 of the Tenancy Act is to be given.

**(9) Combined proposals of New Tenure and section 73AA to be submitted to Government at a time**

In all such prior approval cases from Government where the land is restricted both by section 73AA and “inalienable” tenure (being possessed by new and inalienable tenure), both the proposals should be submitted at once with relevant information and opinion in Annexure 5 and 6.

**(10) Regarding not to send the transfer proposals as special case:**

Clear provisions related to transfer of tribal lands to tribals/non-tribals do exist in section 73AA and relevant rules (Rule 57-L). However, sometimes proposals are being sent to Government as “special cases” which results into wastage of time. It is directed hereby that no proposal which is not in conformity with the said provisions of the Act and relevant rules be sent to Government as “special cases” and should be disposed of on the basis of the existing provisions and if it is sent, strict actions will be taken against the concerned officer/employee considering this matter as serious.

**(11) Provisions related to transfer of mortgaged lands and land required for construction of residences of agricultural labourers, small and marginal farmers.**

No prior approval either from Collector or from Government is required under section 73A and 73AA of the Land Revenue Code for the transfer of tribal land for use in construction of residences of tribal or non-tribal agricultural labourers, small and marginal farmers. Moreover, as per Rule 57-L(3)(3) of the Land Revenue Rules, no prior approval of Collector or Government is required for transfer of tribal land to non-tribal in cases where the land is being sold for recovery of dues specified in section 73AB or other dues recoverable as arrears of land revenue.

**(12) About transfer of land acquired through own means:**

As per Rule 57-(L)(4), if a tribal owner has purchased land from any non-tribal through his own financial sources, then the powers to give permission of transfer of such lands have been given to the Collectors or to the District Panchayats in case of lands falling scheduled areas. However, this provision does not apply to a tribal owner who has been granted land under any acts/rules. A clarification whether all such lands which are inherited by the present tribal holder and were acquired through own means by any of his ancestors can fall under the provisions of Rule 57-L (4) (1) or not was long pending. After careful consideration by the government, it is clarified that if the ancestors of the tribal have earned this land by their own financial sources from non-tribal and the so-called land gradually held through hereditary rights to the present holder, such lands are considered to have acquired through their own means as the same were not granted by the Government and in all cases of transfer of such lands, prior approval from competent officer (Collector in non-scheduled areas and District Panchayat in scheduled areas) has to be taken.

**(13) About giving powers of land transfers to District Panchayats:**

The powers have been given to the District Panchayats of the State under this section only for scheduled areas by amending section 73AA of Land Revenue Code by the Gujarat Act 5, 1998. The notification dated 31-12-77 of the Central Government republished by English notification dated 8-5-78 of the Employment, Social Welfare & Tribal Development Department of the State gives a list of all such Scheduled Areas in the State as follows:

1. Surat : Mahuva, Mandvi, Mangrol and Bardoli talukas.
2. Tapi : Uchchhal, Vyara, Nizer, Songadh, Valod talukas
3. Bharuch : Valia and Jhaghadia talukas.
4. Narmada : Dediapada, Sagbara and Nandod and Tilakwada talukas
5. Dangs : Dang taluka & District.
6. Valsad : Vansda, Dharampur, Chikhli, Pardi, Umargaon talukas.
7. Dahod : Dahod, Jhalod, Santrampur, Limkheda, Devgadbaria talukas.
8. Vadodara : Chhota Udepur, Nasvadi taluka.
9. Sabarkantha : Khedbrahma, Bhiloda, Meghraj talukas & Vijaynagar Mahal.

**(14) About giving powers to the concerned District Panchayats for prior approval for transfer of tribal lands**

Considering the amendment made in Panchayat Act by the Government of India, the State Government vide Gujarat Act No. 5 of 1998, made amendments in Section 73AA of the Land Revenue Code and powers for prior approval in case of transfer of tribal lands in Scheduled Areas have been given to the concerned District Panchayats. In all such cases from Scheduled Areas where prior approval of State Government for transfer of tribal land is required, the proposals should be forwarded by the concerned District Panchayat to the State Government.

**(15) Application of section 73A, 73AA of Land Revenue Code to non- agricultural land:**

About this, it has been found by legally verifying that the sections 73-A, 73AA, 73AB 73-AC & 73AD of the Land Revenue Code, 1879 apply to both types of land, i.e. agricultural and non-agricultural lands. So, prior permission of the Collector/District Panchayat is essential for transfer of agricultural and non-agricultural lands possessed by the tribals.

**(16) Transfer of non-agricultural lands restricted by Section 73AA of Land Revenue Code without prior permission**

It is found that tribal agricultural land is converted to non-agricultural use and then transferred to tribals/non-tribals without prior approval from Collector/District Panchayat. As mentioned earlier, restrictions of section 73A and 73AA apply to both agricultural and non-agricultural lands equally. All such cases of transfer of non-agricultural tribal lands without prior approval should be detected by Dy. Collector (LND-6) and Record of Rights teams on regular basis.

**(17) About transfer of tribal lands in favour of people affected due to the Irrigation Project.**

With a view of according priority to purchase lands of tribals to the affected people of the Irrigation Project, necessary sanction should be given by initiating procedure by following the instructions as mentioned below for giving permission under section 73AA of Land Revenue Code, subject to the provisions mentioned in the rules regarding this and section 73AA of Land Revenue Code.

- (1) Affected people of any Irrigation Project in Gujarat by whom an application is submitted asking for permission under section 73AA of Land Revenue code to purchase land from the tribals or to sell their land by the tribal land owners to such affected people, necessary sanction should be given on priority basis in eligible cases as per rules by initiating necessary verification on priority basis in their cases.
- (2) Proposal should be submitted to the government on priority basis without delay by the Collector in the cases, wherever it is applied for asking permission under section 73AA of Land Revenue code for sale of his own land by the tribal applicant in the cases where the sanction of the government is required.
- (3) Review Meeting should be held every month by the District Collector where such cases have arisen with a view to avoid delay in giving permission under section 73AA of Land Revenue Code for transfer of land of tribals in favour of affected people of the Irrigation Project, and intimation should be given to remain present for representation from them to the representative of the committee or any special officer from the government if appointed to facilitate in purchasing land for affected people.

These instructions should be strictly implemented and in regard to the transfer of land, special care should be taken that no tribal land owners are exploited in any way and in any kind.



**(18) Regarding giving rights to transfer lands possessed by tribals in favour of affected people of Narmada Project:**

1. Considering the haphazard transfers of lands possessed by tribals in Gujarat State, restrictions have been imposed on transfer of tribal lands by section 73A of Gujarat Land Revenue Act, 1879 and thereafter, by section 73AA, 73AB, 73AC and 73AD of Mumbai Land Revenue (Gujarat Amendment) Act, 1980. District Collectors have powers to give permission as per the provisions of rules for transfer of tribal lands. Direct permission is given under section 73A, 73AA by the Collector for transfer of land between one tribal to another tribal. While Collector can give permission after getting prior approval of the government under section 73AA (under para (3)2(1)) for the purposes other than industrial purpose for transfer of lands between tribals and non-tribals.
2. With respect to transfer of tribal lands in favour of people affected due to reservoir projects, the government has earlier given necessary instructions through various circulars regarding undertaking procedure on priority under section 73A, 73AA at the time of transfer of tribal lands in favour of such affected people.
3. Additional Collector (Narmada), Vadodara will give permission under section 73AA of Land Revenue Code to purchase land from tribals only in case of affected people of Narmada Project. Additional Collector (Narmada), Vadodara, can exercise only those powers as are given to the respective District Collectors, i.e.; he will give permission as per rules only for transfer of lands being done between tribal - tribal only, the direct permission under section 73AA of Land Revenue Code. Such permission will be given by the Additional Collector (Narmada), Vadodara in only those cases in which the transfer of land is made between one tribal to another tribal as a part of his duties of rehabilitation, barring these cases, the Collector has to initiate a separate procedure as per rules for remaining categories of cases.
4. One copy of an order about giving permission under section 73AA of Land Revenue Code will be sent to the government also. So that a note can be maintained about transfer of tribal land in favour of the affected people.

**(19) Regarding familial distribution of restricted lands under section 73AA of Land Revenue Code.**

If the transfer of land is being done through familial distribution, no prior permission of the Collector is required. However, provisions of other acts/rules (Prevention of Fragmentation and Consolidation of Holdings Act has been included) should be taken into consideration. Moreover, in cases of inclusion of a person as a co-partner in any such land, it is to be verified whether any such person is entitled to get the right of co-partner by hereditary rights as per law at the time of inclusion his/her name in revenue records and in all other cases where a co-shared land is distributed among the co-sharers it needs to be verified whether such sharing is proportionate to their share and among the legal heirs.

**(20) Regarding procedure in cases of Breach of condition under Section 73AA of Land Revenue Code.**

The Collector has to conduct procedure for breach of condition in cases of transfer of land between tribal - tribal and tribal - non-tribal under section 73AA of Land Revenue Code. District Panchayat has no powers to conduct such procedure.

**(21) Regarding grant on lease or tenancy the land restricted under Section 73AA.**

With respect to the inquiry whether prior approval is essential if the restricted lands are transferred on lease or tenancy under section 73AA of Land Revenue Code, it is hereby informed that the transfer of land on lease or tenancy is considered as transfer. So, prior permission of competent officer is a compulsory.

**(22) Regarding change in purpose of land sold under section 73AA of Land Revenue Code.**

Under rule 57(L) (3) of Land Revenue Rules, the Collector/DP (in Scheduled Areas), after getting requisite prior approval of the Government for bona-fide purposes, gives permission to transfer tribal land to non-tribal, After obtaining such permission, the land should be used for the purpose, for which it is permitted, e.g. it will not be proper if any person uses this land for agricultural purpose when the permission is given for educational purpose or is used for profitable purpose when the permission is given for charitable purposes. Thus, it is lawful if a person uses this land for which purpose the land is purchased and permitted.

The Collector should ensure about that whether the separate register of lands owned under above sections of law is maintained in the Mamlatdar Office or not.

The check-list for proposal in cases for getting prior approval of the government for sale or transfer of lands under section 73AA is given in Annexure-5 of compiled Circular No. ADJ-102003-263-J, dt. 18-3-2006 of Revenue Department. When the proposals are being prepared by the Office, details of the check-list should be filled as per above instructions. Where the land is restricted both by section 73AA and "inalienable" tenure (being possessed by new and inalienable tenure), both the proposals should be submitted at once with relevant information and opinion in Annexure 5 and 6 keeping in mind the Resolution No. NSHJ-102006-571-J, dt. 20-12-2006 of the Revenue Department.

**(23) Circular No ;-ADJ/102008/MR-31-J dated 11/2/2010 Streamlining of permission for erecting Telecom Towers under Section 73 of the Mumbai Land Revenue Act, 1879.**

While transferring tribal lands to tribal or non-tribal people under provision of section-73AA of the Land Revenue Code, 1879 prior sanction has to be obtained either from Collector (in non-Scheduled Areas) and District Panchayat (in Scheduled Areas). Regarding erection of telecom towers when tribal land is to be leased out to non-tribal companies, prior sanction of the State Government as per para 23 of the of the Circular dated 18-3-2006 is to be obtained. After careful consideration of the matter, the State government has decided to exempt such prior sanction from the State Government under Rule 57(2)(3) of the Gujarat Land Revenue Rules, 1972 on the following Terms and Conditions :-

1. Sanction shall be granted after obtaining the opinion of competent authority of the Telecom Department for minimum need of land for use of telecom tower. Land more than 350 Sq. meters shall not be allotted and for it, corner land shall be selected so that the remaining land can be used by tribal land owners.
2. For erecting telecom towers, an agreement for a period of five years shall be made by registered deed and every year advance amount of 20 per cent minimum of ready recover rate of current industrial rate shall be paid to tribal occupant in advance through cheque so that the tribal land holder can be entitled to get more rent than that. No land shall be used without payment of such amount.
3. This permission shall be purely temporary. When the land is needed for the State government for other public purpose, it shall be returned by the tower company without any compensation.
4. The lease agreement shall be renewed for a further period of five years looking to the requirement of the lease deed for which the above provisions shall be fulfilled. It shall be the discretion of the landowner to execute a further agreement. The telecom company shall not force for it.

5. After sanctioning the permission, if the land is not used for telecom tower for 6 months or no advance payment is made or it is used without renewal, the land shall be returned to the tribal occupants.
6. No other construction shall be made on the land except erection of telecom towers by the company.
7. The tower company shall execute necessary undertaking agreement for due compliance of above terms and conditions before the competent authority.
8. In case of violation of the undertaking, competent authority shall take action as if no sanction is granted under the provisions of the Act and Rules.
9. Beside this, if any sanctions are to be obtained from any competent authority for erection of the said towers, telecom company has to obtain it separately.

### Procedure under the Gujarat Agricultural Land Ceiling Act, 1960

Monitoring of implementation of the Gujarat Agricultural Land Ceiling Act, 1960 at district level is carried out by the Collector. With a view to fix ceiling on agricultural land, the State Government has constituted tribunal comprising an officer of the cadre of Mamlatdar at district level. This Tribunal has to decide about those land holders who hold land more than the ceiling proposed on the date of implementation of the Act that means on 1-4-1976, more than one tribunal exist at district level. Direct supervision and monitoring of this Tribunal is exercised by the Collector through the Deputy Collector (Land Reforms). The Collector may transfer cases from one Tribunal to the other and provide administrative assistance at the district level. For speedy disposal of pending cases with Mamlatdar and Deputy Collector (Land Reforms), Collector co-ordinates among various departments and exercise direct or indirect control and supervision over the following important matters:

1. While conducting cases under the Ceiling Act the information about number of members of family and their age as on 1-4-1976 should be collected.
2. If the land is under irrigation, canal officer should be instructed to issue certificate after providing reasonable opportunity of representation to the applicant. It has been observed in certain cases wherein the lands which did not fall within the command area as on 1-4-1976 and got included within the command area after the said date, were assumed as being irrigated and made surplus. Such erroneous practices have to be avoided.
3. During the conduct of the Ceiling case, if it is found that the land under question or a part thereof is in possession of either the tenant or any other person, an opportunity of representation should be given to such tenants/persons and upon verification of facts related to inclusion of their names in the relevant revenue records, decision as to whether such land or part thereof should be deducted or not while calculating the surplus for the land holder be taken.
4. An opportunity should be given to land holder to specify in writing as to which land he wants to surrender to the government after deciding as to how much land is eligible to be held by him as per prevailing ceiling in that area. The upper courts remand the cases on this point. It needs to be assured as per section 15 of this Act that surplus land which the land holder has to surrender to the Government, should be free from any adverse possession.
5. After disposal of cases, land holder should be intimated and possession should be taken over in his presence, if possible, before the Panchas. In spite of written intimation, if the land holder does not remain present, written receipt having intimated should be kept on record and it should be recorded that possession has been taken *ex parte* before the Panchas. All these process should be undertaken as soon as the time of revision/appeal is over.

6. After possession is taken over, it is observed that much delay is incurred in paying compensation and in disposal of land. Such situation should be obviated. The Panchnama about site and situation of land allotted should be drawn before panchas and before the beneficiaries. Relevant entry should be made in village record. The original land owner should also be intimated.

At present, number of Tribunals under the Agricultural Land Ceiling Act is negligible. Proportion of cases is also very less. Most of the cases are pending with the honorable High Court of Gujarat and the honorable Supreme Court. Distributions of agricultural lands rendered surplus by the District Tribunals have been completed. Allotment of surplus land is one of the important points in 20 point programme of the Central Government in which Gujarat has remained first making most of the eligible lands surplus in the whole country and has allotted agricultural lands to needy persons as per order of priority, which is an important achievement of the law.

### The Bombay Tenancy and Agricultural Lands Act, 1948.

1. There was no law conferring security to the tenant prior to 1939. Thereafter, there was no provision till then so that tenant may get protection towards tenancy land and a reasonable rent is recovered from him. In 1939 "Bombay Tenancy Act (No. 29/39) was enacted on 2-4-40. Sub-section-1 of that Act was implemented in the whole of the state, but Sections-2 to 30 were implemented in some districts only. It was implemented from 1-4-41 in Surat district of the existing Gujarat. With a view to remove limitations of the Act of 1939, extensive amendments were made in this Act and in 1946 the amended Act came into force in the whole of the State from 8<sup>th</sup> of November 1946. There were 31 sections in the Act of 1939 and the main provisions are as under. Since there was no provision about the administration of agricultural land, its name was only "Bombay Tenancy Act."
  - **Protected tenant :**  
The tenant who had possession of land or had right to till continuously since six years prior to 1-1-38 was considered protected tenant. The onus to prove that any person is not tenant or protected tenant was imposed on land owner.
  - **Reasonable rent :**  
It was provided in this Act that a protected tenant may make application for fixing reasonable rent. Thus the tradition of levying rent as per will of the owner came under control.
  - **Termination of Tenancy :**  
It was provided that the landlord may terminate tenancy of any land giving one year notice in writing to the tenant and the same land may be demanded for self-cultivation or non-agricultural use. There was no limit as to how much land can be demanded for self-cultivation. It was provided that if the land is not used for self-cultivation or non-agricultural purpose within one year and such use is ceased at any time within 12 years, the land shall be returned to the original tenant. And it was specified that only rent should be recovered from tenant.
2. The Bombay Tenancy Act, 1939 had limited provisions to safeguard the interests of the tenant. In 1942 this Act was amended and the landlords and protected tenants recruited in army were allowed to grant their lands on sub-lease or on rent (section 16-A). In 1946, the amendment was again made in this Act and the amended Act came in to effect from 8-11-46 and the following matters were incorporated in that amendment.
  - (1) All those tenants who were holding land continuously for six years prior to 1-1-45 and those tenants who were holding land for 1 one year after the Act of 1946 (8-11-46) came in to effect, if their landlords do not make application by 7-11-47 to get the decision that they are not protected tenant and if they do not get decision towards that; they should be considered as protected tenants (Section

3-A). This was in addition to earlier provision of considering all those tenants as protected tenants who were cultivating land continuously for 6 years as on 1/1/1938.

- (2) Maximum rate of rent was fixed at 1-4 of crop for irrigated land and 1-3 for dry land (section 15).
- (3) Those rent leases which were existing on the day of this amendment were considered leases for 10 years (section 23).
- (4) The government got powers to convert a part of commodities into cash rent.
- (5) Definition of self-cultivation was revised in which cultivators giving part of commodity to landlords were considered tenant and protection maybe available to them (section 2(1) (b)). It was also provided for penalty of Rs.1000/- for infringement of the provision of the law. Amendment were made only twice in the Act of 1939. The object of this Act was very much limited to protection of tenants of agricultural lands and the ancillary matters. This Act was applied to the most of the parts of the State with effect from 11-4-46 (Except villages of Khot tenure of Kolaba and Ratnagiri) and in the whole State with effect from 8-11-46.

3. **The Bombay Tenancy and Agricultural Lands Act, 1948.**

After independence, it was essential that the country may become self-sufficient in agriculture production and it may only be possible if the cultivator of land has definite rights towards land. Thus with a view to provide more protection to tenant and to retain control on efficient use of agricultural land, "the Bombay Tenancy and Agricultural Lands Act, 1948" was enacted. In this Act important provisions of the Act of 1939 were incorporated and out of total 31 sections of the Act of 1939, sections 3, 3A and 4 were amended and retained in the new Act and all other sections were deleted. (These 3 sections have been included as Annexure I in the Act of 1948 and concerns with definition of protected tenants)

4. **Important provisions of the original Act of 1948:**

- (1) Revising the earlier provision of maximum rent as 1-3 part of the crop share for dry land and 1-4 part of the crop-share for irrigated, the new provision was inserted that the rent shall be paid annually and shall not exceed five times the assessment payable in respect of the land or 20 rupees per acre, whichever is less. (Section-6).
- (2) Provision was made that the landlord shall refund rent recovered in contravention of the provisions of the Act and shall be liable to pay compensation and penalty to the tenant as may be prescribed by rules made under this Act (Section-10).
- (3) The earlier provision that Mamlatdars can fix reasonable rent and appeal can be preferred to Collector against such decisions of Mamlatdars was deleted vide the Bombay Act No. 13 of 1956. (Section-12).
- (4) It is provided that the tenant can create encumbrance to the extent of his right towards his land (Section-27).
- (5) Permanent Tenant was given right to purchase land being held by him at reasonable price up to an extent of not more than 50 acres. Similarly, it was

provided that the land owner can also get land up to 50 acres for self-cultivation (Section-32).

- (6) It is provided to assume management of the estate of land holders to improve economic and social condition of farmers and for efficient use of the land for agriculture (Section-44).
- (7) It is provided that if the land owner want to sell his agricultural land it can be first sold to tenant and thereafter to nearby cultivators and then to other cultivators. It is also provided that the land cannot be sold to non-agriculturists. It was provided for obtaining certificate from the collector for becoming agriculturist who is not an agriculturist. (Section-63, 64)
- (8) Jurisdiction of civil court for any matter under Tenancy Act has been barred (section-85).

5. The Bombay Tenancy and Agricultural Lands Act, 1948 and amendments.

During the former Bombay State, a total of nine amendments were made in the Bombay Act of 1948 and after formation of separate Gujarat state, a number of amendments have been made till date. The following important sections/provisions have been added through these amendments:

- (1) New sections 32 to 32R were included vide Amendment Act No. 13/56 which came into force from 1-8-56. Section 32 in the earlier Act of 1948 provided for voluntary purchase of land by tenants whereas the new section 32 provided that every tenant who cultivates land personally as on 1/4/1957 (tillers' day) be deemed to have purchase such lands from his landlord (Section-32).
- (2) Section 32 (1B) was inserted vide Amendment Act No. 5/1973. As per the provisions of this section, in all such circumstances wherein:
  - tenant had possession of land or any part thereof as on 15-6-1955,
  - tenant, prior to 3-3-1973, had been removed from land without an order of the Mamlatdar,
  - the land is possession of land owner or any of his successors and
  - as on 3-3-1973, the land has not been used for non-agricultural purpose;

such land or any part thereof shall be restored to the tenant. The Mamlatdar shall either *suo moto* or on an application of the tenant within the prescribed period of 2 years hold an enquiry and direct that such land or as the case may be, part thereof shall be taken from the possession of the landlord or as the case may be, his successor in interest and shall be restored to the tenant.

Sub-section 32 P (2) (B) which gave priority to land owners for such lands wherein the purchase has been declared ineffective was deleted vide this amendment

- (3) Through Act No. 30 of 1977 dated 4/11/77, section 32(1B) was further amended with a radical provision that if the tenant held possession of land as on 15-6-55 and was removed before 3-3-73 except in the manner as provided in section 29 and if such tenant does not give undertaking for self-cultivation as per section



32(1B) of the Tenancy Act, such land should not be entrusted to the land owner, but shall vest in the Government and the Government shall dispose of such lands as per section 32P(2).

- (4) As per Amendment Act No. 16/60, the earlier section 32(O) was amended and provided that after 1/4/1957 if the tenant cultivates the land for any one year he shall be deemed to have purchased such lands on the date of expiry of one year.

This section was often misused in the manner that non-agriculturist used to become tiller under the provisions of this section and hence section 32 (O) has been deleted by Gujarat Act No.10 of 2009.

- (5) Section 43 (1B) of the Tenancy Act has been inserted by amendment of 1960. It says that restriction on transfer of land purchased or sold under this Act shall not apply to land purchased under section 32, 32F, 32-O or 64 by a permanent tenant thereof, if prior to the purchase, the permanent tenant, by usage, custom, agreement or decree or order of a court, held a transferable right in the tenancy of the land. Thus, in pursuance thereof and as per circular No. GNT-1095-2963-Z, dated 7-10-2005, Collector shall decide the rights of the permanent tenant under section 70(O). Honorable Gujarat High Court has set aside the said circular and Government has challenged the judgment of single judge through LPA No.775/2008, which is pending before the Division bench of the Gujarat High Court.

#### 6. Important provisions of law relating to tenancy.

Tenancy laws are very significant as they grant security to the tillers and prevent their exploitation. Following laws relating to tenancy and government instructions there under are in force as of today:

- (1) The Bombay Tenancy and Agricultural Lands Act, 1948.  
(applicable to all areas which were part of erstwhile Old Bombay State including area of old Saurashtra State when there was Gaekwad rule)
- (2) The Saurashtra Gharkhed Tenancy Settlement and Agricultural Land Ordinance, 1949.
- (3) The Bombay Tenancy and Agricultural Land (Vidarbh Area and Kutch Area), 1958 (applicable to whole of Kutch area)
- (4) The Saurashtra Land Reforms Act, 1951 (Whole area of old Saurashtra – Except area where there was Gaekwad rule)
- (5) The Saurashtra Barkhali Abolition Act, 1951.
- (6) The Saurashtra Estate Acquisition Act, 1952

#### • Certain important days & dates in the Tenancy Act

- |    |                               |                |
|----|-------------------------------|----------------|
| A. | Implementation of Act of 1948 | : Dt. 28-12-48 |
| B. | Appointed day                 | : Dt. 15-06-55 |
| C. | Tenancy day                   | : Dt. 01-08-56 |
| D. | Tiller's day                  | : Dt. 01-04-57 |
| E. | Notified date                 | : Dt. 03-03-73 |

- **Tenants as per section 2(18) and section 4**

A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner (Except the members of owner's family, servants on wages, hired labourers cultivating the land under the personal supervision of the owner or mortgagee in possession)

- **Permanent tenant : Section 2(10A)**

Prior to 1-8-1956-

Should hold land on lease on permanent basis (as per custom / usage/ agreement/ order of the court)

OR

Entered as permanent tenant in any land revenue record

- **Protected tenant : Section 2(14) and section 4-A**

A person who has held land on rent continuously for 6 years immediately preceding 1-1-1938

OR

A person who has held land continuously for 6years immediately preceding date 1-1-45

Agriculture Tribunal has power to decide tenant/his type under section 70(B)

- In case of a person who has been cultivating prior to 1-4-1957 (Tiller's day), tenancy case shall be conducted under section 32G.
- In case of a person who has been/had been cultivating for a period over 1 year after 1-4-1957, tenancy case shall be conducted under section 32 O (section 32 O has been deleted by Gujarat Act No.10 of 2009).
- If a cultivator is proved as tenant after conducting the case, the purchase price shall be determined under section 32-H.
- If a cultivator is proved as a permanent tenant, he has to pay to the landlord, 6 times the amount of the rent towards purchase price.
- In other case, the tenant has to pay to the land lord, any purchase price that maybe determined by the Agricultural Tribunal which may not be less than to 20 times amount of assessment and may not be more than 200 times amount of assessment.
- After the tenant pays the whole purchase price, purchase certificate under section 32 M has to be issued and there after the tenant becomes the owner of that land.

Provision for independent machinery called the Agricultural Lands Tribunal consisting of an officer not below the rank of a Mamlatdar has been made under section 67 of the Bombay Tenancy Act. Posts of Mamlatdar and Agricultural Tribunal have been sanctioned in the state in the following districts, whereas in remaining districts Taluka Mamlatdar takes care of this work.

**Reno. Name of district**

**Name of Taluka**

## Collector Manual

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1.	Ahmedabad	Daskroi, Viramgam.
2.	Gandhinagar.	Dahegam, Mansa, Kalol
3.	Kheda	Kapadvanj, Matar, Nadiad
4.	Anand	Borsad, Khambhat, Petlad, Anand
5.	Patan	Patan, Chansma, Siddhpur
6.	Surat	Choryasi, Vyara
7.	Valsad	Umargam
8.	Navsari	Navsari
9.	Vadodara	Vadodara, Dabhoi

As per section 70 of the Tenancy Act, 1948, duties and functions to be performed by the Mamlatdar for the purposes of this Act are as under:

- a. to decide whether a person is an agriculturist,
- b. to decide whether a person is or was a tenant or protected tenant or permanent tenant;
- c. to determine the rate of rent under section-9.
- d. to decide dispute regarding class of land under section 9A;
- e. Deleted.
- f. to determine the amount of compensation under section 10 for contravention of sections 8,9,9-A and 9-C
- g. Deleted vide Act of 1973.
- h. to determine the amount to be refunded to a tenant under section 13(5)
- i. to determine the amount of compensation for trees to which a tenant is entitled under section 19.
- j. to determine any dispute regarding the right to produce of trees naturally growing under section-20.
- k. to determine the costs of repairing protective bunds under section 23.
- l. to sanction exchange of tenancies under section 33.
- m. to determine the amount of compensation payable to tenant for any improvement under section 41.
- (ma) to determine what is reasonable rent under section 43B.
- (mb) to issue a certificate under section 84A and decide under section 84B or 84C whether a transfer or acquisition of land is invalid and to dispose of land as provided in section 84C.
- (mc) to decide references under section 85A.
- (md) to decide any dispute under section 88C.
- (me) Deleted vide Act. No. 36 of 1965.

- (n) to take measures for getting the tenant or land lord or the agricultural laborers or artisan or person carrying on an allied pursuit into the possession of the land or dwelling house under this Act.
- (na) to decide all matters relating to construction of water course under chapter V-A.
- (nb) to issue temporary injunction.
- (o) to decide such other matters as may be referred by the State Government under this Act.

Besides this, powers are delegated to the Mamlatdar under the following sections of the Tenancy Act.

- 66A. construction of water course through land belonging to other person.
- 66B. Failure to payment of rent and to keep water course in good condition.
- 66C. Removal or discontinuance of water course.
- 66D. Neighboring holder entitled to use surplus water on payment of rate.

**7. Under which tenure does the land acquired/ granted under the Tenancy Act fall? Section 43(1)**

Such land may be considered restricted tenure/new and inalienable tenure unless –

- A person should be permanent tenant as per section 43(1B) and it has to be proved that such permanent tenant had a right to transfer his tenancy right (both the conditions should be fulfilled)
- Tenants under all Devasthan Inam lands as on 15/11/1969 shall be considered as deemed purchasers and shall be given rights as occupants through proper proceedings under the Tenancy Act before 20/4/1987 (Section 88-E)

**8. Explanation of restrictions of section 43 of the Bombay Tenancy and Agricultural lands Act, 1948.**

Provisions related to section 43 are as under:

- 43(1) No land or any interest therein purchased by a tenant under section 17B,32,32F,32I,32U, 43-1D or 88E or sold to any person under section 32P or 64 shall be transferred or shall be agreed by an instrument in writing to be transferred, by sale, gift, exchange, mortgage, lease or assignment, without the previous sanction of the Collector and except in consideration of payment of such amount as the State Government may by general or special order determine and no such land or any interest, therein shall be partitioned without the previous sanction of the Collector.

**By Amendment Gujarat Act No.10 of 2009 following provisos shall be added.**

“Provided that no previous sanction of the Collector shall be required, if the partition of the land is among the members of the family who have direct blood relation or among the legal heirs of the tenant;

Provided further that the partition of the land as aforesaid shall not be valid if it is made in contravention of the provisions of any other law for the time being in force;

Provided also that such members of the family or the legal heirs shall hold the land, after the partition, on the same terms, conditions and restrictions as applicable to such land or interest therein purchased by the tenant or the person.”

- 43(1A) As per this sub section, it is provided that the Collector/State Government shall give sanction as per conditions prescribed.

Under this section restrictions have been laid that transaction of sale, gift, exchange, mortgage, lease, assignment or partition cannot be made without previous sanction of the Collector/State Government, but not barred by the legal heirship. The Collector/ State Government may give such previous sanction as per conditions of resolutions amended from time to time.

- 43(2) Moreover, it is provided under section 43(2) that transfer of any land or the interest therein or any agreement of partition or transfer thereof in contravention of section 43(1) shall not be considered invalid.

Earnest money deed and agreement to sale of such lands have also been covered under restrictions under this sub section.

- 43 (1B) Competent officers under the Tenancy Act need to exercise caution while implementing the provisions made under section 43(1B). Following is the provision in this sub-section.

No restrictions of section 43(1) of the tenancy Act shall apply to land purchased under section 32, 32F, 32-O or 64 by a permanent tenant thereof, if prior to the purchase, the permanent tenant, by usage, custom, agreement or decree or order of a court, held a transferable right in the tenancy of the land., This means that the restrictions of sections 43(1) of the Tenancy Act are not applicable to cases in which the legal provision of sub-section 43(1B) satisfied. For this sub-section, it is necessary to inculcate understanding of process and provisions of the Tenancy Act and proceedings should be drawn with perseverance so as to prevent financial loss being caused to the state.

**9. Legal position with respect to the aforesaid provisions.**

- (1) In 1955, as per government order, village wise list of protected tenant/permanent tenant/ordinary tenants was prepared and the same was entered in village Form No. VI.
- (2) Thereafter, proceedings were initiated to decide rights of tenants as landlords of such lands which they were cultivating as on 1-4-1957.
- (3) Meanwhile, persons who were included in the list of tenants under section 32 were held as tenants, purchase price was decided under section 32G (as per section 32 H) and upon payment of such purchase price as decided by the tribunal certificates under section 32M were issued accordingly.
- (4) The entry of the said certificate was made in the ledger book and in the office of the sub Registrar.
- (5) With regard to tenants determined after 1-4-57, type of tenant was decided under section 70B, purchase price was determined under section 32G and proceedings undertaken as per section 32M.
- (6) Once the type of tenant is decided by the Mamlatdar and Agricultural Tribunal under section 32 / Section 70B (Protected/ ordinary/ permanent), notice was given to the tenant/ land lord and purchase price was determined thereafter. On payment of the same, certificate as per section 32M was being issued by the Mamlatdar and Agricultural Tribunal.

- (7) Thus, in the event that during proceedings to decide type of tenant and to decide amount of purchase price by the Mamlatdar and Agricultural Tribunal, if the tenants concerned have not made any representation with respect to the facts that they are permanent tenants and that the purchase price should be determined accordingly and that restrictions of Section-43(1) are not applicable in his case; the proceedings to decide the type of tenant, if initiated again, then such proceedings will bear limitations of "*res judicata*".

Collector shall take such cases as settled under Sections- 32/70B/ 32G/32M under revision under section 76A of the Tenancy Act only within a year of judgment. Similarly, under section 74, appeal can be filed within stipulated time-limit and can be heard. Besides this at the time of removing restrictions of section 43(1), as damage is being caused to the financial interest of the government, decision cannot be taken in such cases without hearing the representative of the government.

**10. Can a non-agriculturist purchase agricultural land?**

Agricultural land cannot be transferred (in any form) to non-agriculturists.

For this, restrictions have been laid under section 63 of the Tenancy Act, rule 36 of Tenancy Rules, section 54 of the Saurashtra Gharkhed ordinance and rule 18 of the rules there under and section 57 of the Vidarbha and Kutch Area Act.

- Any person not holding agricultural land at any place in the Gujarat State cannot purchase agricultural land without prior permission of the collector.
- When any person seeks permission for agricultural land for agricultural occupation, permission can only be given if the following two conditions are fulfilled.
  - That person should be agricultural labour.
  - His annual income should not exceed Rs. 5000/-.

When any person seeks permission for agricultural land for non-agricultural purpose (viz. residence, commercial, industrial etc.) permission may be granted taking into account the provision of Rule-36 of the Tenancy Rules.

**11. About certificate of agriculturist.**

- (1) As per provisions of the Prevention of Fragmentation and Consolidation of Holdings Act, in order to prevent fragmentations of land, at the time of familial distribution of land, when any person (co-sharer) from the family waive his right on his part of land, such persons should be given certificate as farmer by following procedure as laid down by Government Resolution, Revenue Department No. GNT-102003-977-Z, dated 29-3-2005.
- (2) Regarding giving permission for selling agricultural land held in the State of Gujarat and for purchasing agricultural land elsewhere in the State, procedure as laid down in Government Resolution, Revenue Department No.GNT-2699-4343-Z dated 26-12-2008, No.GNT-2209-MLA-9-Z, dated 1-7-2009 and No.GNT-2699-4343-Z,dated 31-3-2011 should be followed. These provisions are as follows:

**Revenue Department, Resolution No. GNT-2694-4353-Z, dated 26-12-2008.**

- I. At the time of making payment of compensation to an agriculturist whose whole land is under acquisition or at the time of taking possession of land, the power to

issue certificate to the effect that the agriculturist concerned can purchase the agricultural land elsewhere has been given to the respective Land Acquisition Officer or the Collector so that the agriculturist may not have to face difficulty in purchasing agricultural land afresh. In such certificate, the agriculturist and the members of his family shall be included and the agriculturist concerned shall purchase agricultural land within three years from the date of such certificate. As such certificate is to be given on the basis of land under acquisition; no evidence-proof shall be called for from the agriculturist concerned.

- II. When an agriculturist purchase a land at a new place, after and when the entry is made in village record, the process to certify the entry shall be carried out on production of certified copies of 7/12, 8-A of the old place and entries in duplicate by the purchaser along with affidavit including photo. The second copy shall be sent to the Mamlatdar of original Taluka for verification. If any fraud or fabrication is found, criminal action should be initiated and the certified entry should be taken under revision and cancelled

### **Important provisions of Government Resolution dated 26/12/2008**

It has been decided under the Department Resolution dated 26-12-2008 that as in the case of agriculturist who has lost land due to acquisition is given a certificate allowing him to purchase land at any other place in the State within the time limit of three years from the date of receipt of the certificate from the Collector, similar provision has been extended for those who relinquished their rights during familial distribution .

### **Important provisions of Government Resolution dated 1/7/2009**

As regards continuing the status as agriculturist for the one who has sold agricultural land held in the State of Gujarat and to purchase land at other place and who has relinquished his right to purchase agricultural land as a result of family partition, further simplifications have been made under Resolution dated 1-7-2009.

In case of sale, certificate of tiller shall be *suo moto* given at the time of making entry of sale in the record. For that, no application shall be invited from the agriculturist. After the certificate of tiller is received from the agriculturist instead time limit of purchase of land within 180 days, the time-limit is made two years.

### **Important provisions of Government Resolution dated 31/703/2011**

When delay is incurred in payment of compensation of the award of land under acquisition due to Court reference or administrative reasons as per Department Resolution dated 26-12-2008, in the calculation of three years for the purpose of purchase of land, the date of actual payment of compensation shall be taken into account.

### **Check-list for proposal of sale, transfer of lands under the Tenancy Act**

Check list, vide under Government Resolution, Revenue Department, No.GNT-102003-2340-Z, dated 10-9-2003, has been prescribed for proposals to be submitted for prior sanction of government for sale/transfer of lands of such tenure as restricted under the Tenancy Act

**12. Provision regarding purchase of agricultural land for bona-fide industrial purpose.**

- According to section 63 of the Tenancy Act and Rule 36 of the Tenancy Rules, the entrepreneur may make application to the collector for securing prior permission for purchase of agricultural land for industrial purpose.

OR

- Having purchased such land, thereafter, he may apply for approval with retrospective effect. (Section 63 AA of the Bombay Tenancy Act, section 55 of the Saurashtra Gharkhed Ordinance, 1949 and sections 57-A and 89-A of the Vidarbha and Kutch Area Act, 1958.)
- The State Government has made amendment under the Gujarat Act. 1997 in respect of purchase of land with restriction of section 43(1) for bona-fide industrial purpose and with this amendment new section 43(IC) has been added. As provided therein, the land with restrictions of section 43(1) of Tenancy Act for which prior permission is not required as mentioned in section 65 of the Land Revenue Code for use of land for bona-fide industrial purpose, can be sold subject to payment of amount that may be determined by the State Government.
- With this amending Act, provisions of section 63CC added newly after section 63-A of the Tenancy Act should be taken into account.
- Similarly, amended provision of the Saurashtra Gharkhed ordinance, 1949 and Tenancy Act applicable to Vidarbha and Kachchh area should be taken into account.
- Powers to hear appeal in cases under section 63AA of the Bombay Tenancy and Agricultural Land Act, 1948 and section 55 of the Saurashtra Gharkhed ordinance, 1949 and sections 57-A and 89-A of the Vidarbha and Kutch Area Act, 1958 have been delegated to the Principal Secretary (Appeal), Revenue. The explanation regarding this is given under Government Circular, Revenue Department, No.GNT-1302-2654-Z dated 30-9-2005 and Circular No. S-30-2506-2798-Z, dated 29-10-2005.

**13. Provisions of section 65(B) :**

As per the Gujarat Land Revenue Code (Amendment Act) 1997, the person using the land for bona-fide industrial purpose shall observe the following conditions/ provisions:

- (A) The person using the land for non-agricultural use which was purchased for bona-fide industrial purpose under the Gujarat Land Revenue Code (Amendment Act), 1997, it will be lawful for him to put this land to use for bona-fide industrial purpose without permission of the Collector subject to comply with the following conditions/ provisions.
- A. The land holder has clear title on such land.
- B. Such land or part thereof is –
- (1) not shown as reserved for public purpose in any draft development scheme or final development plan or town planning scheme under the Gujarat Town Planning and Urban Development Act, 1976.



- (2) not declared for land acquisition under Land Acquisition Act, 1894 or any other law in force at the relevant time,
- (3) not covered within the alignment of any road map prepared by the State Government or within command area of any irrigation project.
- (4) not situated within 30 meters from the boundary of any land held by Central Government or purpose of railway of the Indian Railways company limited.
- (5) not situated within 15 meters of transmission line showing high voltage of any electricity.
- (6) not situated within five kilometers of periphery of the area within jurisdiction of any Area Development Authority or Urban Development Authority formed under the Gujarat Town Planning and Urban Development Act, 1976.

Provided that though the said land is falling within the area of jurisdiction of any area development authority of urban development authority, yet with regard to any provision in this respect, when the Gujarat Land Revenue (Gujarat Amendment) Second Ordinance, 1996 was in force, according to the provisions of the said ordinance the use of land will not be considered illegal for bona-fide industrial purpose.

- (B) When any person is desirous of using for the purpose of production of any chemical or petro-chemicals or storage besides the conditions mentioned in above (A), it will be considered lawful for him to put such land for use for such bona-fide industrial purpose without permission of the collector subject to observance of the following condition.

Such land or its part shall not be situated within two kilometers from the boundary of –

- Ancient monument declared as “Protected Monuments” under Sub-section-1 of Section-3 of the Ancient Monuments Preservation Act, 1904.
- Ancient and Historical Monuments declared as “Protected Monuments” under Sub-section (3) of Section-4 of the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965.
- Forest land or waste land declared as “Protected Forest” under section 3 of the Indian Forest Act.
- Forest land or waste land known as ‘Protected Forest’ under section 29 of the Indian Forests Act.
- Any area declared as “Sanctuary” under sub-section (1) of section 18A of the wild life (Preservation) Act, 1972.
- Any area declared as “National Park” under section 35 of the wild life (preservation) Act, 1972.

(A) The land holder shall observe provisions of any Act in force at that time or in connection with the use of land for such purpose before the land is put to use for bona-fide purpose under sub section-1, shall comply with any order or direction of the Central Government or the State Government or any corporation, Government company, Local authority of the Central Government or State Government or owned by or under control of such government.

(B) When the land holder initiate the use of land for bona-fide industrial purpose as mentioned above he shall within 30 days of the date of amendment of use of land for bona-fide industrial purpose, send the notice of the date of commencement of such use to the collector in a form that may be prescribed under rules made under this Act and one copy thereof shall be sent to the Mamlatdar.

On receipt of the notice by the Collector as above, after due inquiry and on finding that the said person has legally started the use of land for bonafide industrial purpose, he shall issue certificate to that effect in prescribed form.

**14. Permission to purchase agricultural land for setting up Wind Energy project.**

Instructions issued for the above-mentioned purpose vide Government circular, Revenue Department, No.GNT/102006/4249/2, dated 7-3-2007 are as under:

Under the said circular, it is directed to grant permission to entrepreneur for wind Energy Project Subject to the following conditions as per section 63AA of the Bombay Tenancy and Agricultural lands Act and provisions of other tenancy laws.

1. Out of land purchased for Wind Energy Project, if particular land is to be put to use for agricultural purpose, presuming all land as non-agricultural , only non-traditional agriculture such as Jatropa (Ratan jyot), energy plantation or medicinal plantation is allowed
2. The entrepreneur or company setting up Wind Energy Project, cannot claim to be an agriculturist because of the reason that they are doing non-traditional agriculture.
3. All land purchased for Wind Energy Project purpose shall be converted into non-agricultural and in spite of putting particular land for non-traditional agricultural purpose, non-agricultural assessment and conversion tax have to be paid for all land.

**15. Section 84: It is provided under section 84 of the Tenancy Act to evict unauthorized possession and to hand over to original possessor.**

- (1) As laid down in section 84 of the Bombay Tenancy and Agricultural Lands Act, 1948, any person who is un-authorizedly occupying any land the transfer of which is invalid under the provisions of this Act or management of which has been assumed by the government or to the use and occupation of which he is not entitled, may be summarily evicted by the Collector and may handover possession of that land to bona-fide original possessor.. There is no need of any application for such action. The collector may take *suo moto* action. During such action the collector may make interim order by virtue of his power to dispose standing crop or making settlement.

- (2) This is a combined action of evicting unlawful possessor of land and to handover the possession to the bona-fide person entitled to the land.
- (3) The dispute to secure possession on the basis of status of tenant shall be proceeded under Section-29 of the Tenancy Act. Such proceedings under Section-29 fall within the purview of Mamlatdar & ALT. However, when the possessor seeks relief by virtue of his right over the land, he can claim under Section-84 summary eviction of his dispossessor, be his landlord or anyone else provided he bases his claim on his title. Such proceedings under Section 84 fall within the purview of Collector.
- (4) If a person employed as a servant takes over possession of land, relief may be sought under this section to evict him, provided that it should be proved that he was servant and if he is proved as a tenant this section cannot be made applicable.
- (5) During the proceedings under section 32-G, if the tenant doesn't remain present or if shows unwillingness to purchase the land, it cannot be held that the tenant possession is un-authorized. His possession is considered lawful till his tenancy right is not denied under section 32 P(2) of the Tenancy Act and he cannot be evicted under section 84 of the Tenancy Act.
- (6) The person being aggrieved by order under section 84 of the Tenancy Act may move to the civil court.
- (7) When there is a dispute about right of ownership, section 84 cannot be invoked.
- (8) During the proceeding under section 84, if the question of status of tenant arises, the Collector should not dispose of under section 84 of the Tenancy Act, it should be referred to the Mamlatdar for disposal.
- (9) The collector should order to get the unlawful possessor evicted under Section 84 of the Tenancy Act and hand over possession to rightful person and get implemented through the Mamlatdar and Agricultural Tribunal.
- (10) During the inquiry by the Collector under section 84, if the unlawful possessor does not agree to evict land, such land is not to be assumed by Government, but in such cases Collector should refer the matter to Mamlatdar and Agriculture Tribunal to initiate proceedings under section 84-C of the Tenancy Act.

**16. Section 84-C**

Section 84-C of the Bombay Tenancy and Agricultural Land Act, 1948, provides for the manner of disposal of such land, the transfer or acquisition of which is invalid and unlawful.

The section 84-C is applicable for all transfers of land made after 1/8/1956 which are in contravention of the provisions of the Tenancy Act. According to that Mamlatdar may either initiate *suo moto* action or proceed upon application from interested persons. The Mamlatdar issues show cause notice under Rule-50 for this purpose to transferor, transferee or acquirer of land to show cause as to why transfer or acquisition of land should not be held invalid. Thereafter, decision, after holding inquiry, is taken as to whether the transfer or acquisition should be held invalid or not. If inquiry is undertaken based on the application from interested person/s, action is taken as per provisions of the Mamlatdar Court Act. If inquiry is *suo moto*, action is taken as per summary inquiry provisions of the Land Revenue Code. If the Mamlatdar comes to the conclusion that the transfer or acquisition is liable to be made invalid, before doing so, he shall give

reasonable time to the transferor and transferee to restore the land and if they agree to do so and if they do so, order to make the transfer invalid shall not be made. If they do not agree to do so and if they don't do within prescribed time, transfer or acquisition will be declared invalid and the land will be assumed and vested in the government without encumbrance. The provision of 84 C is for transfer or acquisition contrary to any provision of the Tenancy Act. Ordinarily, proceedings under section 84-C are undertaken in cases of such land as restricted by section 43 of the Tenancy Act and in cases of breach of section 63 of the Tenancy Act. As regards this, it is to be clarified that restrictions of section 43 of the Tenancy Act are applicable to lands falling under following sections of the Tenancy Act.

- (1) 17 B House purchased by the tenant and land abutting to that.
- (2) 32 Tenants as on 1/4/1957 who became purchasers of the land
- (3) 32 F Tenants of minor, widow and physically disabled landlord
- (4) 32 I Sub-tenants of permanent tenants.
- (5) 32 U Tenants of small land lords who become purchaser of land.
- (6) 43-1D Tenant from members of the Armed Forces who becomes purchaser.
- (7) 88E Tenants over lands of Devasthan

**Saurashtra Gharkhed Ordinance 1949.**

Similar to Bombay Tenancy and Agricultural Land Act, 1948, the Saurashtra State had enacted the Saurashtra Gharkhed Ordinance, 1949 for regularization of rights of tenants & land holders. Saurashtra comprised of Girasdars and Barkhalidars as land owners and tenants falling under Girasdari tenure and hence the provisions of tenancy reforms in Saurashtra differs from Bombay Tenancy Act, 1948

**Can a non-agriculturist purchase agricultural land?.**

On implementation of Saurashtra Land Reforms Act, 1951, many provisions of Gharkhed Ordinance were repealed and important Section -54 has been retained in which restriction on transfer of land to non-agriculturist has been imposed. As per the provisions of Section-54 of the Ordinance and Rule-18 of the rules made therein, there is a restriction on transfer of agricultural land to non-agriculturist. However, Collector or any officer authorized by the government on this behalf may grant such permission under such terms and conditions as may be imposed. Further, when a non-agriculturist asks for agricultural land for agricultural purpose, permission can be granted on fulfillment of the following two conditions:-

1. He/She should be an agricultural labourer
2. His/Her annual income should not exceed Rs. 5000/-.

**Provisions for purchase of agricultural land for Bona-fide Industrial purpose.**

As per the provisions of rule 18 a non-agriculturist can purchase agricultural land for industrial purpose by seeking prior permission of the Collector. Procedural formalities to seek prior permission sometimes take much of a time and setting up of an industry gets delayed. Hence, a new Section-55 has been added vide Gujarat Act No. 7 of 1997 amending the Saurashtra Gharkhed Ordinance, 1949. As per the provisions of Section-55, any industrial unit can purchase agricultural land for bona-fide industrial purpose without prior permission from the Collector. In such case, he shall inform the Collector within 30 days from purchase of such land. Moreover, on receipt of certificate from Collector validating such purchase and allowing the use of such land for bona-fide industrial purpose, he shall start industrial activities within three years from the date of occupation of land and shall start production of goods or services within 5 years. If any application is made for extension of this period, the state government or the officer authorized for this purpose can extend the period from time to time. It has been further provided therein that if he fails to start industrial activities or production of goods or providing services, he has to pay compensation to the purchaser as decided by the Collector and the land shall vest in government free from all encumbrances and the state government shall dispose of such land keeping in view of the use of such land.

## Chapter

## 33

**New and Indivisible Tenure Lands**

The State Government has issued guide lines vide consolidated resolution No. NSJ-102003-2600-J dated 18-12-2004 new and indivisible tenure lands granted for agricultural purposes, who are mainly granted government waste lands, the lands under various tenure abolition acts viz. Bombay lowest (Inferior) Vatan abolition Act, Baroda Patel Vatan Abolition Act, Baroda Abolition Act, Stipendary Abolition Act., Village Patelia (headsman) land, Lands under Aveda (Water reservoirs for animal) re-granted lands under Inferior Village Servants Act; Restricted Tenure lands under Bombay Tenancy Act and such lands which require prior sanction of Government to divide their lands for change of purpose and divide their interest and where such lands are to be converted into old tenure for agricultural purposes.

In order to see that the holders may not have to suffer hardships in dealings of transfer of lands of new tenure, instructions have been issued under G.R, R.O. No.NSJ-102006-571-J dated 20-12-06 to convert the lands into Old Tenure for agricultural purposes. Procedure to convert such lands into old tenure for agricultural purposes has been laid down by circular No. NSJ-102006-571-J dated 20-12-2006. When the question of interpretation arises for implementation of these resolution, provisions of original resolution should be kept in view.

It appear that government has adopted a policy to grant government waste lands since 1947 and afterwards on new and indivisible tenure or restricted tenure and on the condition that they themselves should do farming and to ensure that such lands may not be in the hands of those who do not do till themselves.

In spite of these restrictions on lands by Revenue administration, it has come to the notice of Government that people take advantage of loopholes of law and change tenure restrictions to harm Government interests. In order to stop this, provisions of consolidated resolution dated 18-12-2004 and resolution dated 20-12-2006 of restricted tenure lands under various tenure abolition Acts shall be considered for old tenure for agricultural purposes, but shall continue as restricted tenure. Such lands shall be subject to premium for N.A. purposes. It should be ensured that entries are made in computerised records with such restrictions/conditions. Similarly, sanction is accorded for transfer by sale or change of purpose after recovery of premium as per percentage fixed by the said purposes in the areas of entire state or urban areas.

Resolutions/circulars issued by government from time to time were consolidated & issued consolidated resolution No.NSJ-1082/518-Z dated 16-3-82. Resolutions/circulars issued after 16-3-1982 were also consolidated and a consolidated resolution was issued. Modified provisions have been produced as note in the relevant paras, which should be kept in view.

Government decides as under to transfer, divide, and convert into old tenure for the purpose of agriculture and to change in condition/sale for N.A. use of the new tenure lands held by individuals or cooperative societies, which are indivisible and non-transferable lands held with sale restriction (new and indivisible) condition, lands re-granted for agriculture which are acquired by Government after abolition of various acts and given for agriculture.

**1. To grant Government waste lands on sale restriction (new and indivisible) tenure.**

While disposing government waste land it is granted with condition that it should cultivated self and such lands may be disposed as if they are inalienable tenure lands (new and indivisible).

**2 Relaxation in restrictions on new tenure for Government lands granted prior to 1-3-60.**

Government waste lands given during British rule before independence and those given after independence but before 1-3-60, i.e. before Government waste lands rules came into force, government has decided to give following relaxations from restrictions of new tenure:

- (a) 12 years duration shall not be counted for lands given before independence;
- (b) Government waste lands given after independence but before 1-3-60, i.e. before government waste lands rules came into force, twelve years duration shall not be counted from the date of grant but from 1<sup>st</sup> March 1960.
- (c) Remaining provisions of para 2.1 shall be applicable except for (a) and (b) above.

3. The holder who held government lands without lease of definite period in revenue year prior to three years of merging of Princely States and where old Bombay government gave possessions of the such lands to them or to their heirs on 'new and indivisible tenure' without taking any price, all such lands while obtaining permission for transfer, the holders were required to pay premium. After careful consideration Government decided that lands of new tenure should be converted into old tenure without taking any price from 1-11-1970. The holders of such lands shall not be required to pay any premium at the time of transfer of lands. Accordingly entries of unrestricted rights of old tenure shall be made by the Talati in Record of Rights on the instructions of Mamlatdar. The Talati has to submit report to Mamlatdar regarding such holders in the villages falling under his/her jurisdiction (SEJA) and obtain orders to make mutations. The cases in which orders have been issued to convert into old tenure on payment of premium shall not be reopened. In the cases in which final decisions are not taken for above types of holders, orders shall be issued as per these revised guidelines.

Prant officers have been instructed to be vigilant & to see that such mutation entries are decided within six months from 24-11-1970.

4. **(A):** Lowest Village Servants or Chakariyat hold alienated (inami) lands on new and indivisible tenure. In their cases, land should not be converted into old tenure. However, it may be done in the cases where following conditions are fulfilled:

- (A) If the holder is permanently physically weak to cultivate himself;
- (B) If the holder is widow;
- (C) If he abandoned agricultural occupation permanently and resorted to another occupation, the lands should be given to genuine farmers under Tenancy Act and Land Ceiling Act 50% of the sale price should be paid to original land-holders and 50% should be credited to government.

**(B) Raiyat Upayogi Chakariyat Inami :**

Government has decided as under regarding re-granted land:

(1) Those who hold Chakariyat Alienated (Inami) lands should re-grant lands on non-transferable and indivisible tenure on payment of six times of assessment for agricultural purpose for occupancy rights prior to these orders, i.e. under orders issued before 11-6-1968, if the amount recoverable is more than six times, the excess amount should not be recovered. However, prior to these orders i.e. prior to 11-6-1968, if more amount than six times of assessment has been paid as occupancy right, no refund should also be paid.

(2) In cases where holders of chakariyat alienated lands have transferred these lands before re-grant for agricultural purposes, existing holders shall have to pay 20 times the assessment to convert them into old tenure – agricultural lands. This 20 times amount shall be six times amount or shall be 3 times or 12 times of assessment (land revenue) to be paid for occupancy rights as well as amount not recovered or not paid up to 11-6-1968 shall be required to pay penalty not exceeding Rs. 50 for un-authorized dealings. Cases disposed prior to these orders came into force, i.e. before 11-6-1968 shall not be reopened on account of these orders. These include land cases disposed as well as refundable.

(2)(1) If holders of chakariyat alienated (inami) lands have transferred the lands for agricultural purposes after re-grant, the existing land holders shall be required to pay 20 times of assessment to convert them into old tenure. Moreover, the existing holders shall be required to pay penalty not exceeding Rs.25 for un-authorized dealings. Cases disposed prior to these orders came into force, i.e. before 5.8.68 shall not be reopened on account of these orders.

(ii) The persons who demand to re-grant the lands for agricultural purpose on old tenure or want to convert them into old tenure to re-granted land shall have to pay 20 times of assessment to government for such transfer.

(iii) The cases in which the land has been transferred or to be transferred for non-agricultural purposes prior to 11-6-1968, 50% of existing market price should be charged to regularize transfer cases or cases to be granted permission.

(iv) The cases already decided before 11-6-1968 are not to be reopened. However, the lands which have been resumed by Government for non-payment of amount of occupancy right, but the possession thereof have been with ex-servant inamdars on yearly basis maybe re-granted to such persons by these orders.

(v) Amount of six times of occupancy price which has been shown, have been kept in view of general provisions of Chakariyat Inami lands of various land tenure abolition Acts, where the amount of Land Tenure Abolition Acts is different [viz. lowest village servant (Kanistha Gam Nokar) Vatan Abolition Act. provides 3 times of assessment, while Bombay Miscellaneous Dumala (alienated) abolition Act. provides 12 times]. Amount of occupancy rights for lands under different Acts shall be recovered according to provisions in the respective Acts.



**5. Relaxation from restrictions of new tenure to lands held on inalienable (new and indivisible) tenure.**

According to orders on Government waste lands, relaxations in restrictions on government waste lands granted on new and indivisible tenure for agricultural purpose or sanction to transfer have been included in para 2(1) of this resolution. Orders to give relaxations/sanction of transfer in restrictions of new tenure for lands re-granted in alienable (new and indivisible) tenure. The lands under Aveda (water tanks for drinking of animals) and lands resumed by government under Land Tenure Abolition Acts have been issued vide para 2(2), 2(3), 2(5) and 3(i) of consolidated resolution.

**6. Rate of premium in relaxation cases of new tenure under Section-21 of Urban Land Ceilings Act, 1976.**

When land holder holding additional land in urban areas under Urban Land Ceilings Act, 1976 where government granted the government waste land on new tenure under Section-21 presents a scheme to use such lands for construction of houses for weaker section, the premium should be charged as under :

(1) Premium should be charged at 50% of five times amount of eligible compensation under section 21 of Urban Land Ceilings Act, 1976.

(2) Land should be converted into old tenure after recovery of premium as per rules;

(3) As orders have been issued fixing price zone wise under Urban Land Ceilings Act, amount of premium may be accurately decided on the basis of amount of compensation and in such a way that uniformity is maintained. The Collectors concerned shall be considered competent to issue orders of sanction as per rules.

(4) The holder of land of 'new tenure' who present scheme under Section-21 of Urban Land Ceiling Act,1976 shall be responsible to pay the said premium as decided by government. Benefit of concessional rate of premium shall be confined to their sale to weaker sections for the first time. In other words, original land holder presents the scheme, constructs houses and sells them to weaker sections beneficiaries under this scheme shall avail benefit of the tenure. Thereafter, if the house is sold along with land, he shall not avail benefit of paying premium on this rate. Collector and Additional Collector shall monitor this.

**7. Valuation of New Tenure lands:**

In cases of relaxation from the restrictions of new tenure and to accord sanction of transfer of lands granted on new and indivisible tenure, provision has been made in above paragraphs. Government has decided in this regard that in order to decide amount of premium, 'JANTRI' price of the land should be assessed taking in view provisions of government resolution, Revenue Department No.NSJ-102006/571-J (Part-2) dated 4-7-2008.

**8. Relaxation from restrictions of new tenure as well as lands under Tenancy Act.**

Cases in which agricultural lands of the persons are acquired or may be acquired under Land Acquisition Act, land losers wish to purchase agricultural lands at other place for resettlement, no premium shall be recovered at the rates prescribed by Government resolutions mentioned above. The relaxation shall be subject to following conditions:

**Conditions:**

(i) This relaxation shall be available to those whose total agricultural lands have been acquired under Land Acquisition Act.

(ii) The lands which are purchased at other places shall be purchased by the purchaser on new and indivisible tenure only.

(iii) The relaxation is for first purchase only. In other words, the relaxations are applicable to those lands which have been acquired or to be acquired solely for irrigation schemes. However, if after purchasing agricultural land at one place, he has occasion to sell such land, he shall have to pay premium at prescribed rate.

(iv) This relaxation shall apply to agricultural lands only. This will not apply to non-agricultural lands.

(v) The affected person, who wants to avail benefit of relaxation shall obtain certificate from the concerned Land Acquisition Officer and shall present to the Collector of the district from which he purchases land stating that his land has been acquired for irrigation and .... Acres of land are required to be purchased elsewhere.

**9. Relaxation from restrictions of new tenure and Relaxation in lands of Tenancy Act.**

Cases in which agricultural lands of the persons are acquired or may be acquired under Land Acquisition Act and where land losers wish to purchase agricultural lands at other place for resettlement, no premium shall be recovered. Government has decided to apply all the provisions and conditions made in paragraph above shall apply to all cases where agricultural lands have been acquired/ may be acquired under Land Acquisition Act for construction of National Highways, State Highways and district roads and wish to purchase agricultural lands at other place for resettlement.

**10. Permission to manufacture bricks in the lands on new tenure.**

If the possessor of new and indivisible tenure lands has to use for N.A. by change in conditions and has to transfer them for N.A. use, prior permission of competent officer is must. When manufacturing of bricks are to be carried out in such lands, prior permission for above purpose is to be obtained before obtaining permission for N.A. use under Section-65 of Land Revenue Code. When such lands are to be used for manufacturing of bricks, prior permission may be granted by recovering premium at prevailing rates prescribed above. Necessary instructions have been issued to see that when proposals to allow to manufacture bricks in the lands of new tenure, they should be checked according to rules and procedure to give prior permission should be forthwith carried out.

**11. Transfer/ change in condition without prior permission for bona-fide industrial purpose to the lands of new and impartible tenure.**

With reference to new industrial policy declared by State Government, to make industrial development fast and to avoid delay in getting lands to establish industrial units by entrepreneurs, provisions of tenancy Act have been revised and simplified and necessary amendments have been made in Sections 43 and 63 of Tenancy Act to get permission with retrospective effect instead of getting prior permission in purchasing lands required for bona-fide industrial purposes. Necessary instructions have also been issued in this regard.

Lands of new and impartible tenure are often used for bona-fide industrial purposes. Before transferring lands of new and indivisible tenure for any purpose including industrial use of N.A. or use them for N.A. use by change in condition prior permission of competent officer is required. According to this provision, if procedure is made accordingly, there may be delay in getting land for bona-fide industrial purpose. In order to remove such delay, like provision to obtain permission with retrospective effect in Tenancy Act, the Government has decided to provide as per following conditions for lands required for only industrial purposes with reference to lands of new and indivisible conditions:

**Conditions:**

- (1) The applicant shall give consent that "I/We consent to pay premium as may be decided by Government for lands of new and indivisible tenure" in column 5 of application form attached to office circular No.GNT-1094/3682-JH dated 20-7-1996.
- (2) In all such cases as stated above permission in this regard shall be given according to conditions fixed by Collector by recovery of premium.
- (3) Market price of such lands shall be decided according to provisions in paras on valuation as stated above.

**12. New tenure and 73-AA: Under which Act permission may be granted to transfer restricted lands.**

Restrictions have been imposed by Section 73 A, Section 73-AA to 73-AD of Land Revenue Code to lands held by tribals. Restrictions of Section 43 of Tenancy Act and restrictions of new tenure also apply. In these circumstances, at time of transfer of such lands, a question arose under which Act the permission is to be taken, the Government has carefully considered the issue and following guide lines have been issued.

Restrictions have been imposed by provisions of Section 73 A, Section 73 AA to Section 73 AD of Land Revenue Code on sale/transfer of agricultural and non-agricultural lands to tribals or non-tribals. Section 43 of Tenancy Act and restrictions of new tenure also apply. In such cases permission is to be obtained first under section 73-A, Section 73AA to Section 73AD and then under section 43 of Tenancy Act or permission under new tenure.

**13. Application form to apply for sale/transfer/ change in condition to agricultural lands of new and indivisible tenure.**

Application form has been prescribed for sale/ transfer/change in condition for agricultural/ non-agricultural purpose of agricultural lands of new and impartible tenure, which is in Appendix I. If the applicants fill in the form with complete details and apply, decision can be taken quickly. Instructions have, therefore, been issued to obtain applications in prescribed forms.

**14. Check list for the land under new tenure and for the proposals for cases where prior permission of Government is required under Section 73 AA under the Land Revenue Act.**

Prior permission from the competent authority is necessary in respect of new lands or lands granted for agriculture. Necessary check list has been worked out considering the respective laws for prior permission of Government for sale/transfer of land under Section 73-AA of the Land Revenue Code as well as for the proposal, to be made for prior

permission from Revenue Department. Hence, now onward, such proposals to be submitted to the government should contain all information as prescribed in the checklist along with necessary supportive evidences and along with clear opinion from the Collector/ District Development Officer on the basis of existing Act and Rules. (The checklist is available in Appendix 1 and 2).

It has also been observed that such cases, wherein the Act/Rules empower the Collector/ District Panchayat to take decisions are also proposed to the Government as "Special Cases" mentioning that the permission cannot be granted by the Collector/ District Panchayat. It is hereby informed that such cases need not be referred to Government, but should be disposed by the Collector/ District Panchayat as per the powers delegated to them.

**15. Regarding submission of Xerox copies of enclosures of the proposals under section 73-AA of the land Revenue Act and under new tenure.**

When the proposals are submitted to this Department through the Collector/District Development Officer for the first time, alongwith their enclosures for change of purpose/ transfer of land of new and indivisible tenure or transfer of controlled land under section 73-AA of the Land Revenue Code, when such functions come within the scope of State Government, the concerned officials are informed to send a Xerox copy of each enclosure of the proposal. In case of a back-query by the Department, the compliance report should also contain Xerox copies of each additional document enclosed with the report.

**16. In case of breach of condition for the land under new tenure.**

If any holder of land, holding the land under new tenure makes any breach of the conditions, his land should be forfeited to government and should be disposed of as per rules.

**(1) In case of breach by an individual of backward class:**

If the land holder belongs to backward class, and if the breach is made for the first time, after forfeiting the land, the land should be re-granted after charging a token charge, of Rs. 1/-. If, however, where the Collector does not find it appropriate to re-grant the land, it can be handed over to him on annual lease for a period of one or two years for which a lease amount of one tenure to be collected and if the holder can satisfy with his future conduct, the land may be granted as new tenure.

**(2) In case of breach by an individual of non-backward class:**

When a non-backward class individual has made a breach of new tenure and has entered into transfer of land, such land shall be forfeited and the land shall be given to the same individual under the new and impartible conditions after collecting the appropriate charge of holding from him. The charge for holding will be decided by the Collector on the merit of the case such as the conditions of an individual, necessity of the land for maintenance of the family of the individual or this being the first fault on part of the individual etc. If however, the Collector does not find it appropriate to return the land to him permanently, such land can be given an annual lease for the period of 2-3 years for which the lease amount can be decided considering the circumstances of the holder and if his behaviour is found satisfactory, then the land may be granted under new tenure.

**(3) Regarding benefit to be provided to the persons belonging to potter community (Kumbhar) in case of breach of conditions of new and indivisible tenure.**

The potters (Kumbhars) are considered as those belonging to SEBC (Bakshi Panch) Communities, and therefore they need to be considered as backward classes. Such view was taken by the Collector, Junagadh. In a proposal made to agree with the above view the Government, in consultation with the Social Welfare and Tribal Development Department, has decided that when the decisions are to be taken on such issues and the orders in this regard are to be issued, the concerned community should have been included in the list of socially and Educationally backward communities on that particular day and in such case, necessary action should be taken in case of breach of conditions of land of the concerned individual, as provided in para (1) above.

**(4) The spirit of standing orders to be considered while re-granting of land:**

When the agriculture lands given on new and indivisible tenure are forfeited to Government on breach of conditions, the request to re-grant such land for agriculture purpose in reasonable time should be disposed of on merit so that the previous holder of land does not face any hardship. But when such land has been forfeited to Government for quite some time and has become more valuable in course of time or its utility as a non-agriculture (N.A.) land has come up, the request for re-grant of such land cannot be accepted. This is the intention of above mentioned government orders. In such cases, the forfeited land has to be disposed of at market rates as per the policy of government in respect of disposal of Government land.

It is hereby informed to all Collectors and concerned Revenue Officers to see that these instructions are followed scrupulously.

- (A) In Tharad taluka of Banaskantha district, the "Narvati" lands were granted on new tenure by the old state. After amalgamation, if such lands are transferred to other people, the holding charges may be deducted from the sale-price and the penalty to the extent of 62.5 to 75 per cent of the remaining amount be charged and such cases should be regularized.
- (B) Revenue Officers should give priority at each phase to the cases of breach of conditions of new-tenure land held by members of Scheduled Caste and should see that the case is disposed of speedily and that no unnecessary delay happens. This instruction should be brought to the notice of every Revenue Officer by the collector and should see that it is followed.
- (C) If the new-tenure land is given by the holder without prior permission from the Collector, warning should be given for the first fault. If this happens again after giving the warning, it is to be counted as second mistake. Warning should be given after finding the fault in every season and if no faults are detected in any given season and if any fault is found in any season it will be considered as first fault. The repetitive fault cannot be said for year-wise unless found out and warning given for it.
- (D) When the land is granted on "indivisible tenure" as per rule 37(4) of Land Revenue Rules, the kabuliyat is taken in Form F(1) but when the land is given as "Indivisible tenure" as well as "non-transferable tenure", the kabuliyat is taken in Form I(1).

In Land Revenue Code or Rules made there under, there is no definition provided for “new tenure”, but the kind of such holding has been created in a new proviso in the section 68 in the year 1901. In this proviso; two matters could be there simultaneously, or either of them could be there, meaning thereby that either the land could be non-transferable or non-divisible or both together or either of it. If the land is granted indivisibly, the kabuliyat is taken in form F (1) under Land Revenue Rule 37(4), but when the land is both indivisible and non-transferable, the bond is taken in Form-I (1).

- (E) When the new-tenure land is forfeited for breach of condition, but when it is not to be re-granted to the holder as per rules, the disposal of such land shall be done as government land. Besides, land is made in the name of Government when the land is forfeited against collection of government dues or due to breach of condition of grant of land or an account of failure of the holder to pay revenue or due to transfer of land. Such lands are usually well-developed and have been brought under farming after spending a lot of money on it. In such case, it is fair to dispose of such land at market rate. The Government has therefore decided that the forfeited or government acquired land, if cannot be re-granted to the original holder, and if it is required to be disposed of such lands should be disposed of, as per priorities shown in Disposal of Government Land (as amended from time to time) but at the market rates.

Note: The provisions contained in sub para 4(E) above has been amended and the provisions contained in sub para 4(F) have replaced the above provision. Hence, below provision should be considered.

- (F) If the new-tenure land has been forfeited or has been made in name of Government due to breach of conditions, or breach of condition of granting, or forfeited for recovery of Government dues, or due to non payment of Land Revenue by the holder or by way of transfer of land to Government and if such land cannot be re-granted to the original holder as per rules such land should be disposed of by auction as Government land.

**17. Regarding removal of the restrictions of new tenure for agriculture purpose from new and indivisible tenure/to transfer in old tenure:**

Government permission is required for transfer, for change in purpose or for division of land in respect of land given on new and indivisible tenure for agriculture purpose, wherein it is mainly government waste-land granted under various rules or land re-granted after abolition of Act, such as Bombay Inferior Vatan Act, Baroda Patel Vatan Abolition Act, Land Reform Act, Baroda Abolition Act, Stipendiary Lands, Lands under Aveda, Acts for Village Employees etc. such lands are known as new-tenure land. For transferring of such lands into old-tenure, or for facilitating in their transactions or to avoid hardships, various representations are made to Government from time to time. Of course, there was some standard for transferring such lands of new tenure into old-tenure lands but as per GR dated 13-7-1983, it was stopped to transfer the new-tenure agricultural land into old tenure agricultural land. It was under consideration of the Government to possibly simplify the existing provisions to avoid the difficulties faced by farmer holders in transferring of land. After careful consideration, keeping the spirit of the policy intact, as a comprehensive policy, to transfer the new-tenure indivisible land for agriculture use into old tenure agriculture use only, Government resolves as under:

(1) For agriculture purpose, the new tenure impartible land should be noted as “eligible for premium for non-agriculture purpose only”, deleting the note of “new and impartible tenure” from the land record after collecting 60 times of amount of land revenue as premium.

(2) The new-tenure indivisible land such as land under Bombay Tenancy Act, and other abolition acts wherein there is a provision to obtain sanction of competent authorities, can also be permitted to be made free from new-tenure controls as per (1) above by collecting 60 times of amount of land revenue as premium.

(3) The above benefit will be available to only those holders who have held the land continuously for 15 years or more.

(4) The provisions of Urban Land Ceiling Act is applicable to six big cities of the state; viz. Ahmedabad, Surat, Vadodara, Rajkot, Jamnagar and Bhavnagar, These provisions will not be applicable to the lands in Urban Land Ceiling areas.

(5) The above mentioned provisions will also not be applicable to lands in municipal areas of the state.

(6) The above mentioned provisions are applicable only to the land to be transferred for agriculture purpose. In case of transfer of land for non-agriculture purpose, the existing provisions continue to remain in force.

(7) Action in respect of points (1) to (3) above, will be required to be taken by Collectors. They should collect the necessary premium amount and have to get the entry made as per point no. (1) above in the concerned land revenue record.

It is further clarified that in the areas mentioned in points (4) and (5) above, provisions of 13-7-83 will apply for transfer of land for agriculture purpose and in case of transfer for non-agriculture purpose, the provisions contained in G.R. dated 17-9-84 will apply for the whole of State.

**18. To consider “Ex-Urban Land Ceiling Area” instead of “Urban Land Ceiling Area” for transfer of new-tenure land into old-tenure agriculture land:**

There is no provision made for transfer of lands under Urban Land Ceiling area or under Municipal areas in old-tenure lands for agriculture purpose including those new and indivisible lands under tenancy Acts. In these areas, the permission for sale of new tenure is given after collecting prescribed premium as per provisions contained in G.R. dated 13-7-1983. The Urban Land Ceiling Act, 1976 was repealed w.e.f. 30-3-1999. Thus the areas covered under the Act. do not exist now. It was under the active consideration of Government as to which areas are to be included instead of those areas mentioned above. After careful consideration, Government has decided to keep “ex-Urban Land Ceiling Areas” instead of “Urban land ceiling areas”. Therefore, whenever the words “Urban Land Ceiling Areas” appear in original G.R. of Revenue Department dated 11-3-96; one should read “ex-Urban Land Ceiling Areas”. The provisions in respect of municipalities, remain intact in the G.R. dated 11-3-96. Thus, the provision to give sanction for sale under new-tenure for agriculture purpose after collecting prescribed premium as per GR dated 13-7-1983 remain intact.

**19. Regarding removal of restrictions of new-tenure and indivisible agriculture land in Borough Areas/transferring them in old tenure.**

The original policy of the department in respect of new and indivisible land including land under Tenancy Act is to convert them into old-tenure land and thereby to remove the restrictions of new-tenure has been reflected in the GR of the department, dated 11-3-1996. The provisions of this G.R. do not apply to the land under new tenure in municipal areas as well as new tenure land in ex-ULC areas. However, there was no reference about the land in Municipal Borough Areas. Therefore, there were incidents where in some of the Collectors sought clarification from the Government regarding applicability of the GR dated 11-3-1996 to the lands in Municipal Borough Areas. Therefore, after careful consideration, the Government has made following clarifications in respect of transfer of land in old tenure in Municipal Borough Areas.

- i. Municipal Borough Areas are administered under the Gujarat Municipal Act, 1963 and the municipal borough area is known as small urban areas. Thus both the Municipalities as well as Municipal Borough Areas are administered under the same act viz. Gujarat Municipal Act, 1963.
- ii. Besides, Borough Areas are situated adjoining to big cities. Consequently, the development potential for the lands in Borough is more than in other municipalities.
- iii. As such, Borough Areas are part of the municipal areas. After careful consideration, it has been decided that the new-tenure lands of Borough Areas are not to be transferred into old-tenure land for agriculture purpose after collecting 60 times premium of revenue assessment as per Revenue Department's G.R. dated 11-3-96 but the lands of new and impartible tenure if they are to be converted/ sold for the agriculture purpose, they can be sanctioned for sale/transfer after collecting premium as provided in GR of Revenue Department dated 13-7-83 similar to the lands in ex-ULC areas and in Municipal areas.

**20. Review of orders sanctioning the new tenure agriculture land under Tenancy Act in new tenure.**

The powers to transfer the restricted land under tenancy Act to its use or to convert it to old tenure have been vested in Prant Officers (Deputy / Asst. Collectors) and the powers to scrutinize all such orders and to take the necessary cases for review and make procedure according to the rules have been vested in the collectors. As per the provisions made in section 2(ch) of the Bombay Tenancy and Agriculture land Act, 1948, the functions and powers of the Collectors are vested in Deputy Collectors/ Assistant Collectors. Therefore the Collector cannot make a revision of the cases in which the Prant officers, Dy. Collectors/ Assistant Collectors have made orders of change of use/ conversion to old tenure of the land in exercise of the powers vested in them. Therefore, if the orders made by the Prant Officers/ Dy. Collectors/ Assistant Collectors are found improper or illegal by the Collectors, the Collectors have to make a revision application on behalf of Government to the Gujarat Revenue Tribunal.

**21. Regarding submission of necessary record for removal of restrictions of new tenure/ transfer into old tenure.**

All the Collectors of the state are informed that while the applicants make an application to convert the new-tenure land into old-tenure to the Mamlatdars/ Deputy Collectors/ Prant Officers/ Assistant Collector they should not be asked to produce the revenue



record certificates (such as VF:8/A, 7/12, 6 etc.) or their certified copies etc. because this is a Government record. All the concerned Mamlatdars/ Deputy Collectors/ Prant Officers/ Assistant Collectors should be given such instructions invariably. When the Circle Inspectors/ Circle Officer are asked to make a proposal, they should be asked to obtain relevant record/ certificates etc. from the concerned Talatis and the Talatis should be instructed to provide the record within 3 days maximum. If the talatis are found careless or making a delay, the concerned Collectors can make a proposal recommending to the District Development Officers for disciplinary action against the talatis.

**22. Explanation regarding 15-years continuous possession in cases of division of land among members of family or heirs with reference to conversion of new-tenure to old tenure.**

It has been observed that sometimes the holder of land expires and the land is distributed among heirs and such entries are considered as breach of conditions and interpreted that the possession is not continuous for 15 years. It is clarified that considering the standing instructions, in case of death, if the land is distributed to direct blood relations (Son, daughter/wife), it cannot be considered as breach of conditions; because succession by inheritance is not considered as transfer.

Often the holder of new-tenure of land is alive and during lifetime only wants to distribute the land to heirs viz. his brothers. In such cases, such distribution can be done only with the prior permission of Collector and when such prior permission is taken, the continuous 15-years holding is to be reckoned from the date of holding of original holders.

But if such distribution among family members is done during one's life time land without prior permission from the Collector, it is considered as breach of condition and the land shall be forfeited to the Government. Often the holders have not taken such prior permission due to ignorance of laws and rules. In such cases of breach of conditions, the Collector, as per provisions contained in para 4(1) and 4(2) of the consolidated resolution, after collecting the amount of holding-rights, re-grant the land to same owners/holders. In such cases of breach of conditions, the continuous 15-years' holding is to be considered, not from the date of re-granting. This provision is applicable in case of only family distribution among direct blood relations.

These clarifications are to be considered only for the purpose of converting new-tenure land in to old tenure land for agriculture purpose.

**23. Regarding the cases not to be considered as breach of conditions when the holder of new-tenure land has made distribution of land among family in one's own life-time.**

When the holder of new and impartible-tenure of land is alive distributes the land to his direct blood relations (son, daughter, wife etc.) or when such new-tenure land is received by one in succession and therefore want to distribute it among his brothers, it is necessary to take prior permission from the Collector, because the land is of impartible tenure. When such family distribution is done without prior permission from the Collector, such land is to be forfeited to government as per existing government instructions.

Due to ignorance of law or due to any other circumstances sometimes the original holders forget to seek such prior permission. In such cases of breach of conditions, as per the G.R. dated 16-3-82 of Rev. Department, and vide its provision in para 4(1) and 4(2), the amount of holding-right is to be charged and the land is re-granted to original grantees and in such cases also, the continuous period of holding of 15 years is to be reckoned from the date of original holding and not from the date of re-granting as per orders in force.

Despite these provisions, when the land holders of such land have forgotten to take prior permission from the Collector, while making distribution of land among family members, it is directed that if the following conditions are fulfilled and if there is no other breach of conditions, such lapses should not be considered as breach of conditions:

- (1) Such distribution of land should have been done by the original holder among his direct blood relations (son/ daughter/ wife).
- (2) If such new-tenure land is received by only the present land holder in succession; (by way of death of original grantee or by way of being Head of undivided Hindu family) and thereafter it the family distribution takes place among brothers.
- (3) While making such distribution, care should be taken to see that there is no violation of provisions of Prevention of Fragmentation Act.
- (4) The cases that have occurred before issuing of these instructions, and wherein, they are considered as breach of conditions and in which the action is in process, such cases should be filed.
- (5) The person (son/ daughter/ wife/ brother whichever is applicable) get the land as per details in para (1) and (2) above will hold the land as new and indivisible tenure land and the conditions under which the original grantees are granted the land will apply to this land as well.
- (6) In the cases of such family distribution, the duration of 15-years' continuous holding will be reckoned not from the date of family distribution but from the date at original grant of land.
- (7) After issuing of these instructions, it should be seen that no breach of conditions of provision in para (3) above or that of any other conditions takes place.
- (8) All the cases of breach of conditions so regularized as per these instructions and the family distribution that takes place in new-tenure land will be recorded in Register of Rights. If the competent officer certifying such notes/records, feels that there is no objection in certifying it otherwise, he may certify these notes and shall place an endorsement then "Subject to the instructions contained in the letter no. NSJ/ 102001/ 4646/ 1 /J dated 30-10-2002 of Revenue Department in Village Register No.6

#### **24. Simplification of process of converting the new tenure land to old tenure:**

Regarding bringing simplification in the process of converting the new tenure land under new and impartible tenure and under the restricted tenure of Tenancy Act into old tenure for the agricultural or Non-agricultural purpose is dealt in vide Government Resolution dated 4/7/2008 and dated 3/5/2011.

The prior permission of the Collector shall be required to be obtained after making payment of the consideration prescribed by the State Government, by issuing special or general

order for converting any land purchased by the tenants, under Sections- 17-B, 32, 32-F, 32-I, 32-U & 43-1d or 88-E or any land sold to any person under Sections 32-p or 64, as per section-43 (1) of Bombay Tenancy & Agricultural Lands Act 1948 or its interest, sale, gift, transfer, mortgage, lease or transfer of name for transfer or any interest. Without obtaining prior permission of the Collector, partition of any such land or any interest therein cannot be made. According to Section 43(1-A), the Collector is required to grant permission as per the conditions prescribed by the Government and as per Section 73-B of Gujarat Land Revenue Code, 1879, by virtue of this Act or by virtue of any condition connected with this type of tenure, without prior permission of State Government or Collector or any officer authorized by the State Government, any land holding cannot be transferred in the name of another person or its partition cannot be made. On making payment of the amount prescribed by the State Government by a special or general order, such permission can be granted.

The prior permission of the Collector/Government is required to be obtained for transfer, change of purpose or partition of the rented land (including the land allotted to the Ex-army men), and the land granted or re-granted under different tenure and under Inami Abolition Act allotted for the agricultural purpose vide different resolutions of the Government and land reserved for cattle. The State Government has implemented the policy in respect of converting such land in to old tenure so that there may be simplification in transfer of land known as new tenure and in other transaction.

According to the resolution No. JMN /3997/83/A dated 15/01/98 of the department, at the time of granting such land wherein the interest of Government is included for non-agricultural purpose, the procedure of the assessment of the value of the land is being conducted through the Committee at District Level and State Level. Much time is consumed in this procedure of assessment of value at the various stages and the time limit is not prescribed for assessment of value. Considering all these facts, the State Government had decided to adopt the approach of valuation based on Jantri vide Resolution dated 20/12/2006 No. NSHJ/102006/571/J. Lot of public time can be saved by its acceptance and uniformity in respect of valuation in the entire State will be maintained. Thus, it was under consideration of the Government to bring simplification by adopting the procedure of valuation based on Jantri by making change in existing valuation procedure and by putting into force single resolution in this regard instead of different resolutions.

On the basis of the letter No.STP/102008/174/H.1 dated 31/03/2008 of the Revenue Department, for the purpose of Stamp duty, a new Jantri has been put into force by issuing the Circular No. Stamp/ Technical/ 07/08/1512 dated 31/03/2008 with effect from 01/04/2008 by the Superintendent of Stamps, Gandhinagar. After studying and careful consideration, the Government has held that the valuation of the land of new and indivisible tenure and of restricted tenure type of Tenancy Act is to be done as per the rate of Jantri (as per Annual Statements of Rates-2006 and as per the amendments made from time to time).

By consolidating all resolutions/circulars existing instructions in respect of valuation, it has been decided to follow the following procedure.

1. The new policy of the rates of premium for converting and transfer/ for change of purpose of land of new and impartible and restricted tenure land from agricultural to agricultural purpose or non -agricultural purpose, shall be as under.

Sr. No	Purpose	Area	Tenure of possession	Rate of premium	Transfer at which Type of tenure
1	2	3	4	5	6
1	From Agriculture to the purpose of agricultural old tenure	The entire rural area of the State except following Urban Areas, areas under ULC, Mahanagarpalika areas, Urban Development Authority areas, Municipal areas, Notified areas Cantonment areas.	After 15 years	Zero	It shall be transferred for the purpose of agricultural at old tenure, but premium shall be liable to be paid for non-agricultural purpose
2	From Agriculture to the purpose of agricultural old tenure	The entire rural area of the State except following Urban Areas, areas under ULC, Mahanagarpalika areas, Urban Development Authority areas, Municipality areas, Notified areas, Cantonment areas	After 15 years	25 %	It shall be transferred for the purpose of agricultural at old tenure, but premium is liable to be paid for non-agricultural purpose
3	For Non-agricultural purpose	The area of the entire State	After 15 years	40 %	The land shall be considered of old tenure after sale/ transfer or change of purpose

The aforesaid policy shall be equally applied in the entire State.

2. The procedure of converting the land of new tenure into old tenure for the purpose of agricultural to agricultural (for the purpose of Sr. No. 1 of the aforesaid para No.1).

(A) If such lands of New Tenure and Restricted tenure under Tenancy Act have been in continuous possession for 15 year or more than it since its grant to the last date of every month, are liable to be converted into old tenure for agricultural purpose, after deleting the entry "New & Indivisiible Tenure" and noting " liable for premium only for non-agricultural purpose" on its place, the Mamlatdar of concerned Taluka on his own motion shall issue such orders within 15 days and shall have to inform the concerned holder in writing. At the same time, it shall be the responsibility of the Mamlatdar to get the mutation entry of the said order entered in to the Record of Right and to get it certified as per rules.

(B) In the cases also wherein, the land is required to be converted from agricultural to agricultural purpose into old tenure by recovering 50% premium or 20 times amount of assessment, the Mamlatdar shall have to issue orders as stated above in 2(A) after recovering the premium. In the case wherein 50% premium is required to be recovered

in Urban Area for agricultural to agricultural purpose, the procedure as mentioned in paragraph No. 3 shall have to be adopted.

(C) It shall be the responsibility of the Prant Officer to see that the entry of such orders and its mutation entry are made in record without fail. The Prant Officer shall have to forward the certificate to that effect that no such entry is pending to be entered in the record to the Collector till the date 25<sup>th</sup> of every month.

(D) On finalization of the certified mutation entry as per the aforesaid Sr.No.2 (A), the details to the effect that "liable for premium only for non-agricultural purpose" shall have to be mentioned in bold letters in column of tenure and other rights of Village Form No. 7/12.

(E) If breach of tenure is committed the procedure for breach of tenure shall be initiated against such cases instead of converting them into old tenure.

(F) Moreover at the time of granting such permission if there is any encumbrance upon the land, then the above mentioned concerned officer shall have to issue orders accordingly by granting permission of transfer in old tenure including encumbrance.

(G) In the context of lacuna in respect of the order issued for converting the land of new tenure including Tenancy Act in to old tenure for agricultural purpose or the mutation in that regard, the competent authorities shall have to conduct the revision proceedings as per the standing instructions issued by the Government.

(H) The above mentioned procedure shall have to be reviewed in the meeting of Revenue officers held by the Collector every month.

(I) In the case of breach of tenure, for this purpose , 15(fifteen) years shall have to be reckoned from the date of order of re-grant issued lastly.

3. Procedure of converting from New Tenure to Old Tenure for Non-agriculture purpose.

(A) On receipt of application in prescribed form as per Appendix -I by Collector, application shall have to be forwarded to Mamlatdar office within 7 days (Seven) for scrutiny as per check list. On receipt of such application after scrutiny, Mamlatdar shall have to submit the report to Prant officer within 20 (twenty) days after making all types of scrutiny and site inspection and the Prant officer shall have to forward the report to Collector after verification within 10 days.

(B) After receiving report of Mamlatdar through Prant Officer, after verifying all record, Collector shall have to take decision within 30 (thirty) days and the said decision shall have to be informed to concerned person, the calculation of the amount of premium shall have to be made as per the rate of Jantri prevailing on the date of decision.

(C) If premium is to be paid as per decision of the Collector, then on getting such information the concerned person shall have to pay the amount of premium within 21 (twenty one) days.

(D) After depositing amount of such premium, the Collector shall have to pass order in this regards within 3 (three) days.

(E) If amount of premium is not paid within twenty one days, then assuming that concerned person is not interested in getting permission and chapter should be filed. However, in some cases, if concerned person submits an application then and if Collector considers the reasons just, then as per the merits of the case, by the reasons to be

recorded in writing, instead of 21 (twenty one) days, the Collector can extend till one year from date of intimation of decision. But if during this period there is change in price of Jantri then premium shall have to be recovered accordingly. After one year applicant shall have to submit an application afresh.

(F) When the permission is required to be granted to the charitable institutes for non-agricultural purpose after recovery, such institution is required to have been registered under Public Trust Act. In this regard Certificate of registration before Competent Authority/Charity Commissioner shall have to be produced with file and audited accounts of last three years. If the purpose of applicant's institution is only for "No profit No loss" basis, for charitable activities like Charitable Hospital, Dispensary, Cattle House, Library, Old-age Home, Orphanages, etc. then such institution shall have to be considered as Charitable Institution.

(G) The check list to be given for cases for which prior permission at the Collector level and departmental level shall have to be prepared as per Schedule-2 of herewith. The Collector can call for check list and necessary information if he deems fit.

4. Delegation of Powers:-

(A) Now premium is required to be recovered on the basis of Jantri, all powers of for all areas of district shall be vested with Collector.

(B) Instead of forwarding of proposals having valuation >Rs.50lakhs only proposals having valuation of >Rs.1 crore shall have to be forwarded to Government for prior permission.

(C) As per above provision of 4(B), the permission has to be granted after making verification at department level.

5. Regarding considering rates of Jantri:

(A) When sale is required to be made from agriculture to agriculture purpose, the valuation shall be made by considering rate of agriculture Jantri prevailing in Urban and Rural area.

(B) In rural area, when the land is used for non-agriculture purpose, valuation shall be made by considering rates of Jantri for that purpose.

(c) In Urban area, for non-agriculture purpose, valuation shall be made after considering rates of Jantri of developed land.

(d) When non-agriculture use is made for educational, social, charity or other purpose, then valuation shall be made in rural area, by considering rate of Jantri for residential purpose and in urban area, by considering rate of Jantri of the developed land.

(e) The Collector shall have to consider rate of Jantri which are applicable to zone, ward or block where the land is situated. The rate of Jantri of other zone, ward or block shall not be considered.

(f) When "rate of developed land is not mentioned in Jantri of the area, valuation shall be made by considering the purpose and rate of prevailing Jantri of the said area.

6. Procedure for disposal of pending proposals:-

(a) In pending proposals in respect of fixing premium at district level and state level, in all proposals wherein the decision is required to be taken after 1/4/2008, the calculation of the premium shall be made on the basis of the rate as per Jantri.

(b) The proposals which have not been placed in the District Valuation Committee, such proposals pending at District level, shall not be placed in the District Valuation Committee, but their valuation shall be made as per Jantri. The proposals which have been sent to the Deputy Town Planner for valuation, shall be called back and calculation of the premium shall be made on the basis of rate as per Jantri.

(c) The proposals decided by the District Level Valuation Committee, shall also be disposed again at the Collector level by deciding the premium on the basis of the rate of Jantri.

(d) The proposals pending at the state level shall not be sent back to the district or shall not be produced in the Valuation Committee of State level, but permission shall be given by taking consent of the Government and considering the rate of Jantri.

(e) The pending proposals which have been valued in the office of the Chief Town Planner and which have not been valued shall be received back and permission shall be given after taking consent of the Government and applying the price of Jantri.

(f) The proposals sent back from the state level to the district level for compliance, shall not be sent back to the department, but as per above instruction, the Collector shall have to dispose the proposals by deciding the price on the basis of Jantri.

(g) In the cases where the proposals have been received at the State level and necessity arises for compliance on the basis of the records, the proposals of the amount up to Rs.One Crore, shall be disposed in accordance with rules by returning the proposals and by making complete verification at the Collector level as per the check list and by returning the proposals be returned.

(h) In the proposals remained pending at the district and the state level also, in all cases wherein the permission order is required to be issued after 1-04-2008 also, the orders shall have to be issued by deciding the premium as per Jantri.

7. In the cases of land allotted under Bhudan and The Gujarat Agriculture Land Ceiling Act, 1960, provisions of this resolution shall not be applied.

**25. Provisions regarding breach of conditions of new-tenure land:**

- (1) If the land is granted under any specific norms or conditions, and the kabuliyat in this regard is obtained from the holder in prescribed pro-forma and if these conditions are properly described in the said kabuliyat and if it is clearly mentioned in the kabuliyat that the possession and use of land is subject to fulfilling of these conditions under Section-68 of the Land Revenue Code and even if not mentioned explicitly in the kabuliyat about consequences of breach any of these conditions, the procedure can be done for breach of any of the conditions under Section 79-A of Land Revenue Code.
- (2) Even when it cannot be proved by direct, indirect or circumstantial evidence that the land is under new-tenure, the permission of land cannot be cancelled even if it is mentioned as "New Tenure" in VF:No.7/12 of the village Register and thus the land cannot be forfeited to Government. In such cases, when the bond is not required pro-forma or when it is lost, it is necessary to have a new bond on record.
- (3) Under Section-70 of the Land Revenue Code, if the new tenure land under the restricted type, which otherwise cannot be transferred without the permission of

collector, is taken into possession by court decree, Collector cannot raise an objection that the land is non-transferable, but however when the court decree is effected and the land is taken for auction, the Collector is empowered not to give permission for its transfer.

- (4) The restriction exists that the land cannot be transferred without prior permission of the Collector under Section-73-A of the Land Revenue Code, under Section-3, point no. (17) right to possession or holding means the part of land held by the holder. Considering this definition, in context with section 73-A of the Act; since the land cannot be transferred without prior permission of the Collector, it can be given on rent or lease, meaning thereby, to change the right to hold/possess. Thus, to hold the land on lease is as good as its transfer. Such transfer also cannot be done without prior permission from the Collector, in view of Section 73-A of the Act.
- (5) After converting the new-tenure land into old-tenure land, if for the purpose for which application was made to convert the land, is not realized within the prescribed time period, after serving a notice for 3 months, the land can be forfeited to Government.

**26. Pre-cautions against the cases of breach of conditions of new- tenure land.**

- (1) In VF.No.7/12 of Village Register, besides making a note under column “other rights”, on left corner of the form also, the words “**new-tenure land**” should be written with red ink.
- (2) While preparing a ‘Pahani Patrak’ or while recording the transfer entry, Talati should immediately report to the Mamlatdar about breach of condition. Mamlatdars and Prant Officers during their inspection tour/visit, should scrutinize the case of breach of rights and make appropriate procedure.
- (3) The Circle Officers and Circle Inspectors also, during crop inspection or during verification of notes of transfer, if the case of breach of condition is found out, should immediately inform it to Mamlatdar.
- (4) The inspecting officers also should make a mention of such breach of conditions cases in their monthly diary, when they identify such cases.
- (5) Collectors, Prant Officers and DILR also should verify the diaries of Circle Officers or Circle Inspectors and should find out the cases of new tenure land and should pay special attention on Talati’s functions.
- (6) Who so ever officer has connived at the cases of breach of conditions of new tenure land; the Collector should take strict disciplinary actions against them.
- (7) Just only by mentioning the tenure “new tenure” in the village record, it is not clearly understood that the land is indivisible and non-transferable. Therefore in form no. 6, 7/12 and in other registers it should clearly be mentioned that the granting of this land is “indivisible and non-transferable”.



- (8) In the notes in land rights, if there is no kabuliyat or contract or any other evidences regarding granting of the land, such notes should not be changed, unless and until it is proved that these notes are false.
- (9) If any person raises an objection on the basis of documents or other evidences that the notes in record about type of land is mentioned wrongly or when the detail of notes are found false at the time of inspection of village records, legal procedure should be done on the basis of Record of Rights and then in both the VF.No.6 and 7/12, the decision should be recorded that the land is impartible or non-transferable or both.

**27. Abstract of VF.No.1:Area & assessment details as per Revenue Accounts Manual and new format prescribed:**

The classification of land as per its holding rights should be shown in column (2) of Village Form No.1.

**a. Old Tenure :** Under this head, that land should be considered which is of Raiyatwari type under Section-63 of Land Revenue Code and that land for which the holder has right to sale and division of it.

**b. New Tenure:** It is that land which is restricted under Section 73-A of Land Revenue Code.

- (1) Restricted under section 73-A of Land Revenue Code.
- (2) Land with holding rights with restricted rights under Section-43 or other sections of the Tenancy Act.
- (3) Land withholding rights with restricted rights under various Land Reforms Acts.
  - (1) Devsthan Inami Lands.
  - (2) The type of land should be mentioned in case of lands which does not fall under (1) to (3) above.

Such classification should be mentioned in Village Form No.1 and its abstract should be worked out as shown in the village form. When any Revenue Officer comes for inspection visit, those notes shall be examined in light of notes in Pahani Patrak and Record of Right and if any act is found which is ultra-virus to the conditions or against any rights necessary procedure should be done. The Collectors, in this respect should orient the Deputy Mamlatdars, Circle Officers and Talatis. If a Talati finds any breach while preparing a pahani patrak or during his visit, he should immediately report to higher authorities and the higher authorities should take necessary action in the matter.

**28. Giving of new-tenure land on lease.**

- (1) The land could be given on lease only to genuine farmers.
- (2) The demand for leasing new-tenure land on lease for monsoon crops (Kharif Pak) shall be made before 31<sup>st</sup> of March and for Summer Crops (Rabi crop) before 1<sup>st</sup> of July. The Collectors shall cause to dispose of such demands well in time otherwise there would be problems of breach of condition.
- (3) If the holder of the land is working in Army or is aged one or is physically or mentally disabled and therefore cannot undertake agricultural activities himself, the permission should be granted to give the land on lease. Likewise, in cases of widows or in cases of minors, such permission to give land on lease should be

granted. In case of minors, the period of lease should be till the minor becomes major.

- (4) Collectors to give grant on lease, lands of new tenure where such lands are held by any public, religious, charitable institution.
- (5) Collectors may give the powers to the Prant officer for giving permission of granting lands of new tenure on lease.

When the land is to be given on lease for cases other than above, collector finds reasonable, may send such cases to Government.

- (6) The custom that Maleks of Thasra can lease their lands without permission of the Government is dropped.
- (7) The Collectors should give permission to the possessors of land of new tenure to allow constructing school in rural areas. Subject to the condition that the farm building in which it is decided to run the school shall be actually put to use for school and shall not be put to any non-agricultural use and if the possessor recovers rent for using this farm building for school, he has to pay to the government, assessment of non-agricultural rate equal to space of farm building.

**29. Giving Gift of land of new tenure :**

- (1) The collector or Prant Officer may give permission to grant lands of new tenure on gift to near relatives subject to the condition that they agree to cultivate the lands by self-cultivation and the person who gives gift has no legal heir and if he has heir he has no objection.
- (2) The land holder may seek permission for giving gift of land of new tenure for public purpose to institution or individual for putting to use for public purpose or for charitable purpose. In such cases, the person who takes gift has to give in writing in legal form that the land will be put to use for particular purpose and in default, the government will resume the land and no compensation will be paid and before doing so, he will give notice of three months. No permission shall be given for religious purposes.
  - (3) Bhudan Samiti which is authorized by Acharya Vinoba Bhave or Sarva Sewa Sangh can hold lands as new tenure in favour of Sarva Seva Sangh, and may be transferred as a gift and Bhudan Samiti and Sarva Seva Sangh may retransfer such lands to landless people under new and impartible tenure. Mamlatdar can give such permission.

N.B.: (A) The Revenue Department should not go in to interpretation of veracity of gifts of land because of Bhudan activity, but see only lawful possession of the land.

(B) Forego the cases of breach of condition regarding lands gifted for Bhudan.

(C) If the provisions of Fragmentation Act are violated with regard to land held under new tenure, permission to transfer such land shall not be given.

(D) Provisions of Tenancy Act will not be applicable to lands of new tenure transferred due to activity of Bhudan and permission maybe given under the Tenancy Act for such transfer.

**30. Giving permission for mortgaging lands of new tenure.**

- (1) If a land holder of non-backward class has unauthorized transfer to any other person after mortgaging the land of new tenure to the registered co-operative society, such land after resuming by the government and examining merits of the case and if it is first mistake of the agriculturist, it may be returned for maintenance of the family of land holders, subject to occupancy price that may be decided by the Collector and to mortgage to the society. If these conditions are not satisfied or if the land holder does not want back or he has no economic capacity for that, then this land can be disposed of in a manner in which he may not suffer harm and if any demand does not come forward for this land this land may be entrusted to the society and the society may after obtaining permission of the Collector, lease to bonafide agriculturist.
- (2) As per Land Improvement Loans Act and Agricultural Loan Act, non-transferable lands of new tenure, may be generally mortgaged in favour of registered co-operative societies for obtaining loan by the land holders and for that permission will not be required.
- (3) In order to get loan under the Land Improvement Loans Act and Agricultural Loans Act, the land holders who hold lands under new and restricted tenure may, securing advance on their lands, mortgage as security in favour of the State Bank of India, its sub-branches and the following nationalized banks and for that permission will not be required:
  - (1) Union Bank of India and its sub-branches.
  - (2) Central Bank of India.
  - (3) Bank of India.
  - (4) Punjab National Bank
  - (5) Bank of Baroda.
  - (6) United Commercial Bank
  - (7) Canara Bank
  - (8) DENA Bank
  - (9) Syndicate Bank
  - (10) United Bank of India.
  - (11) Allahabad Bank
  - (12) Indian Bank
  - (13) Indian Overseas Bank
  - (14) Bank of Maharashtra
  - (15) Any other Nationalized Bank.

There shall be first charge in respect of advances made by the Government on securities on agricultural lands, whereas there shall be second charge of Banks on advances being made by them.

- (4) Lands of new tenure under Land Improvement Loans Act and Agricultural Loans Act.

Lands mortgaged in favour of registered co-operative societies, except lands re-granted under land tenure abolition Acts and when loan is obtained on that land, if violation of condition is found on account of any other reasons, interest of such co-operative societies be safeguarded.

### 31. Difference between charge and mortgage:

Because of charge the right to get amount in payment from a particular fund or from a particular property arises whereas in mortgage interest of definite immovable property is transferred.

**32. Exchange of land of new tenure:**

The land holders of new tenure may exchange their lands for land of old tenure, provided that the land which is exchanged will be considered that of new tenure.

**33. Making partition of land of new tenure and land of impartible tenure and distribution in family.**

For partitioning land of new tenure and impartible tenure, for distribution in family prior approval of Collector is necessary due to "impartible" tenure.

(1) Partition of land, given under new and impartible tenure cannot be made without permission of the Collector. On death of a land lord, names of heirs are entered jointly. If the land in which joint names are entered is to be partitioned as per share, permission of Collector is necessary. Representation saying that delay is occurred in giving such permission was made in the meeting of Consultative Committee of the Members of the Legislative Assembly on 2-7-82. As regards, that the government has decided that as a matter of course generally such permission should be granted. Of course, in permission that may be granted to make partition according to that and part of the land should not be less than the standard area decided under the Prevention of Fragmentation of Agricultural Land and Consolidation of Holdings Act. Of course, provisions of other Laws/Rules should be satisfied. Collectors are requested to see that above action is taken and no delay whatsoever may occur therein.

(2) The heirs of deceased land owner, if cases of land which is in their joint name is partitioned without getting permission under Section-43 of the Bombay Tenancy and Agricultural Land Act and under trial, such cases should not be conducted but re-establishing legal condition which was in joint names of heirs, if application is made, the permission of making partition amongst heirs should be granted as a matter of course. Instructions to take actions accordingly are given to the Collector.

**34. Payment of compensation while acquiring Land of new tenure.**

(1) Lands which are covered under notification issued under Section 73-A of the Land Revenue Code in whole of the state, their compensation should be paid considering such lands under old tenure.

(2) But in such villages, if land of new and impartible tenure is given to any person by the government under special orders, compensation of such lands should be paid in a manner in which compensation is paid for the new and impartible tenure, but in cases following 29-3-78, as per section 11-A of the Land Acquisition Act, 1891 the amount deductible is fixed at only five percent and remaining 95% compensation is decided to be paid to the respective land owners.

**Note:** Having modified the provisions of the said para 15(2) provision of the following para 15(3) are made applicable.

(3) Looking to the judgement of the hon'ble Supreme Court (AIR 1996 Supreme Court) 904) dated 1-11-95 (S.A. 3009/83 with C.A. 10421/95 ENES LP(C) 3746/79 / Maharashtra Government versus Baba Govind Gavare and others) as per hon'ble Supreme Court when land of new tenure is transferred as per provisions of section 43(1)

of the Bombay Tenancy Act, the State Government has powers to recover amounts of government contribution, but when the State Government compulsorily acquires lands for public purpose under the Acquisition Act, it is held that the government cannot deduct such amounts from the compensation of lands under new tenure.

Taking into account the judgement of the hon'ble Supreme Court and looking to the provisions of Article 141 of the constitution of India, judgement of the Supreme Court becomes law and after careful consideration of the State Government, instructions are given to all Acquisition Officers that in the lands being acquired under the Land Acquisition Act 5% amount of the Government contribution has not to be deducted from the money of compensation of lands of new tenure being paid.

(4) When land is granted in lieu of the land acquired by the Government, it is provided that the lands should be granted under same condition under which the land holder holds the land.

**35. Standard of fixing price of land of new tenure while giving tagavi loan.**

At the time of making advance of tagavi on lands of new tenure, the price of that should be calculated half the price of market price of land of old tenure.

**36. Getting adequate advance on lands of new tenure.**

Co-operative credit agencies and nationalized banks make advances for various purposes regarding development of agriculture. They also make advance to land holders of land of new tenure/ however, since the market price of land of new tenure is less and since there is encumbrance of government of paying premium on such land at the time of every transfer, the agencies making advance keep wide and safe margin in assessing price of land. Due to this the land holder holding land under new tenure gets advance of less amount and in their cases development of land gets hindered. Restriction of new tenure should not come in the way of development of agriculture which is very much essential and therefore, the government decides as under:

(1) In cases of holders of land of new tenure if the land holder has made default in payment of loan amount, the government will allow the agency making credit to recover the loan amount considering such land to that of old tenure.

(2) After the outstanding amount of credit agency is recovered, the government will recover necessary premium from the amount that may remain. The above mentioned relaxations will be available only to Co-operative Credit agencies and that State Bank of India and its branches and nationalized banks only.

**37. Clarification about recovery of Tagavi loans on land of new tenure and dues of land development bank by public auction.**

(1) If agriculturist does not repay dues to Tagavi, whether the District Development Officer, take action to sell by public auction, the secured land of new tenure and recover money with prior approval of the collector?

Requirement of permission of Collector for selling land of new tenure is for land holder who desires to sell such land. Where the District Development Officer takes action through strict measures by virtue of the power of Collector as per provisions of the Land Revenue Rules, is not required to take prior approval of the Collector. The District Development Officer takes action as a representative of the government by virtue of his power.

(2) Can land development bank sell by auction, the land of new tenure kept as security for recovery of its dues without permission of the Collector.

(3) If dues are recovered selling land of new tenure as above (1) and (2) whether the government can recover premium of 50 percent in such cases as per current standard of government.

When in this way government dues or dues of the Land Development Bank are to be recovered, after such dues are completely recovered from sale price, if any additional amount remains outstanding from sale price, the Government may get recoverable premium from that as per law. Thereafter, means after recovering premium if any amount remains, the remaining amount may be available to land holder debtor.

(4) On selling land of new tenure as above, the person who purchases land by auction, is it necessary to keep restriction that he should have more land than one economic holding?

There is no need to impose such restriction. This kind of restriction will be applicable to those who are given government lands as relief. Restriction of economic holding will not be applicable to those who have purchased land by auction, but ceiling fixed under the agricultural land ceiling Act will be applicable.

(5) When land of new tenure is disposed of by public auction under which tenure the purchaser of land by auction can hold the land.

Under which tenure the purchaser of such land will held such land depends upon the conditions under which the auction was held. As a rule the land of new tenure is to be sold as new tenure. But in advertisement of selling such land by public auction, it should be made properly clear that land is to be sold as new tenure so as to enable the persons desiring to purchase to know clearly that the person in whose name the auction will be approved shall held the land under new tenure.

(6) If dues are recovered after selling land of new tenure as per existing norms of government whether the amount of premium should be recovered or not in such cases?

When dues of government or dues of land development bank are to be recovered, after such dues are recovered from the selling price as per government rules amount of premium admissible should be recovered first from the amount whichever remains outstanding to be recovered from the remaining amount and thereafter, if amount remains as outstanding, that amount may be available to land holders.

**38. Co-operative societies and Land of new tenure.**

(1) The Collector may recommend to the Government for transfer in favour of registered Co-operative Societies, the lands held under restricted tenure provided such lands are not mortgaged with registered co-operative societies.

(2) If such lands are procured by societies due to default of its debtor member, these lands may be sold by restricted tenure to bonafide agriculturist by public auction.

(3) The society may grant such lands on lease to bonafide agriculturist for cultivation obtaining prior permission of the Collector. Before the land is granted on lease for cultivation to anybody else other than original land holder, the original land holder should be given first opportunity that he does not want to cultivate this land on lease.

(4) If a land holder of backward class, because of being a debtor member of the registered co-operative society has first mortgaged the land with the society authorisedly, but subsequently transfer such land of new tenure in favour of any other person, this land may be attached. If this is his first mistake the same should be surrendered to him with subject to condition of mortgaging to the society. Before surrendering land in this way to original land holder, generally the amount of occupancy price per holding should be recovered however if the original land holder does not want the land or he has no implements for self-cultivation or he has no economic capacity or it is found that breach of land tenure is committed again and again, land may be disposed of otherwise without impediment of the encumbrance of the society. If no demand for purchasing the land is made by anybody land may be surrendered to the society and thereafter the society may give on lease to bona-fide cultivator with permission of the Collector.

(5) If the land of debtor member of the registered co-operative society is attached by the government because of non-payment of revenue, such land should not be given to the society or the person selected by it or the surety of the debtor member, society should be advised to pay land revenue so that the government may free it from attachment. If the society refuses to pay land revenue, and if the original land holder demands the land, land may be regranted, recovery amount of occupancy right equal to the amount of land revenue and on satisfaction that the land holder will cultivate the land by self-cultivation. Otherwise the land may be disposed of legally. If the society pays the amount of land revenue, land may be granted to it with new and indivisible tenure and the Collector may give permission to lease or to sell to the society with conditions that may be found proper by him after examining merits and demerits.

(6) The land held under new and indivisible tenure is mortgaged unauthorisedly to the registered co-operative society and has become subject to award, the same shall be disposed of as per provisions of the Bombay Co-operative Act, 1925 and the land may be sold as per government rules and regulations.

(7) With regard to cases not included in aforesaid para (1) to (6) the Collector should submit to the government through the Registrar of Co-operative Societies for necessary orders.

**39. For securing loan under “Seasonal Finance Scheme’ on the land held by members of the co-operative society on new tenure, they may be given permission to create encumbrance in favour of the Co-operative Society may be granted subject to the following conditions.**

- (1) When any default is made by the land holder for encumbrance or repayment of amount of loan, direct disposal of land cannot be made by sale, but he may give for cultivation on lease by auction and the money received towards land given on lease for cultivation will be recovered by adjusting in account against repayment of loan of defaulter.
- (2) On satisfaction by the Collector or any other Authorized Officer permission to create encumbrance on new land may be given provided that the applicant should be a self-cultivator and he has no other alternative, accept land for security and demand of loan is reasonable.

### **Khorda lands being held under restricted tenure of Chav, Karami, Ubhad, Ravala in old Saurashtra area**

Under Government Resolution, Revenue Department No. RVJ/1079/11992-Z dated 10-10-79 and Government Resolution, Revenue Department No. RVJ/2790/MR/ 63/2 dated 10-4-2006, following provisions have been made to dispose Khorda lands of Chav, Karami, Ubhad, Ravla tenure in old Saurashtra area.

Prior to the formation of Saurashtra State, various types of rights and interests were in existence for residential houses and residential lands in villages and cities. In some areas there were absolute rights towards such lands, whereas in some areas there were restricted rights like Ravla, Chav, Karami, Ubhad. The old Saurashtra state had laid down such policy that those who want to continue their existing rights should be allowed to continue their occupancy rights, but those who want to have rights to sale as given in old tenure lands as per Land Revenue Code, should be granted such rights recovering occupancy price on the basis of population. No time-limit was fixed for conversion of restricted rights into un-restricted rights. When orders granting such absolute rights were made, many instances came to the notice of the government in which, though people have no right to sell such lands, they had sold such restricted tenure lands without paying occupancy price and thus committed breach of tenure. In such cases, such lands were forfeited and vested by the Government. Because such sales were made due to ignorance of law, Saurashtra state had decided that such sales made illegally may be regularized by paying occupancy price upto 30-4-1957. Based on the population, the old Saurashtra state made provisions for conversion of such restricted tenure house-sites and lands to absolute tenure by paying occupancy price fixed by the State. After payment of the same, Certificate/ Sanad was given, on the basis of which they could easily sale/ mortgage such house-sites/lands.

It has come to the notice of the Government that still there are many cases in which people are living on such house-sites which are held on restricted tenures. As the holders of these house-sites have no evidence of ownership rights, they cannot sell such properties, whereas some people illegally transfer without paying any occupancy price. Therefore, the question of solving the issue and granting the land of their house-sites on absolute right at negligible price/ current price to all those who have been living on such house-sites since the time of princely state, was under consideration of the government.

As per the latest Government Resolution, Revenue Department, Ni. RVJ/2790/MR-63/Z dated 10/04/2006, it is proposed that house-sites held on such restricted tenures as Chav, Ravla, Karami, Ubhad etc shall be granted on absolute old tenure rights after recovering occupancy price as shown below:



**Collector Manual**

Classification of Area (as on the date of application)	Occupancy Price based on present use (per sq.m.)		Remarks
	Residential	Commercial	
<b>Rural area</b>	10	20	If the present occupant is neither the original grantee nor his heirs, occupancy price to be recovered shall be double than the proposed price
<b>Municipality area</b>			
Up to 100 sq.m.	20	40	Same as above
More than 100 sq.m.	25	50	
<b>Municipal Corporation area</b>			
Up to 100 sq.m.	30	60	Same as above
More than 100 sq.m.	35	70	

### **Aveda (trough) lands in Saurashtra.**

Under Government Resolution, Revenue Department No. AVD-1079-44677-Z dated 21<sup>st</sup> September, 1979, following provisions has been made in respect of aveda (trough) lands in Saurashtra

1. In princely states of former Saurashtra state, some lands were assigned as aveda (trough) lands by the state for building and filling troughs for the animals. Person filling such troughs was known as “avediya”. Such land used to remain as “aveda lands” till avediyas rendered their services. Once they stop rendering such services, such lands were assumed and got vested with the state. Moreover, some lands were exempted from land revenue till the person filling water trough renders such service and when ceases to render such service exemption was automatically withdrawn.

Under the Gujarat Panchayats Act, 1993, it is the duty of the panchayat to provide facility of Aveda (drinking water for animal). As the State Government’s financial assistance is available for rendering such services, Government resolved to take back all such lands as were given as “aveda lands” in the former Saurashtra State and dispose of as under:

- (1) In all such cases wherein aveda lands were exempted from payment of land revenue, holders of such lands were allowed to keep possession of the same with condition that they shall pay the land revenue as applicable.
  - (2) In all such cases wherein lands were granted by the state, such lands shall be assumed and shall vest with the Government.
2. After the lands of aveda (trough) are assumed, the collector may, on payment of rates specified in Government Resolution, Revenue Department, and No. LND-3960-A-1, dated 1-3-1960, re-grant for the purpose of agriculture to the existing holders of such lands, on new and impartible tenure, on payment of occupancy price and subject to payment of annual assessment as applicable.
  3. In such cases wherein the private individual has given land to the village or anybody has given his private land for charitable purpose, such lands cannot be assumed by the government but shall continue to remain on records of gram panchayat with a condition that panchayat shall pay the annual assessment as applicable.
  4. Where aveda (trough) land has been granted to person after entering in “Land Alienation Register” or in any other record of the state, upon abolition of Inams, occupancy right is acquired by Inamdar i.e. Inam holder Kosiya/Avediya.
  5. In such cases wherein aveda (trough) land has been granted by old administration to village or to any person on behalf of village for filling water trough, such lands shall be re-granted to Avediya/Kosiya and such lands shall not be granted to Panchayat.

6. If Panchayat wants such aaveda land for reasonable public purpose, after assuming the same, this land shall not be re-granted to Kosiya/Avediya and may be assigned for such purpose as per prevailing provisions of the Government.
7. For prior approval of transfer of all such aaveda lands as have been re-granted under new and impartible tenure, provisions of Government Resolution No. NSJ/102006/571/J (Part-II), dated 4-07-08 and Government Resolution No. NSJ/102006/571/J(Part-II), dated 3-05-11 shall apply and shall be disposed of accordingly.

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# Other Revenue Functions

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### **Land Acquisition Act 1894.**

At present, process of land acquisition is carried out under the Land Acquisition Act, 1894 in the country. In our state also the process of land acquisition is carried out under the said Act with suitable amendments made by the state government. The sovereign power has right to acquire private immovable property for public use. This is the main base of this Act. Generally, the process of land acquisition in district is done by the Special Land Acquisition Officer. Prant Officer can also acquire land under the instructions of Collector under land acquisition act. This process has to be undertaken as per provisions of the Land Acquisition Act-1894, resolutions, amendment resolutions, and instructions in circular form issued from time to time.

The definition of Collector is given under Section-4(c) of the said Act. The powers under this Act in the State are being exercised by the Land Acquisition Officer.

#### **Process**

- b. The acquiring body has to prepare proposal of land acquisition for public purpose for which land is to be acquired and has to submit proposals to the Collector.
- c. Thereafter, Collector shall transfer proposal to the Special Land Acquisition Officer or Prant Officer for process of land acquisition (under Section-52-A including orders of delegation of powers).
- d. On examining necessary documents, copies of 7/12, map of land under acquisition etc. proposal is sent to office of the District Inspector of Land Records(DILR) and representative of the acquiring body.
- e. Thereafter, preliminary notification under Section-4 is published, in which objections of any interested persons are called for within 30 days as per Section-5 (A). If objections are not received in time final notification under Section-6 is published. If objections are received they are sent to the Government to publish final notification under Section-6 along with report of Section 5(A). Thereafter, hearing of interested persons is held at village level for claims of compensation under Section-9. Taking into account of claims put forward and copies of sales of five years obtained from Talati/District Registrar and as per provisions of Sections 23 and 24 compensation award is declared.

#### **Points to be kept in mind in respect of land acquisition process at the time of joint-measurement:**

If adequate care is exercised at the time of process of land acquisition many irregularities can be avoided. Therefore, following aspects should be taken into account at the time of joint-measurement.

- (i) When land of block number is acquired, various Hissas falling under acquisition and the names of the possessors of those Hissas shall be clearly shown and the entry of that should be made in measurement sheet, Para-104 form and in Hissa Patrak.

- (ii) As stated above, the area of land under acquisition should be equal in Para-104 form, Hissa Patrak and measurement sheet.
- (iii) The surveyor and the representative of acquiring body should do joint-measurement. Possessors of land may be ensured and if copies of 7/12 are submitted accordingly, the names of possessors should be clearly shown in Para-104. So that no question may arise at the time of award. Adequate care should be taken in respect of the structures on the land under acquisition.
- (iv) In order to obviate cases of re-acquisition it is to be ascertained from the correction entries made in the Office of the District Land Inspector and Village Records.
- (v) Signature of authorized officer of the acquiring body should be taken in the measurement sheet in joint-measurement, Para-104 Form and in Hissa Patrak.
- (vi) If the possessor of the land under acquisition is member of Scheduled Caste a certificate from the Social Welfare Officer should be obtained ( Circular Book, Page No. 180).
- (vii) If the possessor of the land under acquisition is tribal, it is necessary to obtain the Resolution of Panchayat as per Section-132(A) of the Gujarat Panchayat Act (Revenue Department, Circular No. LAQ/2298/ 530/GH dated 22-12-98)
- (viii) After receipt of joint-measurement details revised proposal should be called for with missing information from respective acquiring body.
- (ix) On receipt of preliminary proposal, check-list should be prepared, with the object that no necessary certificate or document may remain missing.
- (x) As the process of land acquisition is required to be completed within stipulated time-limit register of progress should be maintained.

**At the time of publication of notifications  
under Sections 4 and 6.**

1. Notifications under Sections 4 and 6 are to be published in three modes. (1) on the site (2) in two dailies having wide publicity in the district and (3) publication in Official Gazette of the State Government. It should be borne in mind that all the three publications are made at one and the same time.
2. Generally notifications under Sections 4 and 6 are published in two dailies through the Deputy Director of Information of the District. It should be ensured that they are published in news papers having wide publication.
3. After publication of Notification under Section-4 entry of the same should be made in the VF- 7/12 village records.
4. After publication of Notification under Section 4 and 6 the certificate regarding accuracy of information should be obtained from competent officer of the acquiring body.
5. Notification under Section-6 shall be published within one year from last date of publication of Notification under Section-4.

**At the time of hearing of claims under Section-9**

1. The notice should invariably be served to the person interested for submitting claims regarding compensation. If it is proved that notice is not given willfully the whole process becomes vitiated.

2. The notice under Section-9 should be published in public place and individually with margin of 15 days.
3. As per Government Circular dated 21-6-04, before declaration of award, the amount of compensation has to be obtained from the acquiring body. Therefore, at the stage of Section-9, action should be taken to obtain estimated amount of the said compensation from the acquiring body.

**At the time of declaring award as per Section-11(i)**

1. It is necessary that the award be declared within two years from final publication of Notification under Section-6 otherwise the whole process stands cancelled.
2. The power to declare Award by the Special Land Acquisition Officer and Prant Officer is as mentioned in Government Resolution, Revenue Department No. LAQ/ 2298/ 1446/ GH dated 27-8-98.
3. The valuation of land should be made taking into account (1). claims of interested persons submitted under Section-9 (2). provisions of Section-23 and 24 (3). Copies of sales for last Five Years obtained from Talati/ District Registrar and (4). Existing provisions of the Government (Government Circular, Revenue Department No. LAQ/2098/226/Jan-Award, dated 29-4-2000).
4. Generally the amount of compensation declared in the award is less than market price, in those instances interested persons file application of Court Reference under Section-18. In order to obviate reduce number of court references effort should be made to give proper and reasonable amount of compensation.
5. At the time of process of correction (durasti), after the award is declared, the copy of the same should be sent to the respective Mamlatdar/DILR as well as to Talati. The office of the DILR should get record corrected and get the effect of Kami-Jasti Patrak made in Form 7/12 and 6.
6. The payment of amount of compensation shall be got made, as far as possible, through cheques, obtaining signature of all interested parties in voucher.

**At the time of process under section-18:**

1. It should be ascertained that whether reference applications furnished by interested persons for sending to the Hon'ble Court are within the time limit of six weeks from service of notice under Section-12(2) or six months from the date of declaration of award whichever is earlier.
2. If reference applications are beyond time-limit, they should be disallowed as per Section-18 of the Land Acquisition Act.
3. When the case is being tried in the hon'ble court, necessary action should be taken as per instruction of the Legal Department of the Government dated 1-11-2003.
4. After the judgment of the hon'ble court is delivered, the opinion as per Clauses-131 and 132 of the Law Officers Rules should be sent within 21 days to the Government as to whether it is eligible to prefer appeal in the hon'ble High Court.

**At the time of action under section - 28**

1. Those interested persons who have not made court reference applications under Section-18 also get right to get additional price as per compensation given by the hon'ble court within three months from the date of judgement. The action regarding that should be taken as per existing government rules (Government Resolution, Revenue Department No. LAQ. 2296/ 685/ GH, dated 31-1-2002).



**Temporary Land Acquisition:**

1. The provision regarding temporary land acquisition is made in Section-35 of the Land Acquisition Act 1894. According to that land may be acquired temporarily for one month and if there is more requirement, land may be kept under acquisition one more year and for maximum three years and for that the Land Acquisition officer determines the compensation of crop, trees etc. standing on land and the rent of land is paid from the date on which possession is taken.

Order granting concession in land revenue and implementation there of –

1. Concession has to be given in land revenue from the date on which the possession of land being acquired under the Land Acquisition Act or possession of land is taken by private negotiations by acquiring body.
2. Such concession in assessment as per portion has to be given for the time till the Kami-Jasti patraks are prepared by the District Inspector, Land Records and implemented in Village records.
3. Instructions have been given to implement Government Circular, Revenue Department, No. LAQ-2979(ii)-LA-4, dated 8-6-79 and thereafter LAQ-1083-3414-GH dated 3-8-83 strictly.

**Method of taking possession of land under acquisition:**

On completion of land acquisition process possession of land is taken in presence of Panchas and acquiring body and entrusted to acquiring body by Land Acquisition Officer.

**Emergency clause**

When the Notification under Section-4 or Section-6 with emergency clause under Section-17 of the Land Acquisition Act is issued by the Government & before taking possession of land 80 percent amount of estimated compensation shall be paid to the possessors before taking possession of the land. As regards this as per Government Circular, Revenue Department No. LAQ-1084-3142-GH dated 2-11-84 if obstruction arises as circumstances shown under section 31(2) of the Act, that amount should be deposited with court as per all provisions except second clause of section 31(2).

**Consent Award section 11(2):**

1. Consent Award is made under Section-11(2) of the Land Acquisition Act 1894, & possessions of lands are taken from land owner, subject to condition that no court reference will be made by owner.
2. Instructions have been given under Government Circular, Revenue Department, No. LAQ-2279(4)-LA-4, dated 21-2-79 for taking advance possession of land. According to these instructions when the interested persons agree to the award that may be anticipated by the Collector, the signatures of such persons and authorized officer/representatives of acquiring body are taken, Collector may declare Consent Award as per conditions shown in the agreement.
3. Consent award is amended under Government Resolution, Revenue Department, No. LAQ-2285-4123-GH, dated 6-5-87, according to that payment is to be made as total price of land + 30 per cent solatium + 35 percent incentive amount of the original price of land.

**Action to be taken in cases of use of land not made for relevant purpose for which the process of acquisition is completed.**

1. As per instructions given under Government Circular, Revenue, Revenue Department, No. LAQ-2298-614-DH dated 31-8-2001, lands acquired under the Land Acquisition Act are put to use for relevant public purpose.
2. After taking land under acquisition act for particular purpose and not used for same or after some time that land may not remain useful for relevant public purpose as well as for any other public purpose and government finds that such land is not required and when the original land owners or their linear heirs demand such lands, same can disposed as per provisions of Para-328 of the Land Acquisition Manual by re-granting these lands at prevailing market price.

**Not deducting 5 per cent amounts from compensation in respect of land of new tenure being acquired.**

1. As per Government Circular, Revenue Department No. LAQ-2299-98-GH, dated 19-3-2001, 5 per cent amount of government share is not required to be deducted from the compensation amount of lands of new tenure acquired under the Land Acquisition Act.

**Avoiding delay in preferring first appeal in the hon'ble High Court against the judgement of district court in respect of Land Acquisition Act.**

1. Necessary instructions are given in this behalf under Government Circular, Revenue Department No. LAQ-222001-2791-DH dated 21-1-2002.
2. Since appeal is being dismissed on the ground of delay & result of appeal being not preferred in time in the High Court against the judgement of District Court, issue of recovery by the government will arise. Therefore, Government instructions shall be strictly implemented.

**Norms of disposal of land acquisition cases by the Land Acquisition officer and Prant Officers.**

Government Circular, Revenue Department, No. LAQ- 2879- GH dated 29-6-92 fixed the norm of disposal 10 cases per month by the Special Land Acquisition and 2 cases by Prant Officers & accordingly action to be taken by concerned officers for compliance of above instructions.

**Powers regarding compensation Award:**

Powers have been vested as detailed below regarding award of compensation with reference to Section-11(1) of Land Acquisition Act, 1894 vide G.R., R.D. No. LAQ-2298/1446-Dh dated 27-8-1998.

Sr. No.	Designation of the officer to whom powers have been vested.	Financial limits under section 11(1)	Remarks.
1.	Special LAO/ Prant Officer/ RDC/ Additional RDC/ Assistant Collector performing duties as Acquisition Officer.	Up to Rs. 5 lakh	The officer can make award exceeding limit subject to valuation by District level Land Price Committee in cases of awards exceeding Rs.5lakh but up to Rs.10 lakh.

## Collector Manual

Sr. No.	Designation of the officer to whom powers have been vested.	Financial limits under section 11(1)	Remarks.
2.	Dist. Collector/ Additional Collector, Irrigation/ Narmada.	Up to Rs. 10 lakh	The officer can make award exceeding limit subject to valuation by District level Land Price Committee in cases of awards exceeding Rs.10lakh but up to Rs.20 lakh.
3.	Secretary, Revenue level	Upto Rs. 15lakh	In cases where valuation is approved by government can ma15 awards exceeding rupees 50 lakh but up to Rs. 30 lakh.

### Important Instructions by Government:

- a. Prior sanction of government should be obtained for disposal of waste lands. (G.C, R.D. No.LAQ-2207-88-Gh dated 14-5-2007)
- b. Completion of procedure in the cases where possession of lands have been taken on or before 31-1-2007 under sections 16 or 17 and payment of compensation is pending (G.C., R.D. No. LAG-222007-M.R.-5-Dh dated 22-8-2007)
- c. Important points for review of Land Acquisition cases.

1.	Total number of Land Acquisition cases.	:
2.	Number of pending cases for Joint Measurement.	:
3.	Number of cases pending for notification under Section-4:	
	(i) Cases below one month	:
	(ii) Cases between one month to three months.	:
	(iii) Cases above six month	:
4.	Number of cases pending for notification under Section-6 :	
	(i) Cases below one month	:
	(ii) Cases between one month to three month.	:
	(iii) Cases between three months to six months.	:
	(iv) Cases above six months.	:
5.	(i) Cases under Section-4 pending for publication in the Gazette.	:
	(ii) Cases under Section-6 pending for publication in the Gazette.	:
6.	Cases pending for hearing under Section-9	:
7.	Cases pending for Award under Section-11(1)	:
8.	Cases pending for Government sanction for award under Section-11.	:

- |     |  |   |
|-----|--|---|
| 9.  | (i) Cases pending for payment of compensation.   | : |
|     | (ii) Cases pending for payment of compensation for which Consent Award have been made.     | : |
| 10. | Total number of cases under Section-18.  | : |
| 11. | Pending cases under Section-28-A   | : |
| 12. | Cases pending for government sanction under Section-28-A.                                  | : |
| 13. | No. of cases informed & not informed to DILR after Award:                                  | : |
| 14. | Pending cases of reference under Section-18 in the District Courts.                        | : |
| 15. | Pending cases of Civil Suits.  | : |
| 16. | Cases pending in High Court.   | : |
| 17. | Cases pending in Supreme Court.  | : |
| 18. | No. of K.J.P. prepared and Not prepared & No. of KJPs implemented at village level:        | : |
| 19. | No. of cases where entries have been made & No. of pending cases for entry in VF-7/12&VF-6 | : |
| 20. | Whether changes made in village map and village records?                                   | : |

**Anavari**

The procedure of anavari has come in to force as per the recommendations adopted with partial modifications & amendments in the Reforms Committee vide Administrative Order No. 30-A, dtd. 1.8.79. The procedure has been laid down by the GR NO. ANV-1078-555-K, dtd. 6.7.89 of the Revenue Department to oversee that anavari is made as per Administrative Order. Thereafter, the system of assessing anavari has been re-evaluated and new instructions have been given on 19.5.2005 vide GR No. ANV-102003-MR-3-K.

**Provisions of anavari: (Administrative Order 30-A)**

- (1) Anavari is required for the purpose of suspension of revenue only when there is a doubt about yield of crop below 6 ana per annum and when the amounts of suspended revenue of previous year are to be recovered or when there is a doubt about yield of crop below 8 ana or 11 ana per annum and the amount of suspended revenue of previous year is equal to half or full amount of revenue for the entire year.
- (2) The system of evaluating the proportion of the crop is called 'anavari'.
- (3) The following formula is to be utilised for finalising the anavari of crops:-

$$\text{Anavari} = \frac{12 \times \text{Yield observed}}{\text{Standard yield}}$$

4.1 The villages will be divided in to the following categories for the purpose of anavari.

Class-I	Kharif-1	Kharif villages
Class-II	Kharif-2	Villages where main crop is cotton
Class-III	Rabi	Villages having rabi crops

4.2 Collector should take a decision regarding classification of villages of the district.

5. Anavari will usually be made at the following times:-

<b>Class-I</b>	Kharif-1	The process of making anavari in the villages should be made before harvesting of the crops or by October-December
Class-II	Kharif-2	Anavari should be made in December-January in the villages. Anavari of the cotton should also be made at the same time on the basis of the first cleaning of grains
Class-III	Rabi	In the Rabi villages anavari should be made in the month of February-March

6.1 Villages where anavari is to be made, a village level committee shall be formed for each such village.

6.2 For making anavari, the following village level committee shall be constituted:-

No.	Committee level	No. of the Member	Designation of the Member	Details of Chairman or a Member
1.	Village Level	1	Circle Inspector or Distribution Officer (appointed by the Mamlatdar)	Chairman
		2	Sarpanch	Member
		3	Gram Sevak	Member
		4	Chairman of a Co-op. Society (If there is a Co-op. Society in the village)	Member
		5	Chairman of a Milk Society (If there is a Co-op. Society in the village)	Member
		6	Three farmer representatives as may be decided by the Gram Panchayat	Member
		7	Talati cum Mantri	Member

6.3 The Chairman of the Committee shall inform about his visit of the villages three days in advance.

6.4 The Committee, as stated in para-5, shall meet five months before harvesting of main crops. If any member of the committee is not present, the Chairman of the Committee, if he feels necessary, can co-opt any farmer on site. The committee will note its opinion about what is the yield of the every crop.

6.5 Each member will sign in this opinion. If the opinion is not unanimous, each member will write his or her opinion with his signature.

6.6 Opinion or opinions registered in this way will be sent to the Mamlatdar by the Chairman of the Village Level Committee and the Mamlatdar will make procedures to take temporary decision on it.

6.7 Mamlatdar will also resolve as to up to what date the aforementioned opinion or opinions should be sent to him.

6.8 If he does not opinions by such date, Mamlatdar will take a temporary decision on the basis of available information.

6.9 Mamlatdar will publish his temporary decision on the taluka office and will send the decision relating to a particular village to the concerned Gram/Nagar Panchayat for publishing the same on the Chavdi of the respective village and for informing the same to the Members of the Committee and the farmer representatives co-opted for the work of the Committee.

6.10 If there is any objection against the temporary decision of the Mamlatdar, the same will have to be produced within 15 days from such date of publication.

7.1 The taluka level committee for anavari will be as follows as per the GR dtd. 19.5.2005.

1.	Mamlatdar	Chairman
2.	President, Taluka Panchayat	Member
3.	Taluka Development Officer	Member
4.	Director of District Co-op. Bank elected from the Taluka	Member
5.	Representative of the Land Development Bank	Member
6.	Concerned Agriculture Officer	Member

- 7.2 The Chairman of the committee can convene the meeting of the committee with a three days short notice. No quorum will be required for the proceedings of the meeting. The meeting will meet with the available members and will proceed accordingly.

**Procedure to be adopted in the taluka level committee**

- 7.3 The decision regarding anavari will be taken with a majority consensus but the cases where the majority of members are not agreeing to the decision of the Mamlatdar, such cases will be sent to the Collector for decision and the Collector shall, after examining opinions of all members, record the reasons and take appropriate decision which shall be considered final.
- 7.4 Mamlatdar shall inform the final decision about anavari to the concerned person or institute such as members of the Taluka Committee, villagers, village level committee and main co-operative institutions giving agricultural loans and advances to the concerned taluka and the nationalised bank offices.

**Constituent Unit for standard yield**

8. For standard yield, at present district is considered as a constituent unit. Instead, taluka shall be considered as a constituent unit.

**Experiments of crop harvesting**

9. For experiments of crop harvesting, four fields on four directions of the village and a field in the centre of the village shall be selected and five observations of three main crops each of the village will be made.
10. The Mamlatdar himself will make at least one experiment in the area of every Chairman. The Prant Officer will make at least one experiment in every taluka.
11. The Mamlatdar will examine a minimum of 10 % results of crop experiments.
12. The Prant Officer will examine a minimum of one crop experiment in every taluka.
13. The Collector should, if possible, examine results of experiments in all talukas and the Collector shall select any field in any village for examining anavari for the experiment of crop harvesting.
14. The weight measured in the crop experiment will usually be of green grains (and not dry grains). Therefore, it should be ensured that these grains and their husks are moist. The Director of Agriculture should intimate about details of percentage of such main crops of dry grains so that the weight of these green moist food grain is found properly.
15. Actual weight of the crop should be assessed on the basis of dryness quotient received from the office of the Agriculture.
16. During this time, all officers should travel so that the experiments of crop cutting can be completed before harvesting of crops.
17. Results of crop experiments made by all officers shall be registered in the register kept at the taluka level and the details of such experiments should be sent to the taluka Mamlatdar by all officers.
18. The figures of standard yield given by the department/office of Agriculture should be used for anavari.
19. Wherever grass is grown as a crop, the same should be considered for anavari even if it is not valuable or costly crop.

20. If second crop is taken on any field availing benefit of the moisture in the soil, proper weightage shall be given to such second crop for fixing anavari.
21. However, for classification and yield of the land if capacity of two crops of such land has been fixed, both Kharif and Rabi crops being grown on such land should be considered for the purpose of anavari and area of such land should be considered twice.
22. The Collector or Mamlatdar should, upon receipt of the fees from the public, provide copies of the papers of anavari of the crops grown in the village.
  1. Opinion of the Anavari Committee regarding every major crop
  2. Temporary decision of the Mamlatdar
  3. Decision of the Taluka level Committee
  4. Decision of the Collector
23. Wherever possible, the area of the major crop of every village and its anavari should be included in the decision of the Mamlatdar.



### City Survey

1. City Survey is associated with the administration of Record of Right in city survey area. The survey of Surat city in the year 1821 and that of Ahmedabad city in the year of 1824 were failed at that time due to non-decision of rights on land and lack of arrangement for maintenance. Mr. T. C. Hope, the Collector of Ahmedabad had made a proposal to the Government for survey of Ahmedabad for various issues such as rights of land, encroachments, rights of the Government, assessment of rent, fixing of utility of land, finalisation of tenure, fixing of non agricultural assessment etc., which was accepted and the survey had started in 1863. Thereafter, measurements were carried out in the cities of Surat, Valsad, Bharuch and Rander. In the year 1867, the rules of Hak Chokshi prepared by Mr. Hope were approved vide G.R dtd. 28.2.1867 of the then Government and which were later incorporated in to the Bombay Survey and Settlement Act-1868 (4<sup>th</sup> of 1868) and Act 2 and 7 of 1863 were also added in to it. Lastly, these provisions were incorporated vide Chapter 10 of the (Bombay) Land Revenue Code, 1879 (5<sup>th</sup> of 1879). Matters such as N.A. assessment, inspection system, boundary, right etc. were continued from other provisions.
2. Objectives: There are three major objectives of survey of city.
  - (a) Administrative : To provide maps having particular details of houses, roads, open space etc. which can be useful for administrative purposes such as urban planning or land acquisition for water supply, drainage line, gas line, roads etc.
  - (b) Financial : To supervise revenue related matters, to prevent encroachment of land and its improper usage etc.
  - (c) Legal : To finalise legal rights and borders, to prevent litigations between land holders which may give rise to animosity amongst them, to remove doubts amongst the Government or local bodies and private landholders and to prevent litigations amongst them.
3. **System of introducing City Survey**
  1. The provisions of the City Survey applicable to the land other than agricultural land only. However, if an agricultural land falls between the lands under measurement, the Collector can include such land in the boundaries of city survey carried out under Section 126 of the Land Revenue Code and upon receiving permission for non-agricultural purpose for such land, the provisions of city survey are applied to such land as per the Circular No. L.R 847 dtd. 10.2.1975 of the Settlement Commissioner and Circular No. BKHP-1083-2547-K of the Revenue Department.

2. City Survey is introduced for the cities having population of 2000 or more as per provisions of Section 132 of the Land Revenue Code.
3. Whenever a proposal is submitted by the Local Self-Government Body for introducing city survey or when the Collector decides to introduce a city survey in some important area of the city, the concerned District Inspector of Land Records (DILR) of the district will submit such proposal in a prescribed format of City Survey Manual to the Settlement Commissioner through Deputy Director, Land Records or Superintendent, Land Records. The Settlement Commissioner shall scrutinise the proposal and submit the same to the Government.
4. Upon receipt of the proposal, the State Government shall give permission to introduce city survey in the respective city or town under Section 95 and 132 of the Land Revenue Code, 1879 and only after that the city survey will be considered to have been introduced in the town/city.
5. Upon receipt of the approval of the Government to introduce city survey, the 'Collector', or the 'Survey Officer' deputed by the State Government shall identify the boundaries of the area under city survey under Section 126 of the Land Revenue Code. There is no provision so as to fix such boundary & can be extended up to city limits or limits of the Local Body. All area which is used for purposes other than agriculture and which is to be utilised for such non-agricultural purposes for next 10 to 15 years, may be incorporated within the boundaries of the city survey.

**4. Phase-wise work**

**(a) Measurement**

1. Upon receipt of the approval from the Government under Section 95 and 132 of the Land Revenue Code and after finalisation of boundaries of the city survey area by the Collector or Survey Officer, Deputy Director, Land Records or Superintendent, Land Records, appoint necessary personnel/establishment for the work of survey in such area.
2. After appointment of establishment/staff, traverse survey of the city is carried out as per chapter-2 of the City Survey Manual and maps are prepared after carrying out a detailed survey as per Chapter-3 and thereafter, the maps of detailed survey are prepared in identical square sheets of 70 cms x 50 cms in the scale of 1:400 (1 centimetres = 4 meters). One sheet contains properties, roads, open space etc. of 56000 sq. Mtrs area in the form of map. Doors, Floor, walls and measurements are shown by various signs. Area is worked out by measuring boundaries of construction, roads etc. and primary record is [column 1 to 4 of Enquiry Register] is prepared on the basis of this.
3. Only borders of railway land are shown. No numbers are given.

**(b) Hak Chokshi**

1. As and when the survey sheets are finalised or completed, the State Government appoints officer of the rank of Mamlatdar or Deputy Collector from the establishment of the Settlement Commissioner under section 18 and 19 of the Land Revenue Code. This Officer suo moto carries out a detailed systematic survey as per the details shown in Chapter-5 of the City Survey Manual by the method laid down under Land Revenue Rules 29 as per Section 189, 190 and 194

of the Land Revenue Code in the capacity of Survey Officer as per the provisions of Section 37(2) of the Land Revenue Code, Hak and Easement Section 119, Border, Measurement, Section 113 of the Panchayat Act, Section 81 of the Nagarpalika Act, 1963 and Section 80 of the Municipal Corporation Act, 1948 and finalises right, easement, boundaries and area. This process is known as process of 'hak chokshi' and the officer deputed for this purpose is known as Enquiry Officer or Hak Chokshi Officer. For this work, establishment of 1 Hak Chokshi Officer, 1 Hak Chokshi Surveyor, 1 Junior Clerk, 1 Process Server, 1 Peon and necessary Sanad and P.R. Card writer has been finalised. The Hak Chokshi Officer has to carry out hak chokshi of monthly 240 properties as per the Circular No. SV-864 dtd. 15.4.91 of the Settlement Commissioner (with 20% increase in norms).

2. The Hak Chokshi Officer carrying out the work of the hak chokshi as per the provisions of Section 37(2) and 119 of Land Revenue Code as shown above in para (1) is a 'Survey Officer' under Section 18 of the Land Revenue Code and appeal can be made against his order to the Prant Officer (if the Survey Officer is of the cadre of Mamlatdar) and to the Collector (if the Survey Officer is of the cadre of Deputy Collector) under Section 203. The Collector can take the process of hak chokshi in revision under Section 211.

**(C) Preparing the record of city survey**

1. Keeping in view the tenure of every properties along with all works of hak chokshi, the Hak Chokshi Officer assigns letters such as A, B and C fixed by the Settlement Commissioner to every property. The properties are given a final number (known as the City Survey Numbers). The right of exemption is fixed as per Section 127 and 128 of the Land Revenue Code. The N.A. assessment except agricultural assessment is also finalised as per Section 81 and 82 of the Land Revenue Rules. The boundaries and area of the properties are finalised and after registering all details in the Hak Chokshi Register, the decision taken is conveyed to the concerned persons by 'C' notice as per the system laid down in rule 29 of the Land Revenue Rules. In 60 to 70 % sheets, upon completion of the hak chokshi, sanads are prepared in specimen R.L.S.18G for the properties eligible for Visheshdharo and in specimen R.L.S. 19G for the properties eligible for exemption. Sanads are not prepared for the Government and public properties.
2. The District Collector fixes survey fees within the limits of Rule 19(2) for recovery of the expenses incurred for the work of survey of city under Section 132 of the Land Revenue Code. Recovery of this survey fee is made by recovering sanad fee from the property holders by giving them sanads during the maintenance. The unit rate is approved by Collector for recovering survey fees for the purpose of Section 132 by the method laid down in Chapter-9 of the City Survey Manual on the basis of the area and units of price as soon as the sanad is prepared and a registered is prepared for recovering sanad fees after finalising the sanad fees of the property for which the sanad is to be given as per this unit rate. As per the provisions of the GR NO. SV-95 dtd. 27.5.88 of the Settlement Commissioner, instead of sanctioning the unit rate, a maximum sum of Rs. 200/- is assessed towards sanad fees per sanad.
3. The property card should be prepared in the specimen CTS-21EE prescribed vide GR No. CTS-122005-1098-H, dtd. 3.8.2005 of the Revenue Department on the

basis of the Inquiry Register and machine numbers are to be given on it after arranging them chronologically as per city survey number (Now this work is to be carried out by software prepared by the NIC).

4. The following records are to be prepared by the Hak Chokshi Officer during the process of hak chokshi, which are all proved useful during maintenance:-
  - (1) Register of encroachment on government land and on roads (In specimen CTS-9G)
  - (2) Statement for use (of land) other than agricultural land without permission
  - (3) Statement of memo of breach of violation observed in the lands other than agricultural land for which permission has been given
  - (4) Appeal Register regarding appeals made during hak chokshi
  - (5) Statement of the Government Properties
  - (6) Village Form No. 2 and 3
  - (7) Memo interlinked with Sheet No./Running No./Municipal No./City Survey No. etc.
  - (8) Statement of machine card no.
  - (9) Statement of recovery of sanad fees
  - (10) P.R. abstract
5. Upon preparing the record after completing all procedures of hak chokshi, the Hak Chokshi Officer will prepare a final report as per the Circular No. SV-1154 dtd. 9.8.83 of the Settlement Commissioner and will sent its copies to Settlement Commissioner, Collector, Deputy Director or Superintendent (Land Records) and Prant Officer. All records are handed over to the City Survey Superintendent or District Inspector of Land Records as may be suggested by the Deputy Director or Superintendent (Land Records).

**(D) Control and Inquiry**

During the process of hak chokshi, the Prant Officer should frequently visit this office as per the provisions laid down vide letter No. MISE-1079-7614-H dt. 15.6.79 of the Government for inspection of rights and make inquiry of the work of the Hak Chokshi Officer. (Letter No. SV-95, dtd. 19.2.77 and 6.7.79 of the Settlement Commissioner). The Deputy Director (Land Records/Superintendent (Land Records) shall also make a visit of this office to have a look on the progress of the work, its establishment, office arrangements etc. and should also see that the record is prepared in specific manner so that it can be useful in future.

**5. Implementation**

1. Once the record of the city survey is prepared, its implementation is undertaken. The record is verified and scrutinized by the Maintenance Surveyor (100%) and by the City Survey Superintendent (25%). Lastly, under Rule 105 of the Land Revenue Rules, 1972, the Deputy Director (Land Records) or the Superintendent (Land Records) of the concerned district makes 10% scrutiny of the record and promulgates such records in exercise of the powers conferred to vide

Notification No. GHM-2005-46-M-CTS-12-2000-3810-H (Part File) dtd. 19.10.2005 of the Revenue Department and as per the GR No. CTS/12/2000/3810/H (Part File) dtd. 21.11.2005 of the Revenue Department. When such officers are not available, the Collector or Prant Officer is also competent enough to perform these duties. It means that the concerned Deputy Director (Land Records), Superintendent (Land Records) or the Prant Officer are competent Officers to make promulgation of the city survey record.

2. During the process of promulgation, as per the provisions of Circular No. CTS/1090/3990/H, dtd. 27.12.95 of the Revenue Department, the Village Form No.7/12 of the land other than agricultural land of the area is not be continued after the city survey is introduced in such area. As such, the officer making promulgation should make an entry in the Village Form No.6 with the remarks "omitted due to incorporation in the city survey limit".
3. As soon as promulgation takes place, provisions of Chapter-10(a) of the Land Revenue Code apply to the city survey records and all provisions of the Hak Patrak automatically apply to this record as well and the process of maintaining this record also begins.

**6. Maintenance**

1. Norms have been fixed by para 147 and 147(a) of the City Survey Manual for appointing the City Survey Superintendent and Maintenance Surveyor for maintaining the city survey area. As per these norms, (keeping in view the revision in terms of 20% increase in workload) for Maintenance Surveyor, for 4200 to 6000 properties and 36000 to 60000 properties for City Survey Superintendent have been fixed. There are separate norms for single quarter and more than one quarter.
2. With promulgation, the Collector should publish a public notice for obtaining Sanad by the property holders within six months as per Section 132 and 133 of the Land Revenue Code. A specimen of the same has been given in the City Survey Manual in the Form no. 11. Late fees of Rs. 1.00 are charged per sanad from the property holders claiming Sanad after six months as per Section 133 of the Act (Process of revising these late fees is going on).
3. The process of maintaining the city survey is carried out as per Chapter 10 of the City Survey Manual, in which, properties are maintained and (2) registers and accounts prepared on the basis of the survey are maintained.
4. Chapter 10A of the Land Revenue Code and Chapter 15 of the Rules apply to the records of city survey. Therefore,
  1. A continuous register per city survey work should be maintained from 1.8.2004 as per the details of the Circular No. CTS-Hakpatrak-05, dtd. 20.7.2005 of the Settlement Commissioner and as per Rule 107 in prescribed format (as per the Circular).
  2. As per Rule 108(1) and (2), the entries of change are to be made in the mutation statement and Property Card as per the GR dtd. 1.12.2003 of the Revenue Department.
  3. After making an inquiry of the mutation carried out as per Rule 108(3), dispute (if any has arisen) shall be resolved. As per Rule 108(4), it should be ensured whether the entries are correct and the same should be

certified. This work shall be carried out by the City Survey Superintendent in the capacity of 'Additional Mamlatdar' declared under Section 12/A of the Land Revenue Code by the Government. The City Survey Superintendent is a 'Revenue Officer' as per Section 3(1) of the Land Revenue Code and is a 'Survey Officer' as per Section 3(2) for the purpose of kami-jasti, survey and measurement, zonal survey, modification of maps etc.

4. Appeal can be filed before the Prant Officer under Rule 108(5) of the Land Revenue Rules, 1972 against the decision given regarding disputed works under Land Revenue Rules 108(3). The Competent Authority (Collector/Special Secretary (Appeal) can review the entries made in the mutation register under Rule 108(6A) and Rule 108(6) of the Land Revenue Rules.
5. The Collector finalises the rates of measurement fees and sketch fees of the City Survey Area (Section 135 G(B) as per the recommendation of the Settlement Commissioner from time to time (Lastly the Settlement Commissioner had made a recommendation vide letter dtd. 6.7.2000 No. SV-550 to keep the measurement fees at Rs. 300.00 and sketch fees of zonal measurement at Rs. 150.00)
6. The record of city survey is a record of land under Section 3(26) of the Land Revenue Code. Effects of Town Planning Schemes, Land Acquisition, Land Grant, Multi-storied Buildings under the Flat Act etc. are given by the Settlement Commissioner by the kami-jasti method laid down under the Land Revenue Rules 15(2) and the same is incorporated in to the land records of the City Survey.
7. The Settlement Commissioner will correct the clerical or mathematical error for revision of area of the City Survey Nos. which are used for the purposes other than agricultural purposes under Rule 15(1) of the Land Revenue Rules, 1972. These duties have been assigned to Deputy Director (Land Records/ Superintendent (Land Records) vide Circular No. LR.1369/2001 dtd. 2.5.2001 and 20.12.2003 of the Settlement Commissioner. When the area is to be revised due to change of boundaries, a decision is to be taken by the Prant Officer if the powers in this respect have not been reserved by the Collector to himself under Section 10 or 119 of the Land Revenue code.
8. No changes are to be affected in the property card of the agricultural land if the same has been covered in the City Survey area. However, the provisions of City Survey apply to such land as soon as permission is obtained to use the same for purposes other than agriculture. Irrespective of any area shown in the property card earlier, at the time of granting approval to use the land for purposes other than agricultural purpose, boundary and area shall be finalised on the basis of the record of the original measurement (cone tippan or other measurement) of the District Survey Office and the City Survey Sheet shall be amended accordingly and non-agricultural entry will be carried out first in the Property Card and the same shall be continued in the Record of Right of the City Survey as City Survey Record and at that time, the Talati should make an entry of "omitted due to inclusion in the City Survey Limit" in the Village Form No. 7/12 (Circular dtd. 10.2.1975 of the Settlement Commissioner).

9. The Maintenance Surveyor(MS)/City Survey Superintendent(CSS) have to perform the following duties carefully regarding lands/properties located in the City Survey Areas.
- (a) The Maintenance Surveyor(MS) has to ensure properties of his ward on site at the rate of 240 properties per month and should intimate the property holders regarding change in the property recorded in the records and should submit the details of any unlawful possession, encroachment, completion of lease, change of purpose, breach of tenure etc. to City Survey Superintendent for taking immediate action.
  - (b) MS/CSS should bring to the notice of the competent authority any constructions without permissions after ensuring on site the agricultural numbers falling in the City Survey limits and should also bring to the notice of the Competent Authority any breach of tenure in the constructions even if they are constructed with permission. He should make an entry of the same in the record of the office and should take action as per instructions of the Competent Authority.
  - (c) MS/CSS should take immediate action upon observing any breach of tenure or expiry of lease on leased land or new tenure land.
  - (d) As per the provisions of Section 61 and 202 of the Land Revenue Code, he should take action for removal of encroachment on Government Land in consultation with the Collector/Deputy Collector /P.W.D. If he is of the opinion to regularise the encroachment, he should make a proposal to the Competent Authority as per the instructions of the Government issued from time to time and should take care to obtain orders to that regard.
  - (e) As per the provisions of Circular No. CTS-1090-3990-H dtd. 20.7.1999 of the Government of Gujarat, the Talati has to make recovery of N.A. assessment in City Survey Area. The Maintenance Surveyor / City Survey Superintendent should prepare two copies of Village Form No. 2 as per the Circular No. LR-1320-99 dtd. 9.9.99 and should get the same approved from the Prant Officer first time and should send a copy to the Talati for recovery and thereafter he should make an entry in the property card or record of right and update Village Form No. 2 and should inform the Talati. He should make a reconciliation of Village Form No. 2 sent to the Talati in the month of July every year and should keep both specimens uniform.
  - (f) MS/CSS should see that the entries of rights are properly and timely made in the Record of Rights.
  - (g) MS should maintain updated and latest maps with latest orders as per the actual position on site.
  - (h) MS/CSS should follow the provisions of the Circular No. SV-8/Zonal Survey/05, dtd. 13.6.2005 of the Settlement Commissioner regarding Zonal Survey.
  - (i) MS should complete the work of applications regarding Survey of boundaries of properties.
  - (j) MS/CSS should provide copies of the City Survey Record being asked by the people within 24 hours if possible and maximum within three days under Rule 137 (3) and Entry 307-K by recovering fees under rule 142-K of the Land Revenue Rules, 1972.

- (k) It is essential that government dues such as sanad fees, late fees etc. are recovered in time.
- (l) MS/CSS should examine the entries of copies of sale sent by the Sub Registrar and should get it entered in the Record of Right.
- (m) The City Survey Superintendent should get his permanent tour programme approved from Collector and implement the same.
- (n) MS/CSS should send a report to the Competent Authority in time regarding land demands.
- (o) In the event of property card becoming worn out or torn or is lost, as per the instructions issued vide Circular No. SV 8/519 dtd. 29.2.2000 of the Settlement Commissioner, new property card should be prepared on the instructions of Land Record Superintendent and if number of cards is high, they should be certified as per Rule 111 of the Land Revenue Rules and should be implemented.

Overall, the City Survey Offices are very important offices of the administration of Settlement Commissioner, maintaining Record of Right of Government properties, Government revenue etc. of the City area. District Collector and Prant Officer are the officers functioning under the direct control of this Office for the administration of land.

**7. Addition of Para 129 (a) in the City Survey Manual:**

A GR No. CTS/122006/3354/H, dtd. 12.2.2007 has been issued by the Revenue Department in this respect. The instructions of the said GR as follows:-

It is very essential to prepare record of non-agricultural land / properties in the City areas, to implement and maintain it. The present system of hak chokshi is either very costly or very time consuming looking to the present provisions and methods. Due to the current system of hak chokshi, the revenue records for the land other than agricultural lands are not being finalised or maintained, therefore, it is desirable to change the current method of hak chokshi out of the two options of changing the current method of hak chokshi and sanctioning of more establishment.

Para 102 to 104 of the City Survey Manual provides for hak chokshi, therefore, the system of hak chokshi can be shortened by amending the said provisions. Para 88 to 129 of the said Manual relate to hak chokshi. Since the method of hak chokshi mentioned in these para relate to the Government and Municipal properties only, the Government hereby resolves to add a new para 129-A in the City Survey Manual as shown below: -

“129-A Notwithstanding anything contained in Para 88 to 129, the process of hak chokshi of the City Survey Record should be carried out in the following method in the areas where the Town Planning Scheme has been finalised.

1. Whenever the Government directs to introduce City Survey under Section 95/131 of the Land Revenue Code upon implementation of the Town Planning Scheme, property card should be prepared as per final plot and maps as per the records of the Town Planning Scheme and should be implemented directly after promulgation.
2. If the Government gives approval to introduce City Survey after 10 to 15 years from the implementation of the Town Planning Scheme, the maps should be prepared by measuring the boundaries of the final plots as per the schemes finalised primarily under Section 65 of the Gujarat Town Planning and Urban



Development Act, 1976 as per the later division and if the land or flat is private property, not belonging to Government or Municipal Corporation, details of the same should be obtained with the help of a private agency in the format prescribed by the Settlement Commissioner property-wise or flat-wise and the Hak Chokshi Officer should register his decision in the Inquiry Register. Such record should be kept open for the property holder for inspection. If any objection is raised, procedure as mentioned in Para 88 to 129 should be followed for such disputed properties only and decision should be written directly in the record in all other cases and the record should be implemented.”

**7. Establishment and Job Chart: -**

City Survey establishment functions as follows at the district level.

<b>District Collector</b>	
↓	↓
Deputy Director (Land Records) or Superintendent (Land Records)	Prant Officer
↓	↓
Administrative and Financial (relating to expenditure) issues, Establishment, Planning, Fees (all), Inquiry, Copy	Financial (Revenue Income) and Legal matters, Government Revenue (NA Assessment), Encroachment,
General Supervision	Land Grant, Lease, Record of Right, Appeal, Re-inquiry
↓	↓
Shirastedar (Administration)	Maintenance Surveyor (Record of Right and others)
↓	↓
Junior Clerk, Copy Clerk	Peon

Overall, the City Survey Offices are very important offices of the administration of Settlement Commissioner, maintaining Record of Right of Government properties, Government revenue etc. of the City area. District Collector and Prant Officer are the officers functioning under the direct control of this Office for the administration of land.

**Gujarat Public Moneys (Recovery of Dues) Act, 1979**  
**(No. 17 of 1979)**

This Act provides for speedy recovery of certain types of dues to State Government/State Financial Corporations and other Corporations owned by or controlled by State Government, Government Companies, Nationalized or Other Banks.

**1. Short title, scope and commencement:**

- (1) This Act shall be known as Gujarat Public Moneys (Recovery of Dues) Act, 1979;
- (2) It shall apply to whole Gujarat State;
- (3) It shall be effective from the date as decided by State Government by notification in Gazette.

**2. Definition: This Act, unless otherwise provided.**

- (A) 'Agriculture' includes horticulture, crops, grass, growing of orchard produces, animal husbandry, dairying, poultry farming and animal breeding.
- (AB) 'Collector' includes officer appointed by State Government to perform functions of Collector and to exercise powers of Collector. (This definition has been added by ordinance No. 2/85 dated 9-1-85.)
- (B) 'Corporation' means Gujarat State Financial Corporation established under State Financial Corporation Act, 1951. It includes any other Central Government or State Government owned or controlled Corporations Specified by State Government by notification in gazette.
- (C) 'Bank' means – (i) Banking Company as defined in Banking Regulation Act, 1949 (ii) State Bank of India formed under State Bank of India Act, 1955, (iii) Subsidiary Bank as defined in State Bank of India (Subsidiary Bank) Act, 1959, (iv) Similar New Banks constituted under Banking Company (undertaking, acquisition and transfer) Act, 1970. (v) Any Banking institute declared by Central Government, under section 51 of Banking Regulation Act, 1949; (vi) Any other Financial Institution declared by State Government as Bank for the purpose of the Act by notification in Gazette.
- (D) Financial Assistance means financial assistance for –
  - (i) to establish, develop, modernize, renovate and run any industrial undertaking or (ii) for purpose of vocational training, or (iii) for development of agriculture or agro-industries (iv) for purposes of planned development or (v) to give relief in calamities viz. fire or serious drought, flood or other natural calamities (vi) to implement any schme owned by State Government (vii) For any other purposes as State Government may decide.
- (E) 'Government Company' means Government Company as defined in Section-617 of Company Act, 1956.
- (F) 'Industrial Group' – the meaning of the word laid down in State Financial Corporation Act, 1951.
- (G) 'Industrial Undertaking' includes any undertaking to manufacture, preserve, store goods or process thereon or for transport of passengers and goods for

mining and hotel industries or for manufacturing and distribution of electricity or any other type of distribution or for any undertaking for development of adjoining areas as industrial estate.

**Explanation:** words, 'processing of goods' includes any technique or process on any goods by hand, chemically, with electricity or other process and thereby to produce, prepare or make any commodities.

- (i) 'Prescribed' means prescribed under the Act.
- (ii) 'State Managed Scheme' means such scheme held by State Government or officer authorized in this regard or adopted for development of agriculture or industries or notified by State Government or authorised officer by notification in Gazette.

**3. Recovery of certain dues as arrears of Land Revenue.**

**(1) If any person, is a party to -**

- (A) Any loan, advance or grant paid as financial assistance by State Government or Corporation or Government Company, as the case may be or concerning credit for goods sold or in any agreement concerning purchase of goods, or
  - (B) any loan, advance or grant paid by Bank, Government Company, or concerning credit regarding credit or in any agreement concerning hire-purchase under State managed Scheme; or
  - (C) Regarding Loan raised by any industrial concern, by any agreement concerning Securities; or
  - (D) Any agreement providing that any money to be paid to State Government or Corporation shall be recovered as arrears of land revenue and such person if
    - (i) fails to pay loan or advance or its installment or
    - (ii) fails to refund grant or its part or its installments, when is held responsible to pay refund of grant or part or any installment; or
    - (iii) If he does not observe conditions of agreement, in case of State Government such officer who has been authorized by notification in Gazette; in case of corporation or Government company, its managing Director; if there is no Managing Director, its chairman whatever may be designation and in case of Bank, its local agent with whatsoever designation, may submit to the collector as early as possible the certificate in prescribed form, showing amount outstanding from such person and informing to recover it as arrears of Land Revenue.
- (2) On receiving the certificate, the Collector shall after inquiry as he deems fit (including allowing the affected party to say what he wants to do) initiate proceedings to recover it as arrears of land revenue.
  - (3) When any amount is recovered under sub-section (2), it should be paid to State Government Corporation, Government Company or Bank, as the case may be. However, the Collector shall deduct recovery expenditure as deems reasonable from the recovered amount except that the amount is to be paid to the State Government.
  - (4) Claim to recover any such outstanding amount against any person mentioned in sub-section (1) shall not be made to Civil Court. Moreover, the Civil Court may not give stay for any measures taken or to be taken under powers vested by this section.

**4. Exceptions:**

- (1) By anything in section 3 shall affect -

- (A) Any mortgage, charge, pledge or any borrowing shall not affect interest of State Government, Corporation, Company or Banks; or
  - (B) As regards indemnification made in any agreement mentioned the section or as regards or guarantee agreement or as regards any interest mentioned in clause (a), the claim against any other person other than that mentioned in the section shall not be hindered. It shall not affect any other right or remedy.
- (2) When property of any person mentioned in section 3 in favour of State Government, Corporation, Government, Company or bank is subject to any mortgage, charge, pledge or other debt –
- (A) In every matter of pledge of goods, firstly action should be taken to sell pledged goods. If proceeds of such sale is less than the outstanding amount, to recover the remaining amount procedure should be made as if they are arrears of land revenue.
  - (B) In every example of mortgage, charge or other debt on immovable property, such property or interest of defaulter therein shall be first sold as arrears of land revenue in the procedure of recovery of outstanding dues. If the collector certifies that there is no hope to recover entire outstanding amount by the work shown first within reasonable time, then only another work shall be undertaken.

**5. The Act shall not obstruct recovery of arrears of loan of Banks under other laws.**

Subject to the provisions of sub-section (3) of subject to the provisions of sub section (3) of section 3, nothing in this Act shall prevent, as regards financial assistance paid to the farmer by Bank, when the Bank is in position to recover law in force at that time as regards securities for charges or mortgage raised by farmer on any lands or interest therein in favour of bank.

**6. Powers of State Government to make rules:**

- (1) State Government may make rules to implement provisions of this Act, subject to the condition of notification in Gazette and pre-publication.
- (2) These rules shall be made for all following matters or any matter without hindrance to scope of former powers:
  - (A) For any other purpose under sub clause (viii) of clause (d) of section 2;
  - (B) For form of certificate to be sent under sub-section (1) of section 3;
  - (C) any other matter which may be prescribed or to be prescribed.
- (3) All the rules made under this section shall be placed before, the Legislative assembly, after they are made as early as possible but within a period of thirty days. They are to be placed in such a way that they shall be subject to additions, alternation or omission by State Legislative in the immediate next meeting.
- (4) If the state Legislature makes any alternation or omission, they shall be published in the Gazette and then they shall be effective.

**7. Interim Provisions:**

All types of claims pending in the civil courts prior to immediate commencement of the Act shall cease with the commencement. However, rights of State Government, Corporations, Government companies and Bank shall have no hindrance to recover any sum, which forms subject matter of claim according to the provisions of this Act or other laws then in force.

## Recovery of Government Dues

### Recovery of Land Revenue and other Dues

Sections 68 and 136 of Land Revenue Code, 1879 provides for dues of land revenue and other revenue dues, section 68 suggests following three points:

- (A) As regards Land Tenure, Land may be held on condition to pay revenue till the period for which definite time-limit as has been prescribed to hold land;
- (B) Where there is no time-limit in land tenure, land maybe held permanently but land revenue should be paid regularly.
- (C) Observance of other conditions introduced in land tenure.

Thus land holder is responsible to observe the conditions of land tenure, time-limit and to pay land revenue, otherwise may loose rights.

**Section 136:** Who is responsible to pay land revenue? The land holder is firstly responsible to pay land revenue. It is a main principle of law that when the land holder does not pay land revenue, such amount may be recovered from the possessor or tenant of the land. Such recovered amount is adjusted in the accounts between holder and tenant.

### What are arrears of Land Revenue?

When demand is listed but not recovered is called as arrears. Revenue suspended shall not be considered as arrears. If it remains suspended next year it shall be part of demand of that year and is to be recovered. What is demand for current year?

Current year demand means assessment or revenue of current year and suspended amount of any of the previous years which has been entered in current year as per crops estimate and sum of both is demand for current year. If the first person responsible to pay land revenue does not pay land revenue, it may be recovered from possessor of the land.

Local Fund Cess is recovered as joint land revenue and it also gets priority with land revenue.

Section 139 (Rules 115, 116) : During revenue year commencing from 1<sup>st</sup> August, revenue may be recovered at any time, but generally in cases except where pre-basic remedies to be taken shall be demanded after the date of installment. As regards dates of installments, they are by 15<sup>th</sup> March for Kharif villages and 15<sup>th</sup> April for Ravi villages. The collector may, in view of types of crops in these dates, change as per local condition. Land revenue of Rs.5/- should be paid in one installment. Generally, there is no provision for non-agricultural revenue. It is to be paid in one installment immediately after 1<sup>st</sup> August. No suspension is allowed in such cases.

Recovery of Government dues are of following two types according to chapter 11 of Land Revenue code:

- (i) Local Fund Cess, Education Cess, Fine etc.
- (ii) Recovery of dues as arrears of land revenue received from various Labour Courts, Industrial Courts, Competent Officers and Banks in the state.

In the era of speedy development, criteria of progress of the state depend upon economic self-reliance. It has been found from experience that recovery of government dues are ignored

and sufficient attention is not given to it on account of burden of non-revenue work and other works. Talati has to proceed as under for recovery of revenue.

- a. If the holder wants to understand the details of outstanding dues, the Talati should explain it on the basis of record.
- b. If a person pays money for two separate holdings, he should be given separate receipt for each holding.
- c. If a third person other than holder pays amount of demand for outstanding amount, he should be compulsorily paid receipt. It is not so that receipt should be issued to original holder only.
- d. The amount which is tendered shall be firstly credited towards demand of current years. If the payee desires otherwise, it shall not be considered.
- e. Talati may obtain signature in the counterfoil lying with him while issuing receipt in order to avoid future complaints of non-receipt of receipt.
- f. If there is no separate receipt book, the Talati should issue receipt in Village Form No. 9.

### **Procedure for non-agricultural Revenue:**

- g. Revenue on N.A. land shall be recovered with first installment of agricultural revenue or on the date as may be decided by Collector.
- h. Such revenue shall be paid on or before 1<sup>st</sup> January under Rule 117 of Gujarat Land Revenue Rules, 1972. Such revenue is to be paid in one installment only. However, the amount may be recovered in two or more installments if the Collector permits in special cases.
- i. If such amount is not paid within prescribed date, penalty of 10 Paise shall be charged per Rupee as penal amount.
- j. If revenue for N.A. is not more than Re. 1 it may be paid at once, instead of paying every year.
- k. If amount of remittance exceeds Rs. 100, it may be sent with village servant.

If it exceeds Rs. 100, two village servants should go. If two village servants are not in the village, the Talati himself should go. If the amount exceeds Rs. 100, the Talati should go with two village servant's for recovery. Suspension of revenue and tagavi according to Land Revenue Code and Rules, will be discussed in separate chapter. The purpose to fix estimate of crops is to decide capacity of farmer to pay government dues, revenue, tagavi etc.

When outstanding land revenue is to be recovered in district, the Collector, Prant Officer and Mamlatdar may recover them under the provisions of chapter 11 of Land Revenue Code, 1879 in their respective areas of jurisdiction. Mamlatdar has been empowered by Administrative Order No.8 of Gujarat Land Revenue Rules, 1972. For recovery of dues in other district, collector of that district may recover on the basis of arrears certificate (Exclusion certificate) issued by the collector of district where dues are pending under section 149 of Land Revenue Code.

All powers to recover land revenue and arrears in rural areas have been vested into District Panchayats, Taluka Panchayats and Village Panchayats under section 149 of Land Revenue Code, while for urban areas all such powers are with Mamlatdar, Prant officer and Collector.

In order to effect recovery in any state in India, a certificate should be issued in prescribed form under Revenue Recovery Act, 1890 (First of 1890). Certificate under section 149 of Land Revenue Code is confined to districts of State. Certificate from the Collector is required for recovery under Recovery Act, 1890, in which the Collector mentions the name of defaulter, his/her address, outstanding amount and purpose are shown and sends to the Collector of other district where his property exists and recovery defaulter has any objection, he may pay the amount with objection and may claim in the court of jurisdiction of the Collector of District who issued recovery certificate. Sections 3, 4 and 5 of Revenue Recovery Act, 1980 have been validated by Gujarat High Court.

Holder is first responsible for land revenue is main principle of Law. When he commits mistake, our responsibility increases.

**Collector has to perform duties so as to provide constant source of income to State by means of land revenue.**

Procedure to recover arrears has been shown in section 150.

**Section 150:** Procedure to recover arrears has been shown in section 150 of the Act, which is as under:

- (1) By serving notice in writing for demand under Section 152 to one who does not pay revenue.
- (2) Resuming alienated land or holding by government under Section 153 for dues against alienated land or holding.
- (3) By confiscating or sale of the movable property under Section 154 who do not pay revenue.
- (4) By sale of immovable property under Section 155 who do not pay revenue.
- (5) By arrest and imprisonment of the person not paying revenue under Sections 157 and 158.
- (6) When alienated land is whole village or part of the village by confiscating the said village or its part under Sections 159 to 163.

Important provision has been made in the Act to recover arrears. Remedies of recovery may be divided in two parts:

(i)	Minor Remedies	<b>A.</b> Demand notice <b>B.</b> One fourth amount as penalty <b>C.</b> Confiscation and sale of land/ property.
(ii)	Major Remedies	i) Forfeiting land ii) Sale of immovable property iii) Imprisonment of defaulter. iv) Forfeiture of village.

These remedies should be used with bona-fide intentions and impartially with discretion.

**Procedure for recovery:**

- List of defaulters shall be prepared from whom the arrears of land revenue are to be recovered.
- ii) Details of immovable property of the defaulters be got prepared from Village Forms 7/12 and 8-A. Previous arrears, demand of current year and recovery effected during current year shall be available from Form 8-B. Details of recovery of dues should be prepared there from.
  - iii) In order to monitor recovery effectively, a village wise/ kasba wise register should be prepared, in which name of the person, total demand of previous year, land revenue of

- current year, demand of N.A. assessment of current year, local fund cess, education cess, miscellaneous outstanding etc. shall be shown.
- iv) Register for recovery of revenue recovery certificate should be made as per statement No. 1 in Government Circular, Revenue Department No. VSL-102004-939-L-1 dated 25-2-2005. Entry of recovery should be made against every column, derive arrears and place stress on recovery. Moreover, instructions have been issued to hold meetings for recovery of revenue recovery certificate, to review the position and to maintain register of points for R.R.C. checking vide Government Circular, Revenue Department No. SLB-102005-523-K-1, which should be strictly followed.
  - v) Details of immovable properties, details of defaulters and amount should be prepared in prescribed form and prepare action plan of recovery.
  - vi) A list of highest defaulters should be prepared, allocate target to the Talati and review it in the meetings.
  - vii) After taking administrative measures, legal steps should be taken.
  - viii) Procedure to be adopted for recovery of arrears of Land Revenue has been explained vide Government circular, Revenue Department No. JMM-1079/44767-L and rule 129(4) of Revenue rules for recovery, which should be followed.

### **Government Instructions regarding recovery:**

1. According to G.C, R.D. No. JPP-1096/57-L dated 23-1-96, all the Collectors and District Development Officers have been instructed to take measures to recover all the arrears by implementing all the provisions of Land Revenue Code of previous years as well as current year.
2. A meeting should be held with talatis for recovery, review position, prepare action plan for recovery and to monitor on his all efforts of recovery.
3. Various Labour Courts, Industrial Courts, Competent Officers of various departments of Central Government and State Governments, Banks send revenue recovery certificates to respective District Collectors and propose the Collectors to effect recovery as arrears of land revenue. These recoveries are made by District Collectors/ District Development Officers as arrears of Land Revenue under Gujarat Land Revenue Code, 1879.
4. Recovery of dues in respect of revenue recovery certificates issued is to be made by Collector/ Prant Officer/ Mamlatdar in urban areas, while recovery of Panchayat areas are to be made by District Development Officer/ Taluka Development Officer.
5. Detailed guide lines have been given to all Collectors/District Development Officers to take timely and effective steps for recovery of dues vide G.C, R.D. ;No. VSL-102004/939-L-1 dated 25-2-2005 and G.C., R.D. No. SLP-102005-532-L-1 dated 2-6-2005, in which procedure to recover revenue recovery have been shown, which should be implemented. Prant Officers in the district have been assigned additional work as Nodal officers under provision 10 of the resolution which should be kept in view. Mamlatdar should pay sufficient attention for recovery in his area. Mamlatdar should maintain registers as appended with both the circulars.
6. City survey department has to effect timely recovery of government dues viz. Sanad fee, late fee etc. in city survey area. District Collector decides survey fee to recover expenditure made for city measurement work under section 132 of Land Revenue Code within limit laid down in rule 19(2) of Land Revenue Rules, 1972. Recovery of survey fees are recovered as Sanad fee from property holders by giving Sanad during maintenance. It should be seen that details of outstanding amount are recovered by Talatis from City Survey Officer. Thus Mamlatdar should play active and effective role for recovery of government dues & dues of revenue recovery certificates.



### Revenue functions transferred to Panchayats

1. With Panchayati Raj System coming in to force in Gujarat, some revenue functions have been transferred to Panchayats. According to the Gujarat Panchayats Act, 1993, revenue powers are vested in Panchayats under Sections 65, 66&67 of the Land Revenue code related to grant of permission for use of agricultural land for non-agricultural purpose, taking action against illegal constructions made without permission under LRC.
2. According to Section-171(1) of the Gujarat Panchayats Act, 1993 revenue officers, who are not below the rank of a Deputy Collector, are posted in Panchayat, who exercise revenue powers under the Land Revenue Code.
3. As per Section-168 of the said Act Panchayats have to do functions of recovery of land revenue.
4. The State Government has issued the Gujarat Land Revenue Code, 1879 (Amendment Act. 2003) as Gujarat Act. No.14 2003). As per area stated in Section-67 A and as per use, Conversion Tax has to be recovered per Sq.mtr. as per prescribed rates which is subject to modification by Government from time to time.
5. Amendment made in Rule-81 of Land Revenue (Third Amendment) Rules, 2003 vide Government Notification, No. GHM-2003-71-M-LRR-10, 2002-1640(1)-K, dated 26-12-2003, in which classification of Villages/ Towns and Cities have been made as A, B and C for non agriculture assessment and as per classification non-agricultural rates have been prescribed per sq. mtr. for residential and other purposes. Prescribed rates shall be that as may be decided by the government from time to time. The Collector has to issue notification in this behalf. Prescribed rates shall be decided by the Government from time to time. Thus, implementation has to be made as per areas classified in this notification.
  1. After giving non-agricultural permission, land should be got measured, entries should be made in kami-jasti Patrak. Order should be got entered in V.F.No. 6. It should ensured that effect be given in V.F.No.7/12. Entry should invariably made in V.F.No. 2 also, & issue of losing annual income may not arise and the government may get regular income. The Collector should ensure that the Mamlatdar implements this for management and preservation of record.
  2. Drive should be initiated to identify constructions made without non-agricultural permission and if such constructions are not according to rules, they should be removed as per Section-66 or regularized recovering assessment and penalty and entry is made in revenue records.

3. If non-agricultural permission is obtained under Section-65, but construction is done by violating tenure and conditions of the order of non-agricultural action to be taken under Section 67. After giving permission in such cases, site inspection should be got carried out and immediate actions should be taken where breach of condition is found.
4. In Panchayat area, Panchayat recovers land revenue and other recoveries, but in urban areas, Mamlatdar has to effect recovery of government dues.
5. As per the Gujarat Panchyats Act, 1993, Panchayats administer Gauchar, Gamtal lands. Therefore, Panchayat should take action to remove all such encroachments.
6. After receipt of proposal by Prant officer for Gamtal it should not be to subordinate officers with casual approach, but site inspection to be carried out invariably,& if any encroachments are found in existing Gamtal & is the reason for shortage of land necessary action to be initiated for removal of encroachments. Pending proposals of Gamtal to be processed and sent to Collector for quick disposal.

### Powers and functions of Special Secretary, (Appeal), Revenue Department

The word 'Commissioner' was deleted from Section-204 of Land Revenue Code, 1879 in 1964. As the posts of commissioners were abolished in 1964, office of Special Secretary (Appeal), Revenue Department came into being in May, 1964.

Office of Special Secretary (Appeal) Revenue Department has been assigned powers under Rule-15 of Government Business Rules (Appendix III and IV). In exercise of these powers, Special Secretary/ Joint Secretary have to hear appeal/revision applications and decide them.

The Special Secretary (Appeal) Revenue Department have been assigned powers to dispose appeals and revisions under following Sections/ Sub-sections of following Acts and Rules under Rule-15 of Gujarat Government Business Rules, 1990.

#### Appendix - III

Sr. No.	Act/Rule	Section	Item
1.	Gujarat Municipalities Act, 1963.	Section -81 (2)	Appellate powers under Section-204 of Gujarat Land Revenue Code, 1879.
2.	Gujarat Panchayats Act, 1963.	Section-113 (2)	Appellate powers under Section-204 of Gujarat Land Revenue Code, 1879.
3.	Disturbed Areas Act, 1991 (protecting tenant from the property and restrictions on transfer of immovable property in Gujarat)	Section-6	Appeal Powers
4.	Disturbed areas Act, 1991 (protecting tenant from the property and restrictions on transfer of immovable property in Gujarat)	Section-17(D) 2 Section-14 of Bombay Rent, Hotel Lodging House Rent Control Act, 1947.	Appeal Powers
5.	Bombay Tenancy and Agricultural Lands Act. 1948.	Section 63(A) (A) 3(D)-1	Appeal Power
6.	Saurashtra 'Gharkhed' and Tenancy Settlement and Agricultural Land Ordinance, 1949.	Section-54 and 75	Appeal powers

**Appendix - IV**

<b>Sr. No.</b>	<b>Act/Rule</b>	<b>Section/ rule</b>	<b>Item</b>
1.	Gujarat Land Revenue Code, 1879.	Sections 203, 204, 211.	Appeal and Revision powers including powers to revise suo moto.
2.	Gujarat Land Revenue Rules, 1972.	Rule-108 (6)(A)	Revision powers including revision suo moto or on the basis of proposals of Revenue Officers.
3.	Bombay Prevention and consolidation of Fragmentation of holdings Act, 1947.	Section 35	Revision powers
4.	Gujarat Court of Wards Act, 1963.	Section 41, 42	Appeal and Revision Powers
5.	Bombay Tenancy and Agricultural Lands Act, 1948.	Sub-section (9) and (10) of Section 32(P)	Appeal Powers
6.	Bombay Tenancy and Agricultural Lands Act, 1948.	Section 76(A)(A)	Revision Powers
7.	Bombay Tenancy and Agricultural Lands Act, 1948.	Section 73(A)(3)	Revision powers including powers to revise suo moto.
8.	Bombay Tenancy and Agricultural Lands (Vidarbh and Kachchh area) Act, 1958.	Section 106-A(3)	Revision powers including powers to revise suo moto.
9.	Gujarat Agricultural Land Ceiling Act, 1960.	Section 29(3)	Appeal and revision powers.
10.	Bombay Inami (alienated) Abolition (Kachchh area) Act, 1958.	Section 3(2) and 3(3)	Appeal and revision powers
11.	G.R. Revenue Dept. No. LTA/ 1058/ IXV/446-L dated 25-6-59 and G.R, Legal Dept.No. LTA-1061/96331/J dated 26-11-62.	Rule 5	Powers to decide appeals against the orders of Collector on Inami interests and payment of resettlement amount to Jagirdars.
12.	Bombay Talukadari Interest Abolition Act, 1949 (61 <sup>st</sup> of Bombay 1949)	Sub-section (4) of section 5-A	Appeal Powers
13.	Sagbara and Mewasi Jagir (Abolition of Property right) Regulation Act, 1962.	Section 3,4	Appeal Powers.

If aggrieved by decisions/ orders of Collectors, District Development Officers and other Revenue Officers under Land Revenue Code, 1879 and Land Revenue Rules, 1972 and Other Laws, the applicants make appeal/ revision applications and or Collector/ District Development officers Suo Moto send proposals to the Special Secretary (Appeal). In exercise of powers under Rule-15 of Government Business Rules accept revision/ appeal applications. If stay order has been sought, decision thereon is also taken.

It is inevitable to produce following documents/evidences in revision/ appeal made by applicants to the Special Secretary (Appeal):

1. Appeal/revision application.
2. Original order or true copy certified by the office against which appeal/revision application has been made.
3. Vakilat Nama if appeal/revision application is submitted through the advocate.
4. If stay order is requested against the order for which appeal/revision application is made, application for stay order should be made separately.
5. Copies of appeal/revision application, additional application for stay order should be enclosed considering the number of defendants along with copies of documents.
6. Revision applications made beyond one year, application to condone delay and affidavit in that regard should be produced.
7. If revision application has been made as power of attorney holder, its true copy should be enclosed.
8. Court fee stamp of Rs. 25 on revision application, Rs. 5 for application for stay order and if certified copy is enclosed court fee of Rs. 2 are necessary. If the applicant is tribal, exempted from all court fees.
9. While applying for caveat against disputed order, the applicants should enclose copy of disputed order, registered post A/D slip for having served caveat to the opponent and court fee of Rs. 50 are essential for caveat.
10. When applicants make appeal/ revision application against disputed order and request for stay order, following procedure is followed:
  - a. Applicant or lawyer is heard in person, decision regarding request of stay order has to be informed to applicant/advocate.
  - b. The cases in which caveates have been produced, all parties are heard and decision is taken for the request of stay order.
11. Following procedure is followed for the decision of revision application :
  - a. All the parties and their lawyers are informed about date, place and time of hearing by previous notice.
  - b. Record of all concerned offices are called related to disputed order.
  - c. Parties are given opportunities to produce evidences.

After following above procedure, decision is taken regarding revision application, order is issued and parties are informed accordingly.
12. As there is no provision to make review application against order/decision issued by Special Secretary (Appeal), Revenue Department, the aggrieved party may make petition to competent court viz. Hon. Gujarat High Court for relief.

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# Magisterial Powers and Functions

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### **Powers and functions of District Magistrate:**

The District Magistrate is the key functionary to handle the magisterial work and law and order issues at the district level. The Home Department of State Government appoints District Magistrates, Additional District Magistrates, Sub-Divisional Magistrates and Special Magistrates. The powers and functions of the District Magistrate are as follow:-

- a) To maintain the Law and Order in the District.
- b) To control and supervise the District Police Force.
- c) To perform powers and functions assigned to the District Magistrate by different Acts and Codes enacted by the State Legislative Assembly and the Parliament.
- d) To carry out any special investigation entrusted by the Home Department.

The District Magistrate and the Executive Magistrate performs his powers and functions under the following Acts, Rules and Codes as per below:-

1. Advocate Act, 1961
2. Antiquities and Art Treasures Act, 1972
3. Arms Act, 1959 (With Arms Rules, 1962)
4. Bombay Prohibition Act, 1949
5. Bombay Police Act, 1951 (as amended in 2007)
6. Bonded Labour System (Abolition ) Act, 1976
7. Cantonment Act, 1924
8. Cattle Trespass Act, 1871
9. Census Act, 1948
10. Cinematograph Act, 1952
11. Citizenship Act, 1955 & Rules, 1956
12. Civil Procedure Code, 1908
13. Commission of Inquiry Act, 1952
14. Commission of Sati (Prevention) Act, 1987
15. Contempt of Courts Act, 1971
16. Cotton Ginning and Pressing Factories Act, 1925
17. Criminal Procedure Code, 1973
18. Customs Act, 1962
19. Dramatic Performance Act, 1876
20. Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954
21. Drugs (Control) Act, 1950
22. Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960 with reference to the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
23. Epidemic Diseases Act, 1897
24. Essential Commodities Act, 1955



25. Essential Services Maintenance Act, 1981
26. Explosives Rules, 1983
27. Factories Act, 1948
28. Foreigners Act, 1946
29. Gas Cylinder Rules, 1981
30. Gold (Control) Act, 1968
31. Guardians and Wards Act, 1890
32. Gujarat Prevention of Anti-Social Activities Act, 1985 (PASA)
33. Identification of Prisoners Act, 1920
34. Immoral Traffic (Prevention) Act, 1956
35. Indecent Representation of Women (Prohibition ) Act, 1986
36. Indian Boilers Act, 1923
37. Indian Christian Marriage Act, 1872
38. Indian Electricity Act, 1910
39. Indian Evidence Act, 1872
40. Indian Explosives Act, 1884
41. Indian Forest Act, 1927
42. Indian Stamp Act, 1899
43. Indian Telegraph Act, 1885
44. Judges (Protection ) Act, 1985
45. Juvenile Justice Act, 1986
46. Land Acquisition Act, 1894
47. Lepers Act, 1898
48. Medicinal and Toilet Preparation (Excise Duties) Act, 1955
49. Mental Health Act, 1987
50. Mines Act, 1952
51. Motor Vehicles Act, 1988
52. Narcotic Drugs and Psychotropic Substances Act, 1985
53. National Security Act, 1980
54. Northern India Canal and Drainage Act, 1873
55. Oaths Act, 1969
56. Official Secrets Act, 1923
57. Oil Mines Regulation, 1984 with reference to Mines Act, 1952,
58. Payment of Gratuity Act, 1972
59. Pension Act, 1871
60. Petroleum Act, 1934
61. Petroleum Rules, 1976
62. Poisons Act, 1919
63. Police Act, 1861
64. Police (Incitement to Disaffection ) Act, 1922
65. Press and Registration of Books Act, 1867
66. Prevention of Cruelty to Animals Act, 1960
67. Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
68. Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988
69. Prevention of Seditious Meetings Act, 1955

70. Gujarat Prevention of Anti-Social Activities Act, 1985 (PASA)
71. Prisoners Act, 1894
72. Prisoners (Attendance in Courts) Act, 1955
73. Prisoners Act, 1900
74. Probation of Offenders Act, 1958
75. Protection of Civil Rights Act, 1955 and P. C. R. Rules, 1977
76. Public Debt Act, 1867
77. Public Gambling Act, 1867
78. Public Liability Insurance Act, 1991
79. Public Premises (Eviction of Un-authorized Occupants) Act, 1971
80. Railways Act, 1989
81. Reformatory Schools Act, 1897
82. Registration Act, 1908
83. Revenue Recovery Act, 1890
84. Sarais Act, 1867
85. Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities)Act, 1989
86. Terrorist Affected Area (Special Courts) Act, 1984
87. Terrorist and Distruptive Activities (Prevention) Act, 1985
88. Terrorist and Distruptive Activities (Prevention) Act, 1987
89. Terrorist and Distruptive Activities (Prevention) Rules, 1986
90. Terrorist and Distruptive Activities (Prevention) Rules, 1987
91. Transfer of Prisoners Act, 1950
92. Unlawful Activities (Prevention) Act, 1967
93. Vaccination Act, 1954
94. Wakf Act, 1954
95. Wild life Protection Act, 1972
96. Wireless Telegraphy Act, 1933
97. Work of Defence Act, 1903

**(1) The Criminal procedure Code, 1973 and Amendment Act, 2005.**

In every district and in every metropolitan area, the State Government may appoint as many persons as it thinks fit to be Executive magistrate and shall appoint on of them to be the District Magistrate under section 20 of the Criminal Procedure Code, 1973.

- (1) The Collectors are empowered as District Magistrate in the Gujarat State and they have been given status of District Magistrate.
- (2) Any of the Executive Magistrate may be appointed as Additional District Magistrate by the State Government. Such Magistrate shall have powers of the District Magistrate under the Cr.P.C or any other law for time being in force.
- (3) Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the executive administration of the district, such officer shall, pending the orders of he State Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.
- (4) The State Government may place an Executive Magistrate in charge of a sub-division and may relieve him of the charge as occasion requires; and the

Magistrate so placed in charge of a sub-division shall be called the Sub-divisional Magistrate.

- (5) Nothing in the above said provisions shall preclude the State Government from conferring, under any law for the time being in force, on a Commissioner of Police, all or any of the powers of an Executive Magistrate in relation to a metropolitan area.

Thus, the powers to appoint the Executive Magistrate, the Sub Divisional Magistrate and the District Magistrate are with State Government. In Metropolitan areas, the State Government may confer on a Commissioner of Police, all or any of the powers of an Executive Magistrate under any law for the time being in force.

**Special Executive Magistrate (Section 21):-**

The State Government may appoint, for such term as it may think fit, Executive Magistrates, to be known as Special Executive Magistrates for particular areas or for the performance of particular functions and confer on such Special Executive Magistrates such of the powers as are conferrable under the Criminal Procedure Code, 1973 on Executive Magistrates, as it may deem fit.

**Local Jurisdiction of Executive Magistrate (Section-22):-**

- 1) Subject to the control of the State Government, the District Magistrate may, from time to time, define the local limits of the areas within which the Executive Magistrates may exercise all or any of the powers with which they may be invested under the Criminal Procedure Code, 1973.
- 2) Except as otherwise provided by such definition, the jurisdiction and powers of every such Magistrate shall extend throughout the district.

**Subordination of Executive Magistrates (Section 23)**

- (1) Subordination of Executive Magistrates. (1) All Executive Magistrates, other than the Additional District Magistrate, shall be subordinate to the District Magistrate, and every Executive Magistrate (other than the Sub-divisional Magistrate) exercising powers in a subdivision shall also be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.
- (2) The District Magistrate may, from time to time, make rules or give special orders, consistent with the Criminal Procedure Code, 1973, as to the distribution of business among the Executive Magistrates subordinate to him and as to the allocation of business to an additional District Magistrate.

**Powers and Functions of Executive Magistrate:-**

**1. Arrest by Magistrate. (Section 44)**

- (I) When any offence is committed in the presence of a Magistrate, whether Executive or Judicial, within his local jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions here in contained as to bail, commit the offender to custody.
- (II) Any Magistrate, whether Executive or Judicial, may at any time arrest or direct the arrest, in his presence, within his local jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

**2. Procedure by Magistrate for a person against whom warrant issued and arrested is brought. (Section 81)**

The Executive Magistrate or District Superintendent of Police or Commissioner of Police shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court :

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, District Superintendent or Commissioner, or a direction has been endorsed under section 71 on the warrant and such person is ready and willing to give the security required by such directions the Magistrate, District Superintendent or Commissioner shall take such bail or security, as the case may be, and forward the bond, to the Court which issued the warrant.

**3. Security for keeping the peace (Section 107)**

(I) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner provided in the Chapter VIII of the Criminal Procedure Code 1973, require such person to show cause why he should not be ordered to execute a bond, 1\*[with or without sureties,] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(II) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.

**4. Security for good behavior from persons disseminating seditious matters (Section 108)**

(1) When [an Executive Magistrate] receives information that there is within his local jurisdiction any person who, within or without such jurisdiction,-

(i) either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of,-

(a) any matter the publication of which is punishable under section 124A or section 153A or section 153B or section 295A of the Indian Penal Code (45 of 1860), or

(b) any matter concerning a Judge acting or purporting to act in the discharge of his official duties which amount to criminal intimidation or defamation under the India Penal Code (45 of 1860),

(ii) Makes, produces, publishes or keeps for sale, imports, export conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code ( 45 of 1860), and the Magistrate is of opinion that there is sufficient ground for proceeding, the Magistrate may, in the manner provided in the Chapter VIII of the Criminal Procedure Code 1973, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

(2) No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867 (25 of 1867), with reference to any matter contained in such publication except by the order or under the authority of the State Government or some officer empowered by the State Government in this behalf.

5. Security for good behavior from suspected persons (Section 109).

When [an Executive Magistrate]<sup>1\*</sup> receives information that there is within his local jurisdiction a person taking precaution to conceal his presence and that there is reason to believe that he is doing so with a view to committing a cognizable offence, the Magistrate may in the manner provided in the Chapter VIII of the Criminal Procedure Code 1973, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behavior for such. Period, not exceeding one year, as the Magistrate thinks fit.

6. Security for good behavior from habitual offenders (Section 110).

When [an Executive Magistrate]<sup>1\*</sup> receives information that there is within his local jurisdiction a person who-

- (a) is by habit a robber, house-breaker, thief, or forger,  
or,
- (b) is by habit a receiver of stolen property knowing the same to have been stolen, or
- (c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property, or
- (d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, section 489B, section 489C or section 489D of that Code, or
- (e) habitually commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace, or
- (f) habitually commits, or attempts to commit, or abets the commission of-
- (i) any offence under one or more of the following Acts, namely : -
  - (a) the Drugs and Cosmetics Act, 1940 (23 of 1940);
  - (b) the Foreign Exchange Regulation Act, 1973] (46 of 1973);
  - (c) the Employees' Provident Funds <sup>2\*</sup>[and Family Pension Fund] Act, 1952; -- of 1952.
  - (d) the Prevention of Food Adulteration Act, 1954 (37 of 1954);
  - (e) the Essential Commodities Act, 1955 (10 of 1955);
  - (f) the Untouchability (Offences) Act, 1955 (22 of 1955);
  - (g) the Customs Act, 1962 or (52 of 1962);
- (ii) any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption, or
- (g) is so desperate and dangerous as to render his being at large without security hazardous to the community, such Magistrate may, in the manner provided in the Chapter VIII of

the Criminal Procedure Code 1973, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit.

**7. Dispersal of assembly by use of civil force (Section 129)**

- (1) Any executive Magistrate or officer in charge of a police station or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse ; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.
- (2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

**8. Conditional order for removal of nuisance (Section 133).**

- (1) Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers-
  - (a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public ; or
  - (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated ; or
  - (c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped ; or
  - (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary ; or
  - (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public ; or
  - (f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such

building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order

- i) to remove such obstruction or nuisance ; or
- (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or
- (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance ; or
- (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees ; or
- (v) to fence such tank, well or excavation ; or
- (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order; or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the Order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

- (2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation-A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

**9.** Magistrate may prohibit repetition or connuance of public nuisance (Section 143).

A District Magistrate or Sub-divisional Magistrate, or any other Executive Magistrate empowered by the State Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code (45 of 1860), or any special or local law.

**10.** Power to issue order in urgent cases of nuisance of apprehended danger (Section 144).

- (1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, of an affray.
- (2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex- parte.
- (3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

- (4) No order under this section shall remain in force for more than two months from the making thereof: Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.
  - (5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.
  - (6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).
  - (7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order ; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.
- 11.** Procedure where dispute concerning land or water is likely to cause breach of peace (Section 145).
- (1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specified date and time, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.
  - (2) For the purposes of this section, the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.
  - (3) A copy of the order shall be served in the manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute,
  - (4) The Magistrate shall then, without, reference to the merits or the claims of any of the parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary, and, if possible, decide whether any and which of the parties was, at the date of the order made by him under sub-section (1), in possession of the subject of dispute: Provided that if it appears to the Magistrate that any party has been forcibly and wrongfully dispossessed within two months next before the date on which the report of a police officer or other information was received by the Magistrate, or after that date and before the date of his order under sub-section (1), he may treat the party so dispossessed as if that party had been in possession on the date of his order under sub-section (1).



- (5) Nothing in this section 'shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under subsection (1) shall be final.
- (6) (a) If the Magistrate decides that one of the parties was, or should under the proviso to sub-section (4) be treated as being, in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted there from in due course of law, and forbidding all disturbance of such possession until such eviction; and when he proceeds under the proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.
- (b)The order made under this sub-section shall be served and published in the manner laid down in sub-section (3).
- (7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.
- (8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of. such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.
- (9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.
- (10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 107.
- 12. Power to attach subject of dispute and to appoint receiver (Section 146).**
- (1) If the Magistrate at any time after making the order under subsection (1) of section 145 considers the case to be one of emergency, or if he decides that none of the parties was then in such possession as is referred to in section 145, or if he is unable to satisfy himself as to which of them was then in such possession of the subject of dispute, he may attach the subject of dispute until a competent Court has determined the rights of the parties thereto with regard to the person entitled to the possession thereof : Provided that such Magistrate may withdraw the attachment at any time if he is satisfied that there is no longer any likelihood of breach of the peace with regard to the subject of dispute.
- (2) When the Magistrate attaches the subject of dispute, he may, if no receiver in relation to such subject of dispute has been appointed by any Civil Court, make such arrangements as he considers proper for looking after the property or if he thinks fit, appoint a receiver thereof, who shall have, subject to the control of the Magistrate, all the powers of a receiver appointed under the Code of Civil Procedure, 1908 (5 of 1908);
- Provided that in the event of a receiver being subsequently appointed in relation to the subject of dispute by any Civil Court, the Magistrate-

- (a) shall order the receiver appointed by him to hand over the possession of the subject of dispute to the receiver appointed by the Civil Court and shall thereafter discharge the receiver appointed by him;
- (b) may make such other incidental or consequential orders as may be just.

**13.** Dispute concerning right of use of land or water (Section 147).

- (1) Whenever an Executive Magistrate is satisfied from the report of a police officer or upon other information, that a dispute likely to cause a breach of the peace exists regarding any alleged right of user of any land or water within his local jurisdiction, whether such right be claimed as an easement or otherwise, he shall make an order in writing, stating the grounds of his being so satisfied and requiring the parties concerned in such dispute to attend his Court in person or by pleader on a specified date and time and to put in written statements of their respective claims.

*Explanation.*-The expression "land or water" has the meaning given to it in sub-section (2) of section 145.

- (2) The Magistrate shall then peruse the statements so put in, hear the parties, receive all such, evidence as may be produced by them respectively, consider the effect of such evidence, take such further evidence, if any, as he thinks necessary and, if possible, decide whether such right exists ; and the provisions of section 145 shall, so far as may be, apply in the case of such inquiry.
- (3) If it appears to such Magistrate that such rights exist, he may make an order prohibiting any interference with the exercise of such right, including, in a proper case, an order for the removal of any obstruction in the exercise of any such right: Provided that no such order shall be made where the right is exercisable at all times of the year, unless such right has been exercised within three months next before the receipt under subsection (1) of the report of a police officer or other information leading to the institution of the inquiry, or where the right is exercisable only at particular seasons or on particular occasions, unless the right has been exercised during the last of such a seasons or on the last of such occasions before such receipt.
- (4) When in any proceedings commenced under sub-section (1) of section 145 the Magistrate finds that the dispute is as regards an alleged right of user of land or water, he may, after recording his reasons, continue with the proceedings as if they had been commenced under subsection (1) ; and when in any proceedings commenced under sub-section (1) the Magistrate finds that the dispute should be dealt with under section 145, he may, after recording his reasons, continue with the proceedings as if they had been commenced under sub-section (1) of section 145.

**Powers of District Magistrates**

- (1) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public prosecutors for the district. [Section 24(4)].
- (2) Where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may appoint any other person to be the Assistant Public Prosecutor in charge of that case;

**Provided that a police officer shall not be so appointed-**

- (a) if he has taken any part in the investigation into the offence with respect to which the accused being prosecuted; or
  - (b) if he is below the rank of Inspector. . [Section 25(3)].
- (3) If any document, parcel or thing In the custody of a postal or telegraph authority is, in the opinion of the District Magistrate wanted for the purpose of any investigation, inquiry, trial or other proceeding under the Cr.P.C., such he may require the postal or telegraph authority, as the case may be, to deliver the document, parcel or thing to such person as the Magistrate or Court directs.[Section 92(1)].
  - (4) Search of place suspected to contain stolen property, forged documents, etc.
    - (1) If a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that only such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable-
      - (a) to enter, with such assistance as may be required, such place,
      - (b) to search the same in the manner specified in the warrant,
      - (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies,
      - (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose of it in some place of safety,
      - (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or production of any such property or article knowing or having reasonable cause to suspect it to be stolen property or, as the case may be, objectionable article to which this section applies.
    - (2) The objectionable articles to which this section applies are-
      - (a) counterfeit coin;
      - (b) pieces of metal made in contravention of the Metal Tokens Act, 1889 (1 of 1889), or brought into India in contravention of any notification for the time being in force under section 11 of the Customs Act, 1962 (52 of 1962);

- (c) counterfeit currency note; counterfeit stamps;
  - (d) forged documents;
  - (e) false seals ;
  - (f) Obscene objects referred to in section 292 of the Indian Penal Code (45 of 1860);
  - (g) Instruments or materials used for the production of any of the articles mentioned in clauses (a) to (f). [Section 94(1)].
- (6) Search for persons wrongfully confined:-
- If any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper. (Section-97).
- (7) Power to compel restoration of abducted females:-
- Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child under the age of eighteen years, for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary. (Section-98).
- (8) The District Magistrate may take preventive actions under section 133, 143, 144 in urgent cases of nuisance or apprehended danger as mentioned earlier in the manual.
- (9) The District Magistrate may delegate his powers to the sub-ordinate Magistrate (Section-411).
- (10) The District Magistrate may remand the cases to the sub-ordinate Magistrate (Section-411).
- (11) The District Magistrate may determine the local jurisdiction of the Executive Magistrates and can make rules from time to time to distribute work among the Executive Magistrate and to the Additional District Magistrate.

**Powers of Additional District Magistrates**

The Additional District Magistrate enjoys all or some of the powers of the District Magistrate.

**Powers of Sub-Divisional Magistrates:-**

- (1) The Sub-District Magistrate may issue a search warrant for the place, where it is believed that the stolen property is kept [Section 94(1)].
- (2) The Sub-District Magistrate may issue a search warrant for search of a person illegally detained (Section-97).
- (3) The Sub-District Magistrate may enforce a person to return the custody of a kidnapped woman.

- (4) The Sub-District Magistrate may issue conditional orders to remove the disturbances (Section-133).
- (5) The Sub-District Magistrate may prevent the public disturbance to re-occur (Section-143).
- (6) The Sub-District Magistrate may issue appropriate orders in cases of disturbances (Section-144).
- (7) The Sub-District Magistrate may assign any work to the Magistrate under him (Section-411).
- (8) The Sub-District Magistrate may remand a case from his sub-ordinate Magistrate (Section-411).

**Function as Mamlatdar/Executive Magistrate:-**

While discharging duties as Executive Magistrate is empowered to take preventive measures under Sections 107, 108, 109 and 110 of the Criminal Procedure Code. if a police officer has apprehension about a cognizable offence to take place, and it is not possible to prevent the offence without detention a person without a warrant, such detainee are to be produced before the Executive Magistrate. Here, it is important to understand what is a cognizable offence? Cognizable offence means such an offence wherein a police officer under Criminal Procedure Code – Appendix-I or under any other law in force, may detain a person without warrant.

- (1) The provision under section-107 is as under:-
  - (i) When the Executive Magistrate has an information that some individual;
    - (a) is likely to breach the peace; or
    - (b) is likely to disturb the public tranquility; or
    - (c) is likely to do any wrongful act, so that there is likelihood of breach of peace or disturbance in public tranquility; and in the opinion of the Magistrate that there is adequate reason to take action then after making the provision, issue a show cause notice as to why the person should not be ordered, for the time as deem appropriate, to enter into a bond with or without sureties. However, such period should not exceed one year.
- (2) The procedure under this section may be carried out -
  - (a) at the place, where it is likely to take place the breach of peace or disturbance in public tranquility before the concerned Executive Magistrate under whose jurisdiction the place is located or
  - (b) before such Executive Magistrate in local jurisdiction of whom there are such individuals who are likely to breach the peace or create disturbance in public tranquility or that they may act in such do any wrongful act by which there becomes a possibility of breach of peace or disturbance in public tranquility.

The objective of this clause is preventive. The section confers powers to the Executive Magistrates so that precautionary measures may be taken to prevent offences which may result in disturbances of public tranquility.

Essential conditions to apply Section-107:-

- (1) The Executive Magistrate should have such information that an individual is likely to disturb public tranquility or that he/she is likely to indulge into do any wrongful act by which there is a possibility that the public peace is likely to be breached.
- (2) The Magistrate should be of opinion that there is enough reason to take action against such person.
- (3) If the Magistrate forms the opinion to take action against a person as in (2) above, he should proceed against him under section-111.

It is not important the source of such information. The Magistrate might come to know through a police report or from a complaint of a private individual. Besides the information, the Magistrate should be of the opinion that there is adequate reason to take action against the concerned individual. If the Magistrate forms such opinion, he will issue a show cause notice under Section-111, why that person should not produce the bond to maintain peace. Before issuing such notice under Section-111, the Magistrate can make an investigation as he deems fit. It is the duty of the Magistrate to maintain public peace. Therefore, before forming an opinion, he must have considered the matter carefully. For forming such opinion, the Executive Magistrate shall not ask the sub-ordinate Magistrate to make an investigation and report. Thus, this Section is preventive.

Jurisdiction of Magistrate [(Section-107(2))]

Sub-section (2) refers to jurisdiction of the Magistrate. This sub-section is little amended in 1956. Now, the Executive Magistrate;

- (i) If it is likely to get disturbed, the public peace; or
- (ii) If a person who is likely to disturb the public tranquility,

in a place which is within his jurisdiction then the Executive Magistrate may issue a show cause notice. Thus, the place should be within his jurisdiction or the person, against whom such information is received, is staying in that place.

Possibility of breach of peace

The possibility of breach of peace or disturbance in public tranquility may be believed only when something has happened. Only by a single incident, the breach of peace cannot be presumed. The incident should be such with a potential of breach of peace. The enmity between two parties does not provide enough ground for proceedings under this section. The person, against whom such information is received, should be of a kind who may cause breach of peace.

Under this section, the bond for maintenance of peace can be ordered for maximum of one year.

(2) Security for good behaviour from suspected persons (Section-109):-

When an Executive Magistrate gets information that in his jurisdiction;

- (a) a person taking precautions to conceal his presence; and
- (b) That he is doing so with a view to committing a cognizable offence.

then the Magistrate under the provisions of the code shall issue a show cause notice, as to why he should not be asked to give security bond for good behaviour with or without sureties. The period of bond shall not exceed one year.

Proceedings under Section-109:-

- (1) The proceedings under this section may be carried out only by a First Class Magistrate;
- (2) The Executive Magistrate should have information that a person taking precautions to conceal his presence in his jurisdiction.
- (3) That he is doing so with a view to committing a cognizable offence.

If an individual is hiding himself with such an intention in the jurisdiction of other Magistrates, this Magistrate shall not take any action under this section. A First Class Magistrate can take action under this section only when an individual is hiding himself within his jurisdiction with an intention to commit a cognizable offence.

- (4) Even when a person, is concealing himself within the jurisdiction of a particular Executive Magistrate but has no intention to commit a cognizable offence, the Magistrate cannot take any action against him under this section.

The Executive Magistrate empowered to issue an order against a doubtful person, under his jurisdiction under this section of the Code. Under this section, the bond may be taken for a period not exceeding one year. No order under sections 116 and 117 may be made without investigation.

Objective of the Section

This section is of preventive type. The proceeding under this section may not be undertaken on the basis of an offence in the past. The section has no connection with a person's past history but has connection with his future. The proceedings under this section, is done in case of some person, because there is an apprehension that he may incur an offence in future. Thus, the proceedings are done to prevent the offence being committed in future. The proceedings against the persons under this section can be done who is concealing himself with an intention to commit a cognizable offence within the jurisdiction of an Executive Magistrate.

- (3) Security for good behaviour from habitual offenders Section 110

When the Executive Magistrate receives information that there is within his local jurisdiction a person who-

- (a) is by habit a robber, house-breaker, thief, or forger, or,
- (b) is by habit a receiver of stolen property knowing the same to have been stolen, or
- (c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property, or
- (d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, section 489B, section 489C or section 489D of that Code, or
- (e) habitually commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace, or
- (f) habitually commits, or attempts to commit, or abets the commission of-
  - (i) any offence under one or more of the following Acts, namely : -

- (a) the Drugs and Cosmetics Act, 1940 (23 of 1940);
  - (b) the Foreign Exchange Regulation Act, 1973] (46 of 1973);
  - (c) the Employees' Provident Funds 2\*[and Family Pension Fund] Act, 1952; -- of 1952.
  - (d) the Prevention of Food Adulteration Act, 1954 (37 of 1954);
  - (e) the Essential Commodities Act, 1955 (10 of 1955);
  - (f) the Untouchability (Offences) Act, 1955 (22 of 1955);
  - (g) the Customs Act, 1962 or (52 of 1962);
- (ii) any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption, or
- (g) is so desperate and dangerous as to render his being at large without security hazardous to the community.

Such Magistrate may, in the manner provided in the Chapter VIII of the Criminal Procedure Code 1973, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit.

Any Executive Magistrate may pass an order under this section within his jurisdiction. He should decide as to who could be considered to be a habitual offender? If any court has punished a person in past for offences for property, he cannot be considered to be a habitual offender. But if there is an additional evidence to prove that he has again leaned to his old habit, then he may be considered as habitual offender.

If a person, from when the security orders are made, is undergoing a punishment in jail, the period of security will start from the date of his release. When a person is called upon to give reasons under this section, the Magistrate should verify the information received by him and should collect necessary evidence. The period of security is different under sections 108, 109 and 110. Under section 108 and 109, the maximum period is one year whereas under section-110, it is three years. The amount of bond and number of sureties may be decided by the Magistrate. If he cannot give security, he may be sent to jail.

### **Objectives of the Section**

The objective of this section is to control the congenital offenders. The persons who have been punished earlier, who are dangerous or habitual do not fear ordinary provisions of the law. The section aims to protect the people from dangerous and habitual offenders. This section is not applicable to ordinary or first offenders. Ordinarily this section will apply to habitual offenders. The objective of this section is to prevent the offences of offenders who are offending not only against safety of people but against property of the people from time to time by asking the security of good behaviour. Thus, the procedure of this section is preventive.

### **Habitual robber, house breaker, thief or one preparing fake documents:-**

There must be adequate evidences to ask the bond of security from a person under this section for the purpose of being habitual offender, house breaker, thief or one preparing fake documents. If a person is found to be of bad character, it may not be inferred that he is a habitual robber, house breaker, a thief or one preparing fake documents. It only gives an impression of one's general character.



**One who always keeps the goods from theft:-**

If a person always keeps the goods which are stolen on that ground, he may not be proceeded under this section. Because, the accusing party (complainant) has to prove that the person having stolen good knows that the goods are stolen one and yet he keeps them. Thus, an individual who gets or keeps the stolen goods should also have knowledge that goods in his possession are stolen goods. One who gives shelter or protection repeatedly to the stolen goods may be processed under this section.

Those who habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property section 110(C)]

Under this section, if a person gives shelter or protection to the thieves to save them from the eye of the Act is an offender. But if some person provides food or clothing to the persons (thieves) from humanitarian point of view, he may not be proceeded under this section.

Besides; those persons who keep the stolen property professionally and help them in disposal of stolen goods, thereby saving from arrest or other actions under the Act, are also covered under this section. However, providing such help without the knowledge of stolen goods may not be proceeded. The persons who help the thieves habitually may be proceeded under the provision of the section.

**Habitual Offender (Section -110(D))**

persons who are engaged in kidnapping, force, cheating, spoiling or in offences under chapter 12 of Indian Penal Code or committing offences under sections 489A, 489B, 489C, 489D or those helping in committing such offences are covered under this section. Such persons are known as habitual offenders. Those persons who are repeating certain offences at some interval of time are known as habitual offenders. However; if a person is punished once only under the offence of cheating may not be known as habitual offender. If he continues to have committing such offences even after inflicting of punishment, than he may be treated as habitual offender. Those individuals, who have been committing such offences, as described under this section, are habitual offenders and they may be dealt with under this provision.

**A person commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace, [Section 110(E):-**

The preventive measures under this section may be taken against such person who commits the offences of breach of public peace off and on; or those making such effort or those helping in such offences. Such offences are likely breach the public peace.

Person habitually committing offence under cognizable acts [Section-110(F)(i)] :-

a person committing cognizable offences very often are covered, e.g.; when the owner very often fails to credit the contribution under Employees Provident Fund Act, 1952, he may be dealt with under this clause.

Person committing offences very often under acts such as Prevention of Stock and Profitability or he involved very often in adulteration in food or drugs [Section 110(F)(ii)] :-

Under this clause, the offenders under different five acts are covered, e.g.; if a person very often commits an offence under the Prevention of Food Adulteration Act, 1954, the Essential Commodities Act, 1955 and the Untouchability Act, 1962 may be dealt with under this clause.

**Dangerous offenders [Section-110(G)]:-**

If a person acts in a way, without consideration to other people's safety or other person's property is a dangerous offender. A person is dangerous when he act without consideration of causing harm to other people or the consequences of one's acts in an irresponsible manner. If a person is quarrelsome to other people, such persons may not be considered as dangerous in the meaning of this clause. If somebody keeps a stick with oneself for protection from attack by somebody, that person is also not dangerous. But if some person or persons are notoriously known for attacks and mischief, they are dangerous. It is risky for society to keep such persons free without proper security.

(4) Procedure (Section-111):

While taking action under sections 107, 108, 109 or 110, if an Executive Magistrate feels it necessary to issue a show cause notice to any individual, he will do so by issuing an order in writing and such orders shall contain following details:

- (1) Brief description of the information received.
- (2) Amount of Bond,
- (3) Period of Bond,
- (4) If sureties are necessary, number of sureties and their category.

Under this section-111, Executive Magistrate should mention in brief which information he has received. If the order does not contain this information, the order does not become wrong. Still, however, it is to be kept in mind that, when the written order is issued by the Executive Magistrate, this information must be given. No separate order is necessary to give this information.

**Procedure in respect of person present in Court (Section-112):-**

If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

**Summons or warrant in case of person not so present (Section-113):-**

If such person is not present in Court, the Magistrate shall issue in a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him before the Court;

Provided that whenever it appears to such Magistrate, upon the report of a police officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

This section empowers the Magistrate to issue a warrant for arresting a person in certain circumstances. If the Magistrate comes to the opinion on the basis of a report from the Police Officer or from any other information that there is a possibility of breach of public peace by some person and that without arresting him, this possibility cannot be avoided, then the Magistrate may issue a warrant for arresting an individual. Here, it is to be kept in mind that no summons or warrant may be issued unless the orders under section-111 are issued. In other words, the order under section-111 is the precondition for issuing of summons or warrant under this section.

When an order is issued under section-111, and the individual against whom such orders are issued, is present in the Court, then the order under section-111 will be read out to him, and if he so desires, the order will be explained to him in brief. But if such an individual is not present in the court at that time, then, as per provision of the section, the summons will be issued to ensure his presence, or as explained in this section, a warrant will be issued against him.

**Copy of the order to accompany summons or warrant (Section-114):-**

The order under section-111 is necessary before issuing of summons or warrant under section-113. Now, when a summons or warrant is issued under section-111, it is necessary to enclose the copy of order under section-111. The officer who delivers the summons or warrant shall have to give the copy of the order under section-111.

**Power to dispense with personal attendance (section-115):-**

When an order is issued to an individual under section-111 to show cause why the order to take security for good behaviour be not issued against him by the Magistrate, the Magistrate, if he has the adequate reason, may permit him to appear by a pleader.

(5) Inquiry as to truth of information (Section-116):-

- (1) When an order under section 111 has been read or explained under section 112 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under section 113, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.
- (2) Such inquiry shall be made, as nearly as may be practicable, in the manner hereinafter prescribed for conducting trial and recording evidence in summons-cases.
- (3) After the commencement, and before the completion, of the inquiry under sub-section (1), the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the person in respect of whom the order under section 111 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded:

Provided that-

- (a) no person against whom proceedings are not being taken under section 108, section 109, or section 110 shall be directed to execute a bond for maintaining good behaviour;
  - (b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties or the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 111.
- (4) For the purposes of this section the fact that a person is an habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute or otherwise.

(5) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.

(6) The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs :

Provided that where any person has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention.

(7) Where any direction is made under sub-section (6) permitting the continuance of proceedings, the Sessions Judge may, on an application made to him by the aggrieved party, vacate such direction if he is satisfied that it was not based on any special reason or was perverse.

A. Process under section-116

(1) When an Executive Magistrate receives some information against a person, then the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary. for such proceeding into such inquiry, the Magistrate should ensure that

- (a) There should have been an order under section-111;
- (b) If a person against whom the order is made, is present in the Court, then the order should have been read out to him under section-112;
- (c) That person should remain present through a summons issued under section-113;
- (d) That person should have been brought in the Court under warrant issued under section-113.

(2) How to conduct such inquiry has been described in para (2) of this section. Accordingly, inquiry should be conducted as prescribed for conducting trial and recording evidence in summons cases.

(3) The Magistrate may order the bond with or without sureties under following circumstances:

- (a) There must be an order passed under section-111 against whom the inquiry has been started;
- (b) The inquiry must have started but should not have been completed;
- (c) During the inquiry, the Magistrate should feel that -
  - (i) immediate action is necessary to prevent disturbance or breach of public peace;
  - (ii) immediate action is necessary to prevent any offence being occurred;
  - (iii) immediate action is necessary for public security.

In such cases, the Magistrate should state the reasons in writing.

(4) A bond for maintenance of peace or that for good behaviour may be obtained from such person;

- (5) Such bond should be for a period upto completion of inquiry. If such bond is not produced, the Magistrate has the power to keep him in jail and if he fails to produce a bond, he can be detained in the jail till the inquiry is completed.
- (6) A person, against whom there is no proceeding under sections 108, 109 or 110, may not be asked to produce a bond with good behaviour under this section.
- (7) The conditions in the bond should not be harder than the conditions prescribed under section-111.
- (8) The inquiry under this section should be finished within 6 months of the beginning of the inquiry. Otherwise, it is cancelled. However, the Magistrate can continue the inquiry after giving the reasons in writing.
- (9) If a person is in jail during this period of inquiry, then after six months beginning from the date of imprisonment the inquiry stands cancelled.
- (10) After six months from the date of cognizance of the crime, the procedure should be finished within 6 months. If the proceedings continue even thereafter, special reasons should be given. In absence of this, the procedure stand cancelled.
- (11) If a Magistrate has passed an order to continue the inquiry after six months, the Sessions judge has powers to cancel it. But the Sessions judge may pass such order only when he feels that such order of the Magistrate was not based on special reasons or was improper.

In an inquiry, after taking evidences from the complainants, if the Magistrate feels that there is no adequate reason to proceed against the person, the court may file the case and stop the proceeding. If the proceedings have started against a person to ask for a security for good behaviour and the person makes an application to the magistrate to investigate a witness, then the Magistrate is suppose to issue a summons but if the Magistrate feels that such application is made to delay the proceedings or with an intention to adversely affect the purpose of justice, the Magistrate may cancel such application.

It has been decided in the case of Indumani Shahu V/s State that when police requests to the Executive Magistrate to make a proceeding and order for security against a person under section-107 then the Magistrate should examine the merits of the case and should not order for a bond with or without surety merely on the basis of the police report only. The Magistrate should himself satisfied that there is a possibility of breach of peace, and without ordering to produce an interim bond the public peace shall not be maintained. While issuing such orders, the reasons in writing for making such order, are to be recorded.

(5) Order to give Security (Section-117):-

If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties, the with Magistrate shall make an order accordingly:

Provided that-

- (a) no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 111 ;
- (b) The amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive;

- (c) When the person in respect of whom the inquiry is made is a minor; the bond shall be executed only by his sureties.

The proceedings shall be done against a person under section-116, only when the proceeding against him has been started under sections 108 or 109 or 110. If during an inquiry, it is necessitated that it is necessary for a person to give a bond for maintaining peace or for keeping good behaviour, and then the Magistrate shall pass the order to that effect. The Executive Magistrate has to follow following procedure before issuing an order under this section:

- (1) Under this section, no order shall be made to give security of the type other than one passed under section-111;
- (2) Under this section, no order shall be made to give security of the amount larger than the order made under section-111;
- (3) Under this section, no order shall be made to give security for the duration larger than one made under section-111;
- (4) The amount of bond should be reasonable.
- (5) If the inquiry is made against a minor person; his sureties will be required to give a bond.

**Release of a person against whom the information was received:**

If in an inquiry under section-116, it is not proved that the person against whom an inquiry has been made, that person is required to give bond for maintaining peace or keeping good behaviour, the Magistrate will make such remarks as the record and if such a person is in a custody for the purpose of inquiry only, he will be released, and if such a person is not in a custody, will make him free.

**119.** Commencement of period for which security is required. (1) If any person, in respect of whom an order requiring security is made under section 106 or section 117, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

120. Contents of bond. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

**121.** Power to reject sureties. (1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond:

Provided that, before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

- (2) Such Magistrate shall, before holding the inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall, in making the inquiry, record the substance of the evidence adduced before him.

- (3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub section (1), and the report of such Magistrate (if any), that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be, such surety and recording his reasons for so doing :

Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him.

Vide this section; a Magistrate has been empowered not only to reject a person as surety; but also to cancel him as surety for which he was accepted as surety earlier. It is not necessary in this case that, for canceling a person as surety, he must have been earlier accepted him as sureties. Even if any of his predecessors has accepted the surety; it can be cancelled by his successor. Only thing to be kept in mind is that the Magistrate can reject a person on surety or can cancel him as surety only on the ground that he is found improper as surety for the purpose of bond. The Magistrate cannot refuse to accept him as surety or cancel him as surety for reason other than this. Further, the following process is to be undertaken for rejecting surety.

- (1) Before refusing a surety or canceling a surety, the Magistrate should inquire about his propriety on oath. However, the Magistrate may direct the Magistrate sub-ordinate to inquire and report after inquiry.
- (2) Before inquiry, the Magistrate should give reasonable notice to surety and one who has produced the surety;
- (3) In such an inquiry, the Magistrate should record in writing the summary of evidences placed before him.
- (4) The Magistrate, on the basis of evidences placed before him, should be convinced that the surety is an improper person for the purpose of surety or after considering the evidences placed before the magistrate to whom it was directed as in (1) above, and also considering his report Magistrate should be so convinced. Only after the Magistrate is convinced, he can pass an order to reject the surety or to cancel such surety.
- (5) The Magistrate should record in writing the reasons for passing such order.
- (6) If the Magistrate is to pass an order to cancel the sureties, before doing so the Magistrate has to call a person, issuing a summons, for whom the surety has given the security, or if he thinks fit, can issue a warrant to keep him present.

122. Imprisonment in default of security.

- (1) (a) If any person ordered to give security under section 106 or section 117 does not give such security on or before the date on which the period for Which such security is to be given commences, the shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison until such period expires or until within such period -he gives the security to the Court or Magistrate who made the order requiring it.

(b) If any person after having executed a bond without sureties for keeping the peace in pursuance of an order of a Magistrate under section 117, is proved, to the satisfaction of such Magistrate or his successor-in-office, to have committed breach of the bond, such Magistrate or successor- in--office may, after recording the grounds of such proof, order that the person be arrested and detained in prison until the expiry of the period of the

bond and such order shall be without prejudice to any other punishment or forfeiture to which the said person may be liable in accordance with law.

- (2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Sessions Judge and the proceedings shall be laid, as soon as conveniently may be, before such Court.
- (3) Such Court, after examining such proceedings and requiring from the Magistrate any further information or evidence which it thinks necessary, and after giving the concerned person a reasonable opportunity of being heard, may pass such order on the case as it thinks fit :

Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

- (4) If security has been required in the course of the same proceeding 'from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered to give security, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned, shall not exceed the period for which he was ordered to give security.
- (5) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (4) to an Additional Sessions Judge or Assistant Sessions Judge and upon such transfer, such Additional Sessions Judge or Assistant Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings.
- (6) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.
- (7) Imprisonment for failure to give security for keeping the peace shall be simple.
- (8) Imprisonment for failure to give security for good behaviour shall, where the proceedings have been taken under section 108, be simple, and, where the proceedings have been taken under section 109 or section 110, be rigorous or simple as the Court or Magistrate in each case.

### **Maintenance of Public order and peace**

Under sections-129 to 132 of Criminal Procedure Code, 1923, the Executive Magistrate is empowered to disperse unlawful assembly whereas under sections-133 to 143, he has been given magisterial powers to remove public nuisance which are presently delegated to sub-divisional Magistrates. Under section-144 Executive Magistrate specially empowered by the state government are given powers to order in cases of immediate cases of disturbance/nuisance or those of suspected fears.

129. Dispersal of assembly by use of civil force. (1) Any executive magistrate or officer in charge of a police station or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.



- (2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

**130.** Use of armed forces to disperse assembly. (1) If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Executive Magistrate of the highest rank who is present may cause it to be dispersed by the armed forces.

- (2) Such Magistrate may require any officer in command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.
- (3) Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

**131.** Power of certain armed force officers to disperse assembly.

When the public security is manifestly endangered by any such assembly and no Executive Magistrate can be communicated with, any commissioned or gazetted officer of the armed forces may disperse such assembly with the help of the armed forces under his command, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with an Executive Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate, as to whether he shall or shall not continue such action.

**132.** Protection against prosecution for acts done under preceding sections. (1) No prosecution against any person for any act purporting to be done under section 129, section 130 or section 131 shall be instituted in any Criminal Court except-

- (a) With the sanction of the Central Government where such person is an officer or member of the armed forces ;
- (b) With the sanction of the State Government in any other case.
- (2) (A) No Executive Magistrate or police officer acting under any of the said sections in good faith ;
- (B) no person doing any act in good faith in compliance with a requisition under section 129 or section 130 ;
- (C) no officer of the armed forces acting under section 131 in good faith
- (D) No member of the armed forces doing any act in obedience to any order which he was bound to obey; shall be deemed to have thereby committed an offence.

- (4) In this section and in the preceding sections of this Chapter,-
- (a) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other Armed Forces of the Union so operating;
  - (b) "officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer, a non-commissioned officer and a non-gazetted officer;
  - (c) "Member", in relation to the armed forces, means a person in the armed forces other than an officer.

**Public Nuisance (Sections 133 to 143):-**

Definition : - In section 268 of Indian Penal Code, the definition of Public nuisance is given. According to it, any individual, by any such action, or by omission of any act provides general harm, fear or terror to public, especially the neighbors, or provides harm, fear or trouble to whom there is privilege to use public right, such person is responsible for offence of public nuisance case in sections 133 to 143.

**Conditional Order for remove of public nuisance (Sections -133 and 134):-**

**133.** Conditional order for removal of nuisance. (1) Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive magistrate specially empowered in this behalf by the State government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers-

- (a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public ; or
- (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated ; or
- (c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped ; or
- (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary ; or
- (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public ; or
- (f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order
  - (i) to remove such obstruction or nuisance ; or
  - (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

- (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance ; or
  - (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees ; or
  - (v) to fence such tank, well or excavation ; or
  - (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order; or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the Order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.
- (2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

*Explanation.*--A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

**144.** Power to issue order in urgent cases of nuisance of apprehended danger.

- (1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, of an affray.
- (2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.
- (3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.
- (4) No order under this section shall remain in force for more than two months from the making thereof: Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.
- (5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.
- (6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).

- (7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order ; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

Section-144(A):- Under Criminal Procedure Code (amendment) Act, 2005, section 144(A), the powers are given to prevent processions, marches, to keep arms in training with arms etc.

**When the order under this section may be issued?**

The power to pass an order under this section is with the District Magistrate, Sub-Divisional Magistrate or to the Executive Magistrates who are empowered especially in this regard by State Government. The order under this section may be passed by Magistrate only in the following circumstances, when in the opinion of the Magistrate –

- (1) There is adequate reason for taking action under this section,
- (2) When it is desirable to prevent certain act immediately and to get an immediate remedy – and when the Magistrate is convinced that by his order –
  - (i) the obstacle, terror or injury to a person who acts legally can be prevented;
  - (ii) the fear against the life, health and safety will be prevented; or
  - (iii) the breach of public peace will be prevented; or
  - (iv) the riots and disturbances will be prevented;

In such cases, the Magistrate may issue an order under this section.

The objective of the section is to take immediate measure in emergency situation. Before passing an order under this section, there should be such circumstances, which need immediate action. Thus, existence of such circumstances is a pre-condition for issuing of order under this section, e.g.; where there is a possibility of breach of public peace, the Magistrate may make order under section-144. Preventive actions like sometimes when the University Examinations are going on, the Magistrate passes prohibitive order under section-144. When there is a possibility of riots, the Magistrate may pass order under section-144 prohibiting the procession or assembly of people. In such orders, the Magistrate shall mention significant details of the case. The order must be served as detailed in section-134.

**Against whom such orders may be issued?**

As a matter of general rule, any order should be issued against a person or some individuals. But section-144(3) is an exception. Under this section, the order may be issued to any individual or to individuals residing at a particular place or in particular areas or people visiting places or areas. The reasons for that the orders under this section are meant to prevent the interests of public. When a big mob gathers, it is not clear as to whose act should be controlled; hence the order may be made to people who visit the place or area when a general order may be issued to people. When such order is made under this section, clear indication about specific limit of that prohibited area should be provided. It has been decided in the case of Abu Husain Shaikh that the section does not prohibit general public from visiting general place. The section prohibits people from doing certain acts, while visiting particular place.

**Whether execution period of order be extended?**

The State Government has power to extend the time limit of order made by an Executive Magistrate. But the power of State Government to extend the time limit of order made under this section is not unlimited. The time limit of the order may be extended only when the State Government feels that it is necessary to extend the time limit of the order to prevent the fear on the life; health and safety of human beings or to prevent riots and disturbances. The order of State Government may be extended for the maximum period of six months after completion of two months of District Magistrate's order. Thus, the total period for which such order may remain in force is eight months. For extending the order, Government is required to issue a notification.

**When such order may be cancelled or amended? :-**

Both the Magistrate and the State Government have power to cancel or amend orders passed by them respectively. Magistrate may suo moto or on the basis of application made by an aggrieved person, may cancel or amend the order passed by him or that one passed by his predecessor or passed by his sub-ordinate Magistrate, e.g.; if the Magistrate has prohibited the assembly of persons to prevent disturbances, and if after one month, he feels that such order is now not necessary then he may suo moto or on the basis of application made by the aggrieved person, may cancel that order or may order to apply it only certain limited area if he feels so, and thus may order not to apply it to other areas, suo moto or on the basis of an application of an aggrieved person, may amend it.

If the State Government has extended the time limit of the order made by government, then the State Government suo moto or on the basis of application made by an aggrieved person, may cancel their order or may amend it. If the State Government has not extended the time limit of the order of the Magistrate by a notification; it need not to cancel it or amend it.

For getting the order under this section cancelled, when an aggrieved person makes an application to the Magistrate or to State Government, the Magistrate or State Government will provide him an opportunity to show cause personally or through an advocate. If the application of that person is refused /rejected completely or partially, the reasons for doing so should be recorded in writing.

**Dispute as to immovable property (Sections 145 to 148) :-**

**145.** Procedure where dispute concerning land or water is likely to cause breach of peace. (1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specified date and time, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

- (2) For the purposes of this section, the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.
- (3) A copy of the order shall be served in the manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute,

- (4) The Magistrate shall then, without, reference to the merits or the claims of any of the parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary, and, if possible, decide whether any and which of the parties was, at the date of the order made by him under sub-section (1), in possession of the subject of dispute:

Provided that if it appears to the Magistrate that any party has been forcibly and wrongfully dispossessed within two months next before the date on which the report of a police officer or other information was received by the Magistrate, or after that date and before the date of his order under sub-section (1), he may treat the party so dispossessed as if that party had been in possession on the date of his order under sub-section (1). (5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed ; and in such case the

Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under subsection (1) shall be final.

(6)(a) If the Magistrate decides that one of the parties was, or should under the proviso to sub-section (4) be treated as being, in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction; and when he proceeds under the proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(b) The order made under this sub-section shall be served and published in the manner laid down in sub-section (3).

- (7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.
- (8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.
- (9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.
- (10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 107.

Objective of this section: - The objective is to prevent the breach of peace. For that purpose, the Magistrate, after an inquiry, will decide as to who was in possession of land, water or border etc. and until the rights of the parties are not finally decided by a Civil Court will maintain status quo. The objective of the section is to compel the parties disputing for immovable property to resort to Civil Court for solution of their dispute. In the case of Pritam Singh V/s Ranjeet Singh that the objective of the section is to prevent breach of peace; when there is a possibility of breach of peace in disputes for land, water etc. for prevention of breach of peace, the Magistrate should

take effective measures; and for that purpose only, will decide as to who was in possession of land, water or border, before two months of starting date of the inquiry or on that particular date. The section does not intend to make any change in the rights of the parties. The objective of the section is, to take the subject matter of dispute from the hands of the parties and making one of the parties as its custodian and asking other party to get his rights decided by the Civil Court and in the meanwhile to provide protection to the custodian.

**When can an order be passed under section 145(1)**

The power to pass the order under section 145(1) is with Magistrate only. Before the Executive Magistrate passes such an order, the Magistrate –

- (i) must have received the information through a police report or otherwise;
- (ii) the Magistrate, on that basis, must be convinced that there is a possibility of breach of peace from this dispute;
- (iii) the dispute must be in respect of land, water or border;
- (iv) the dispute must be within the local jurisdiction of the Magistrate.

When the Executive Magistrate is convinced as above, he would record the reasons for his own conviction and shall order the parties, to be present personally or through their advocates on a particular day and time; with written statement of actual possession of the subject matter of the dispute. The land and water shall include buildings, fishing fields, crop, and proceeds from land, profit and rent of the properties.

It is to be kept in mind that the proceedings under this section do not start with the report of the police or with the information received from any other source. The proceedings under this section start when the Magistrate is convinced that a dispute related to land or water or border exists within his local jurisdiction. The Magistrate will make note on record about reasons for his being convinced, then only the proceeding under the section starts. The main responsibility of the Magistrate is to maintain peace and in doing so, the rights of individuals are not affected. In a way, the criminal court interferes in civil matters. The Magistrates are not supposed to inquire about rights of the parties. Besides, the Magistrates have not to go into merit of the case. Magistrates have only to see that on a particular date, who was in possession of subject matter of the dispute. Therefore, the starting date is that date when the Magistrate is convinced about possibility of the breach of peace.

It is to be kept in view that under this section Magistrate has not to give his decision about rights of the parties. When any person makes an application and if the Magistrate thinks that no action is required to be taken; he may do so. Or the Magistrate may even take measures under section-107 or section-144. The Magistrate has not to decide that title the subject matter of dispute. He has only to decide as to on a particular day, which of the parties was in possession of that subject matter.

The dispute must be within the local jurisdiction of the Magistrate. The dispute must be in respect of land, water or border. When there is a possibility of breach of peace from such quarrel, then only the Magistrate may initiate action under section 145(1). If the Magistrate issues such order, on the basis of police report, he should mention in his order, the facts on the basis of which, he thinks of possibilities of breach of peace. This does not mean that if one of the parties makes an application to Magistrate may be sufficient ground for issuing order under the section.

**The order of the Magistrate should be a written order.**

The order of the Magistrate under section 145(1) should necessarily be a written order. The order should have been addressed to a specific person or persons. Such an order shall not be made addressing to public as being done under section-144. In the order, the Magistrate should mention the reasons of his belief. Under this order, the parties are informed to make their claims about possession. This order is like an order as made under sections 107 or 108 or 109, or 110 or 113. The order shall be clear, brief and complete so that the party to which this order is made, shall clearly understand its meaning. It should be mentioned in the order as to what is the base of information for this order. The order should be served according to the process of serving of summons. The copy of the order should be affixed at the prominent place of subject matter of dispute and published.

Actual Possession: - Actual possession means actual physical possession. The actual possession could be of that individual, e.g.; who is actually farming or the land, taking its crop or putting the seeds in land. It is immaterial whether such person has right to possession or not. It may happen that a person who holds the possession is not having a legal right for such possession. Such person could be an unlawful trespasser. The section aims at maintaining peace. Therefore, until the Civil Court gives its verdict about rights of the parties, the section provides protection to the holder of possession.

**Functioning of the Magistrate**

When there is a possibility of breach of peace due to a dispute related to land, water or border in the local jurisdiction of the Magistrate, the Magistrate, under section 145(1) orders the parties to remain present in the court, personally or through their advocates, and present their written statement about possession of the concerned land, water or border. After receiving written statements from the parties, the further action to be taken by the District Magistrate, is mentioned in section 145(4). After passing an order under section 145(1), the Magistrate has to carry out an inquiry under section 145(4). The scope of inquiry is limited to find out that on the date when the Magistrate passed the order under 145(1), who was in actual possession of the land. In such an inquiry, the Magistrate takes evidences from the parties, as also collects additional evidence as he seems fit and listens to the parties. After taking such evidences, the Magistrate only decides as to who was in possession of the subject matter of the dispute when he made an order under section **145(1)**. The actual possession has to be in context with the date; viz.; date of the order under section 145(1).

The Magistrate is concerned only with the facts of possession. The evidence of title is acceptable only in relation to possession. The Magistrate has not to decide the right to hold the property but has to decide as to whom actually possessed it on the date when the order under section 145(1) was made.

If the Magistrate comes to the conclusion that on the date of his order under section 145(1), a particular party was in possession of the subject matter under dispute, then the Magistrate, issuing an order will declare him to hold the possession unless driven away according to the law. The Magistrate orders that until he is asked to vacate the possession according to the law, one cannot interfere in any way, in his possession.

Can the Magistrate restore the goods seized unlawfully and forcefully?

If the Magistrate comes to the decision that during two months of the date of issuing of order under section 145(1), a party has taken the possession unlawfully and forcefully from other party; then he will consider as if on the date of issue of order under section 145(1), that



party was holding the possession. The Magistrate shall issue an order that, that party, until by legal order not getting it vacated, will be entitled to hold the possession. The Magistrate will also order that until he is asked legally to get it vacated, no interference should be done to him. Thus, the Magistrate will get the possession returned to an individual from whom it was forcefully taken away. The order will be served as shown in (3) above.

Can the Magistrate order to sell goods of disputed matter.

When the procedure is going on in respect of crop or other proceeds from the property, under this section, and the Magistrate feels that such crop or the proceeds from the property will be spoiled naturally, then the Magistrate may order to keep in proper custody or to sell it off. After completion of an inquiry, the Magistrate shall pass appropriate order in respect of the property or proceeds from the sale.

**Power to attach the subject matter of dispute and to appoint receiver:-**

- (1) After passing an order under section 145 (1), if the Magistrate feels that -
- (a) it is a critical case or
  - (b) The Magistrate comes to a conclusion that no party had a possession as described in section 145(1);
  - (c) The Magistrate shall not decide as to who had the possession of subject matter of dispute;

then in such circumstances, Magistrate may attach the subject matter of dispute, until the civil court decides who is authorized to possess the property.

However, it is provided that the Magistrate may withdraw the attachment when he is convinced that there is no possibility of any breach of peace in respect of subject matter of dispute.

- (2) When the Magistrate attaches the subject matter of dispute, and when no receiver is appointed by the Civil Court in its regard, then the Magistrate -
- (a) will make appropriate arrangement for taking care of the property; or
  - (b) if the Magistrate thinks it fit, may appoint the receiver for it.

Such receiver has some power as one appointed by the Civil Court but the powers of receiver will be subject to the control of the Magistrate.

However, it is provided that if thereafter the receiver is appointed by the Civil Court for the same property, then the Magistrate -

- (a) will order the receiver appointed by himself to hand over the possession of the subject matter of dispute and then will relieve the receiver appointed by himself.
- (b) Will make any subsequent or concluding order.

This section provides the powers to Magistrate to attach the subject matter of the dispute in following circumstances:-

- (1) In period of emergency,
- (2) If the possession as described in section 145 is with no party; or
- (3) When the Magistrate is not able to decide who was in possession of subject matter of dispute.

**Dispute in respect of use of land or water (Section-147):-**

- (1) When the Executive Magistrate -
  - (a) based on the report of a Police Officer; or
  - (b) through any other information;
  - (c) is convinced that there exists a dispute in his own jurisdiction regarding right to use land or water and which is likely to result in breach of peace; and such right may be right to enjoy or otherwise then the Magistrate shall issue a written order; and will mention the reasons why he is convinced; and direct the parties to the dispute to be present personally or through their advocate on particular day and time and present their written statement regarding their claim of right.
  
- (2) Therefore, the Magistrate will -
  - (a) examine the statements presented;
  - (b) listen to the parties;
  - (c) take evidences presented by the parties;
  - (d) consider the impact of such evidences;
  - (e) take additional evidences as he thinks fit and will decide whether any such right exists and will as is applicable, apply the provisions of section 145.
  
- (3) If the Magistrate feels that such right exists, he will make an order to prohibit the interference on use of right. In proper cases, the Magistrate may also order to remove the obstacles against use of such right.

However, it is provided that such order will not be made when the right may be enjoyed during any time of the year; unless

  - (a) such right had been enjoyed during previous three months of receipt of police officer's report or other information as under (i) above; or
  - (b) when such right could be enjoyed in a particular season or particular occasion; unless such right had been enjoyed before last season or occasion of receipt of Police officer's report or other information as under (i) above.
  
- (4) If the Magistrate feels in the proceedings initiated under section 145(1), that the dispute is about to right of use of land or water, then the Magistrate may continue the proceedings as if it was initiated under section 147(i). but for doing so, the Magistrate should record the reasons in writing.

**Procedure for initiating the section:-**

- (1) The Executive Magistrate must have received the report of a Police Officer or a individual;
- (2) On the basis of these, the Magistrate must be convinced that any dispute exists in relation to right to use land or water;
- (3) Such dispute must be existing in the local jurisdiction of the Magistrate;
- (4) There should be a possibility of breach or peace due to this dispute.

The proceedings under this section are same as those under section 145. The Executive Magistrate undertakes such proceedings when there is a possibility of breach of peace from the

dispute relating to right to use land or water. Such right could be one which can be enjoyed or otherwise. That does not matter the proceedings under this section as far as possible, the method of inquiry should be deployed on one under section 145.

If the Magistrate feels that such right does exist; then the Magistrate shall order prohibiting any interference against its use. In proper cases, the Magistrate may even order to remove the obstacles against its use. But, if these rights are such as could be enjoyed during any time of the year, then they should have been enjoyed before the period of three months of receipt of Police Officer's report or other information; and then only such order under this section may be passed.

Likewise, if such right could be enjoyed only during some season or on some occasion, such rights should have been enjoyed immediately before three months of receipt of Police Officer's report or other information.

If the proceeding under this section has been initiated and if during the inquiry, the Magistrate feels that the dispute is of section 145(1) type but even then the Magistrate may continue its proceedings as if under section 145. But in doing so, the Magistrate has to record the reasons in writing. Likewise, in the case of proceedings under section 145(1), if the Magistrate feels that it should be under 147(i) even then the Magistrate may continue the proceedings as if it was under 145(1) but shall record the reasons in writing for doing so.

**Local Investigation (Section-148):-**

- (1) When the local investigation is necessary for the purpose of sections 145, 146 or 147, the District or Sub-divisional Magistrate may appoint their sub-ordinate Magistrate, may give them written instructions and also may declare as to who will bear the partial or full expenditure on this investigation.
- (2) The reports of such Magistrate may be read in evidences.
- (3) If any party has incurred some expenditure in the proceedings under sections 145, 146 or 147, the order, as to who shall bear this expenditure may be made by the deciding Magistrate. Meaning thereby the Magistrate may order as to this expenditure to be borne by that party or other party, fully or partially or pro rata etc. such expenditure includes one made for witnesses and fees of advocate as the court thinks proper.

**Power to take complaint of cognizable offence (Section-154)**

Despite the clear provision made in section-154 of Criminal Procedure Code, some Police Officers in some police stations do not record First Information Report (FIR) in cognizable offences. Considering such representation from the public, the State Government thought it necessary to make special arrangements to record people's complaints.

When the officer of local police station does not record such complaint, the concerned person may make written FIR to the nearest Taluka Magistrate; and the Taluka Magistrate shall forward it to the Police Station. On receipt of such details, the police officer must register the FIR. It is the responsibility of the District Superintendent of Police to ensure strictly compliance of these Government instructions. In case of any difficulty, it will be the duty of the Superintendent of Police to solve the issue in consultation with the District Magistrate.

These instructions are issued vide GR No. PSF/2998/2511/D dated 22-4-1998 by the Home Department of the State Government.

**INQUEST:**

Provisions for inquest have been made in the Criminal Procedure Code 1973, under section 174:-

**174.** Police to enquire and report on suicide, etc. (1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

1\*(3) When-

- (i) The case involves suicide by a woman within seven years of her marriage; or
- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
- (iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
- (iv) There is any doubt regarding the cause of death; or
- (v) the police officer for any other reason considers it expedient so to do, he shall subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.

**Section-176: Inquiry by Magistrate into cause of death:-**

The Prant Officer conducts judicial inquiry under section 1-176. Under section-174, usually the inquest process is done by Police under intimation to Executive Magistrate. Therefore, all the post-death statements processing are being sent to Prant Officer for his approval for filing the case. These cases are known as A.D. cases. While according approval for file the case, the Prant Officer should himself inquire as to the circumstances of the death and whether there are reasonable reasons to create doubt? And whether any legal offence is being done? If necessary, he can call the relatives of the deceased; and should examine them. If the case is found doubtful, he should direct to the Police for further investigation of the matter. The district Magistrate reviews such cases in the monthly Law and Order Meeting.

If a person or a woman is in police custody or is in any other custody, besides police inquiry and inspection, authorized by Magistrate or Court under this Act, and during that period-

- (a) a person dies or not found dead; or
- (b) there is an allegation of rape on a woman;

then, the Judicial Magistrate under whose legal jurisdiction, the offence has taken place; or the Metropolitan Magistrate, as the case may be, should inquire as per the amendment made in Criminal Procedure Code, in 2005, under sections 176, 176(1)(4),

Under sub-section (1)(a), while making inquiry, the Judicial Magistrate or Executive Magistrate should send the dead body of the deceased for inquiry to the nearest Civil Surgeon or to other qualified medical officer appointed by Government for investigation within 24 hours; unless it is not possible for the reasons to be recorded in writing.

**Indian Evidence Act, 1872: Dying Declaration.**

The Mamlatdars as Executive Magistrate has to take dying declaration under section 32(1) of Indian Evidence Act, 1872. The definition of dying declaration has been given as below:-

“When the reasons for one’s death are doubtful, the statements given by a dying person about -

- (1) the reasons for one’s death; or
- (2) the circumstances of act causing death;

are consistent even though, whether a person while giving statement expected to die or not or whatever may be the form of act under which the cause for death has become doubtful”.

If a Police Officer informs an Executive Magistrate that some person has been burned or seems to have taken poison and has physical injuries or has been hospitalized for some reasons and that it is necessary to take his dying declaration; in such cases, the Executive Magistrate will note the time and date of receipt of such information and will immediately proceed to the place of incident, contact the doctor on duty, ascertaining whether the person is conscious and shall record his/her dying declaration. No person should be permitted to remain present during the record of dying declaration by the Executive Magistrate. The statement is literarily recorded about reason and circumstances of the case as spoken by the dying person. After recording the declaration, the copy is sent to police in a sealed envelope and the original one is kept with the Magistrate and on getting information from the criminal court, it is presented before the Court. The dying declaration is very important evident therefore, it is most important to be recorded it properly and preserved till the court record it during the trail of the case.

### Bombay Police Act, 1951

1. The Bombay Police Act, 1951 is a consolidate and amend the law relating to the regulation of the Police Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order. The Bombay District Police Act, 1890 and the City of Bombay Police Act, 1902 were the Police Acts before the enactment of the Bombay Police Act 1951. After separation of Gujarat State, the Bombay Police Act with the same name continues to remain in force. The District Magistrate has been given authority to maintain law and order in the District through the District Police Force which has been put under the overall control of him. The important provisions of the Acts are discussed below:-

2. The duties and powers of District Magistrate under the Act:-

- (1) Provisions have been made for supervision, control and formation of Police by the District Magistrate in the sections 3 to 22(a). Police includes inter-alia, Special Police Officers, Additional Police officers and Railway Police.
- (2) ***Control of District Magistrate over Police Force in district.*** (Section 17)
  - (1) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.
  - (2) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.
- (3) ***Power of District Magistrate to require reports from the District Superintendent of Police.*** (Section 18).

The District Magistrate may require from the District Superintendent of Police reports, either particular or general, or any matter connected with the crimes, habitual offenders, the prevent on of disorder, the regulation of a assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent of Police, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Reports can be asked in following matters:-

- (1) Regarding crime,
- (2) Regarding Habitual offender;
- (3) To prevent disorder'
- (4) To control assemblies;
- (5) Regarding control of sports;
- (6) Regarding distribution of police force;
- (7) Regarding behaviour and character of officers under the control of D.S.P.
- (8) Regarding use of useful equipments;

- (9) Regarding strengthening of one's control;
- (10) Regarding all matters related to Bandobast.

(4) **Power of supervision by district Magistrates.** (Section-19)

If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties in any Police officer subordinate to the District Superintendent of Police, he may require the District Superintendent of Police to substitute another officer for any officer whom he has power to transfer and the District Superintendent of Police shall be bound to comply with the requisition:

Provided that if the Police officer concerned is an officer 1[of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

(5) **Special Police Powers (Section-21):-**

(1) The Commissioner, the District Superintendent, or any Magistrate specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal, appoint any able bodied male person between the ages of 18 and 50, whom he considers fit to be a special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(1) Every special Police officer so appointed shall on appointment -

- (a) receive a certificate in a form approved by the State Government in this behalf.
- (b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

(6) In chapter-4 of Bombay Police Act, the rules for police have been made:-

The District Magistrates have been empowered to regulate the passerbys in public places as well as to make rules and issue orders to maintain order. The notifications under section 33 issued from time to time are subject to several sub-sections, regarding maintenance of public peace. This section is the biggest/largest in the entire Police Act. There are 8 sub-divisions. In sub-division No.1, there are 28 sections. The chapter contains 14 sections (sections 33 to 46). The chapter-4 briefly contains following:-

**Section-33 – Power to make rules or regulation of traffic and for presentation of order in public place, etc.**

33(1) (a) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations for the carriage of passenger's baggages and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed

- (b) rules for traffic in public streets,
- (c) regarding parking of vehicles, animals etc. in public streets,

- (d) to keep lamps/lights on vehicles,
- (d) (a) regulation of advertisement in public places;
- (d) (b) regulation/control on advertisement or giving licence to it mentioned in d(a);
- (e) not to take animals at certain roads;
- (f) regarding taking elephant or wild animal on roads;
- (g) regarding carrying of teak wood, steel bars etc.;
- (h) regarding taking of blasting substances;
- (i) regarding prohibition to take dead bodies, persons with contagious diseases, animals, etc. on certain roads and during certain hours;
- (j) regarding prohibition to carry night soil or other articles with bad smell;
- (k) regarding slaughter of animals or cleaning of dead bodies, skin etc.;
- (l) regarding precaution for spreading of contagious diseases;
- (m) regarding source of or place for water;
- (n) regarding prohibition for noise on road or near it;
- (o) regarding control on conduct and act of people in processions, assembly on roads;
- (p) regarding not putting obstacles on roads;
- (q) regarding putting of obstacle at the places of construction or not to keep animals;
- (r) regarding putting lights on roads and at public places;
- (s) to keep the in firm properties closed;
- (t) precautions at the time of construction of buildings, their repairing or their demolition;
- (u) rules for keeping fire or other dangerous articles at some distance on roads or in buildings;
- (v) regarding use of crematorium, Dharamshala, gates of the village etc.;
- (w) controls on public places of food;
- (x) restrictions on fairs, shows, dramas, festivals etc.;
- (y) regarding conduct of artists and viewers in such programmes, regarding sale of tickets and pass;
- (z) deciding of procedure for obtaining licence.

***Section-37 – Power to prohibit certain for prevention of disorder.***

The District Magistrate or the Additional District Magistrate empowered by the District Magistrate in areas under their respective charges, may whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place-

- (a) No arms, equipments or material (which cause violence) be taken;



- (b) No substance of blast be taken,
- (c) No stones, weapons or throwing material be stored or taken;
- (d) No dead body, figure or statue be shown;
- (e) Not to shout, sing or play/tune the instruments;
- (f) not to act in a way which may violate decency or morality.

Section-39 – In order to prevent riots (disposal of compensation cases):-

In order to prevent riot or breach of public peace or to curb such happenings, the Commissioner or District Superintendent of Police can close any building or any place for some period of time, in their jurisdiction, and shall order the movement of some persons, while doing so, in case of dispute regarding compensation for loss to the legal holder of such building or place which was ordered to be closed; the decision of the Chief Presidency Magistrate or the District Magistrate, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

**Section-43:- District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.**

Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning there from as he shall deem necessary to prevent the outbreak of such disease or they spread thereof.

**Powers under this Chapter to be exercised by District superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.** (Section-46):-

Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall be governed by such rules and orders as the State Government may, from time to time, make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of Sec. 17.

**Section-51:- Compensation for injury caused by unlawful assembly, how recover able-Date to be fixed for liability.**

**Section-54:- Proportionate recovery of the cost of additional police and compensation for loss caused by unlawful assembly.**

- (1) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act. 1947 where under the provisions of Sec. 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (3) of Sec. 50 (hereinafter called “the additional cost”) or the compensation amount and the municipal recovery cost (hereinafter called “the riot tax”) by an addition to the general or property tax, the landlord from whom any portion of the additional cost

or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent, of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (1) of Sec. 50 or on the date or during the greater part of the period specified under Cl. (b) of sub-section (1) of Sec. 51, as the case may be, in the manner specified in sub-section (2).

**Section-55 :- Dispersal of gangs and body of persons.**

Whenever it shall appear in areas in which a Commissioner is appointed under Sec. 7 to the Commissioner and in a district to the District Magistrate the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction 3[or such area and any district, or districts or any part thereof, contiguous thereto] which in such time as such officer shall prescribe, and not to enter the area 4[or the area and such contiguous districts, or part thereof, as the case may be], or return to the place from which each of them was directed to remove himself.

**Section-56:- Removal of persons about to commit offence.**

Whenever it shall appear in areas for which a Commissioner has been appointed under Sec. 7 to the Commissioner and in other area or areas to which State Government may, by notification in the Official gazette, extend the provisions of this section, to the District Magistrate, or the sub. Divisional Magistrate specially empowered by the State Government in that behalf-

- (a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or
- (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI, or XVII of the Indian Penal Code (XLV of 1860), or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, 6[(bb) that there are reasonable grounds for believing that such person is acting or is about to act (1) in any manner prejudicial to the maintenance of public order as defined in the Maharashtra Prevention of Communal, Antisocial and other Dangerous Activities Act, 1980, or (2) in any manner prejudicial to the maintenance of supplies of commodities essential of the community as defined in the Explanation to sub-section (1) of Sec. 3 of the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (VII of 1980), or
- (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm 1[or such prejudicial act] or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction 2[or such area and any district or

districts, or any part thereof, contiguous thereto] by such route and within such time as the said officer may prescribe and not to enter or return to the said area 3[or the area and such contiguous districts, or part thereof as the case may be] from which he was directed to remove himself.

**Section-57:- Removal of persons convicted of certain offences.**

If a person has been convicted –

- (a) (i) of an offence under Chapters XII, XVI or XVII of the Indian Penal Code (XLV of 1860), or
- (ii) of any offence under Secs. 65, 66-A or 68 of the Bombay Prohibition Act, 1949 (Bom. XLV of 1949), or
- (iii) of an offence under Secs. 3, 4, 5, 6 or 9 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (CIV of 1956), or
- (iv) of an offence under Sec. 135 of the Customs Act, 1962 (52 of 1962), or
- (v) of an offence under Sec. 4, or for accepting bets in any public street or thoroughfare or in any place to which the public have or permitted to have access or in any race course under Cl. (a) of Sec. 12, or under Sec 12-A of the Bombay Prevention of Gambling Act, 1867 (Bom. IV of 1867), or
- (b) twice or more of an offence under the Bombay Prohibition Act, 1949 (Born XXV of 1949) not being an offence under Secs. 66, 66-A or 68, or
- (c) twice or more of an offence under Sec- 122 or 124 of the Bombay Police Act, 1951,

The Commissioner, the District Magistrate, or the Sub Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the area or the areas and such contiguous district or districts or part thereof, as the case may be, from which he was directed to remove himself.

**58. Period of operation of orders under Secs. 55, 56, 57 and 57-A.**

A direction made under Secs. 55, 56 or 57 not to enter any particular area 6[or such area and any district or districts, or any part thereof contiguous thereto, as the case may be, shall be for such period as may be specified therein and shall in no case exceed a period of two years, from the date on which the person removed himself or is removed from the area, district or districts or part aforesaid.

**59. Hearing to be given before order under Secs. 55, 56, 57 and 57-A is passed.**

- (1) Before an order under Secs. 55, 56, 57 and 57-A is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering and explanation regarding them. If such person makes so application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the

authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

- (2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under Secs. 55, 56, 57 and 57-A require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him, may be passed.

The provisions under sections 55 to 59 are known usually as provisions for deportation. The appeals are usually filed against such orders at various levels. The High Court has given several rulings on such matters. Therefore, while making such orders, it is essential to study the legal provisions, government instructions and High Court rulings. Besides, the Home Department has circulated some instructions vide their Circulars dated 21-7-71, 10-3-80 and 28-11-91, including High Court rulings. These should be considered.

**61. Procedure on failure of person to leave the area and his entry therein after removal.**

If a person to whom a direction has been issued under Secs. 55, 56, 57 and 57-A to remove himself from an area-

- (i) fails to remove himself as directed, or
- (ii) having so removed himself, except with the permission in writing of the authority making the order as provided in sub-section (2), enters the area within the period specified in the order, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

[(2). The authority making an order under Secs. 55, 56, 57 and 57-A may in writing permit any person in respect of whom such order has been made to enter or return to the area, including any contiguous districts or part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such permission and may require him to enter into a bond with or without surety for the due observance of the conditions imposed. The authority aforesaid may at any time revoke any such permission. Any person who with such permission enters or returns to such area shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission, shall remove himself outside such area, or the area and any contiguous districts or part thereof, and shall not enter therein or return thereto within the unexpired residue of the period specified in the original order made under Secs., 55, 56, 57 and 57-A without a fresh permission. If such person fails to observe any of the conditions imposed, or to remove himself accordingly, or having so removed himself enters or returns to the area, or the area and any contiguous districts or part thereof, without fresh permission, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as that authority may in each case prescribe.

Section-131 – Punishment for defying the rules etc. of Section-33:-

The District Magistrate, Police Superintendent and Police Commissioner are empowered to make rules in this regard. The rules may be framed under this section for maintenance of law and order and safety. But for this, the pre-permission from State Government is necessary. Such rules are considered permanent and remain in force till the amended. Thus, those who defy the orders of section-33 will be punished vide provision under section-131.

(7) Identification Parade:-

The procedure for Identification Parade is very important for identification of an offender/ accused. Police registers complaints against accused on the basis of complaints from complainant under IPC, B.P. Act and other Acts. Often the accused are arrested on the basis of information given by the complainant. When it is found necessary, the Police Inspector or Station in charge requests the Executive Magistrate to perform Identification Parade to identify the accused. The Executive Magistrate, considering the content of the report of Police Inspector and other record of the complaint and on the merit of the case decides, and informs about date and place of the Parade in as short period as possible. The Police Department is informed accordingly. The Identification Parade is organized at stipulated time, date and place; in the presence of the Panchs, with closed room. None other except two Panch are allowed to be present during the entire process. During Identification Parade, the persons from public, with almost equal age and look, are called so that complainants and witness do not recognize the accused very easily. Then the accused person is called for Parade. In order to ensure that they are not identified very easily, they are asked to change the clothes, shoes, hair style etc. If an accused wishes to use the clothes, shoes etc. from any person from the public, he is allowed to use such shoes, clothes etc. belonging to person from among public. If further he wants to change anything, he is allowed to change it. He is asked where he would like to stand in the queue of persons called for the Parade. Thereafter the witness is called from outside. He is asked to identify the accused, holding his hand from persons standing in a queue. The witness accordingly holds the hand of a person, whom he considers to be accused. When a complainant/witness identifies the accused, he is handed over to police. The Identification Parade panchnama will be written by the Executive Magistrate in presence of the Panch. The signature of Panch is also taken on the panchnama and a copy is given to Police Department.

(8) Disposal of unclaimed property.

As per the section-82 of Bombay Police Act, the unclaimed property is taken to the custody of the Police Department and it will forward it to the officer, holding the powers of Executive Magistrate of the concerned area.

If a person dies without a will, his property worth more than Rs. 400/- is disposed of as provided for in section 83(2) and property worth less than Rs. 400/- is disposed of as provided for in section-84 of the Act.

In cases other than those under section-83 or 84, a notification is issued according to section-85 and then it is disposed of as provided for under section-86 but when no claim is made, the property can be auctioned and sold as provided in section-87, the provision is implemented by Executive Magistrate.

- (9) Under section-4 of the Prohibition, Act, 1949, the collector is empowered. Besides, the Mamlatdars/Executive Magistrates are to ask under sections 28, 31, 31-A, 32, 33, 34, 38, 40, 45(1), 46(1), 46(A), 48, 52, 54(1), 59(D), 61(2), 61(3), 123 and 93 of the Act.
- (10) Under section-22 and 23 of the Arms Act, the arms may be investigated and taken in attachment.
- (11) Under Section-17 of the Prevention of Atrocity Act (S.C./S.T.), the proceedings are to be done to maintain public order and peace.
- (12) PASA, NASA, MISA: - Under section 3(2) of the Maintenance of Internal Security Act, the District Magistrate has powers to detain a person by order for security of the State. The procedure is to be done under these Acts.

## Gujarat Prevention of Anti-Social Activities Act, 1985 (PASA)

In order to control the anti-social activities of some individuals and to maintain public order and public health and welfare in the State, PASA was enacted and enforced in the whole of Gujarat State with effect from 27-5-1985. There are certain anti-social persons who are engaged in such anti-social activities such as selling of illegal liquor, fake medicines or there are dangerous people, offenders of immoral trafficking, grabbing properties illegally and forcefully etc., who create a feeling of insecurity among people and they pose a great threat to the society at large.

Section-2:- anti-social traders are as below:-

- (i) Bootleggers – 1.1 running of gambling dens.  
1.2 cruel persons
- (ii) Dangerous persons,
- (iii) Criminals of spurious drugs;
- (iv) Immoral Traffic offenders
- (v) Property grabbers
- (vi) Unauthorised structure builders.

Following explanation is provided in relation to above definitions of anti-social activities.

1. Bootleggers :- When a person, defying any of the provisions of Bombay Prohibition Act, 1959 and rules made there under or order and manufacture liquor, addicting substance, store it, move it, import it, export it or sell it – these persons or their accomplices are called bootleggers.

1.1 One who is running a gambling den.

A person who is committed offence of section-4 of Bombay Prohibition of Gambling Act. A person, who committed offences under this Act, since three years' period, may be included under this provision.

1.2 Cruel person:-

If a person commits a punishable offence under section-8 of the Bombay Animal Protection Act, 1954 or reports such offences as head or accomplices are covered under this provision.

2. Dangerous person:-

If a person commits repeated offences under Chapter-17 and 22 of India Police Act, 1860 or under chapter-5 of Arms Act, 1959 or tries to do it or becomes their accomplices are covered under these provisions.

3. Drug offenders:-

One who defies the sections 10, 18, 33(d), 33(e) of Drugs and Cosmetics Act, 1940 as well as those defying section - 8 of Narcotic Drugs and Psychotropic Substances Act, 1985 or becomes their accomplices in doing so are included in it.

4. Offences of Immoral Trafficking:-

Under Prevention of Immoral Traffic in Women and Girls Act, 1956, if a person makes repeated offences or becomes their accomplices are included.

5. Property Grabbers:-

Any person who grabs the property illegally, not that of one's own; but that of government, local bodies or that of some individual or claims illegal rights, or make a contract or make unauthorized contention, and thereby acts to grab the land illegally or become accomplish in doing so are included in this.

6. Unauthorised structure:-

A person, who, without clear written permission within the jurisdiction of such authorities or officer, makes construction defying the provision of Gujarat Land Revenue Code, 1879 or Gujarat Town Planning and Urban Development Act, 1976 or Bombay Provincial Municipal Corporation Act, 1993 or Gujarat Panchayat Act, 1993 is included.

The District Magistrate and Police Commissioners are empowered to arrest such persons engaged in such anti-social activities as detailed above under section 3 of the PASA Act.

Section-4:- provides for serving of orders.

Section-8 :- provides that if after issuing of order, if a person absconds or hides oneself making it impossible to serve the order; then under sections 82 to 86 of Criminal Procedure Code, procedure shall be initiated.

Section-14:- provides that duration of detention will not exceed more than one year from the date of arrest.

Section-15:- provides that the order of arrest made by the concerned office may be cancelled by State Government, assigning the reasons in writing; or may amend it; but the period of detention may not be extended after one year.

Section-16:- provides that State Government may sanction conditional parole to the detenu.

Thus, under this Act, the action may be taken to control those persons who are habituated in doing anti-social activities, doing such activities or become accomplish in doing it.

7. When a proposal is made to detain a person to control anti-social and illegal activities; following resolutions and circulars of Home Department need to be referred :-

- (1) Government Circular No. V.3/PAS/1085/4851, dated 27-1-1992 :-provisions in brief –
  - (i) unnecessary and baseless matters need not be taken into consideration;
  - (ii) all the records presented for case must be legible;
    - a. The place and time should invariably recorded in the statement of witness for detention;
    - b. In case of bootleggers, the cases of drinking and gambling are not to be taken into consideration.
    - c. In case of dangerous persons, the offences punishable under IPC chapters-16 and 17 and Arms Act, chapter-5 should be taken into consideration.
    - d. Index should be prepared for the record to be supplied to detenu.
- (2) The Government Circular No. V-3/PAS/1085/4852, dated 24-1-1994 requires that it should be properly ensured that the name under FIR is only one.
- (3) Circular No. V-3/PAS/1095/645, dated 10-4-95 provides that –
  - (i) while proposing for PASA detention, the crimes of last 3 years should be taken into consideration; but crimes earlier to this period need not be considered.

- Besides, the charges which were not proved in the Court of Law should also not be considered;
- (ii) Age of the person should be mentioned in the proposal;
  - (iii) Attention should be focused on any serious offence in nearer past, its seriousness and evidences.
- (4) The provisions in Government Circular No. V-3/PASA/1398/717, dated 24-12-1998 require that -
- (i) no delay should be done in making of a proposal as also in examining the witness;
  - (ii) In cases of dangerous persons, two latest offences and in cases of bootleggers, one latest offence shall be considered if it is of very serious nature.
- (5) According to Government Circular No. V-3/MIS/1003/1331, dated 16-8-2003
- (i) In the Civil Application No. 1969/03, No. 1964/03 and 1969/03, Hon'ble High Court has given the ruling on 21-5-2003 canceling the PASA order because a period of 1½ month was taken for issuing the order of detention after last offence proved. Hence, while making a proposal, the time limit should be specially taken into consideration and in case of any delay; causes of delay should be mentioned in the order.



### Defence of India Act, 1980.

The Act was enacted to prevent social inequality, social evils, immoral activities, activities adversely affecting the society as well as to provide protection, safety and to effectively deal with matters like breach of public order and effectively implement law and order. Thus, basically it aims to control anti-social and immoral activities. There are 18 sections, the details of which are given below:-

**Section – 1:-** It is Defence of India Act, 1980 and applies to whole of India except Jammu and Kashmir.

**Section – 2:-** It contains definitions –

- |     |                   |  |
|-----|-------------------|--|
| (1) | “Government” –    | Government of India,<br>Government of Gujarat, |
| (2) | Detention Order - | Order made under Section-3 of the Act.         |
| (3) | Foreigner -       | As defined in Foreigner Act, 1949.             |
| (4) | Person -          | Any individual including the foreigner.        |

**Section – 3:-** Powers to detain the persons:

Such powers are given to District Magistrates in District areas and to Police Commissioner in Police Commissioner area.

**Section – 4:-** Detention Order.

Under the provision of the Act, if the authorities are satisfied about the anti-social and immoral activities of a person, the detention order may be issued against such person.

**Section – 5:-** Power to change a place of detention:-

Under this Act, for the detention order made by a competent officer, the Government has power to change the place of detention.

**Section – 6:-** Regarding jurisdiction in making detention order.

There is no bar of jurisdiction in passing the order of detention. Therefore, the order passed under the Act does not become invalid on the ground of jurisdiction.

**Section – 7:-** Passing of detention order against an absconding accused.

Once satisfied about the anti-social and immoral activities of the person, the competent officer may pass a detention order even against the absconding accused.

**Section – 8:-** Regarding giving reasons for detention order:-

It is provided under the Act that after passing the detention order, the person detained should be provided with the reasons for detention as early as possible but not later than 5 days, to enable the person to make representation to Government.

**Section – 9:-** Advisory Board:-

Under the provisions of the Act, the Advisory Board has power to decide the case on the ground of merit.

**Section – 10:-** Powers of Government:-

Government has power to decide within three weeks from the date of order whether to approve the order or not.

**Section – 11:-** Procedure of the Advisory Board:-

When under the provisions of the Act, government approves the detention order within three weeks; the advisory board will examine the papers and will call for the details required from the person. After hearing him, the advisory board will convey its decision within seven weeks to government.

**Section – 12:-** Decision of the Advisory Board:-

Under this Act, after due process under section-10 and 11 of the Act, the Advisory Board may confirm the order of detention. After such order, the person will be continue in detainment.

**Section-13:-** Duration of Detention:-

Under the Act, after completion of process under sections 10, 11 and 12 and after approval of the detention order by the board, the person may be detained for a period of 12 months. In appropriate cases, government has power to reduce this period of detention.

**Section – 14:-** Cancellation of Detention order:-

The order of competent officer may be cancelled by government under this section.

**Section – 15:-** Granting of Parole:-

If the person applies for parole after order of detention by the competent officer, the government may grant parole in suitable cases.

**Section – 16:-** Order made in Good Faith:-

The order of the competent officer, if made in good faith, may be condoned.

**Section – 17:-** Regarding application of State Government orders:-

After passing the detention order by the competent officer, no other orders corresponding to these orders may be applied.

**Section – 18:-** Appeal:-

There is no provision for appeal under this Act.

Thus, it is mainly to be understood that the main aim of the Act is to control the anti-social and immoral activities.

**Acts and Rules of Central Government:-**

As the principal officer of the District, the Collector and District Magistrate have duties to implement or to get implemented the all important Acts and Rules framed by the Central Government.



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# Civil Supplies - Powers & Functions

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### Functions under the Essential Commodities Act, 1955

1. The Collector has to play important role regarding Civil Supplies. Under the Essential Commodities Act, 1955 and various orders under it, following powers have been conferred to the collector.

Sr. No.	Name of Act/order	Power/ Role of the Collector.
1.	Essential Commodities Act, 1955	(1) Power to decide/order under section 6-A of E.C.A. 1955, to confiscate essential commodities to be taken into custody/seized conveyance used in carrying such essential commodity. (2) Power to order for action by court under section 3, 7 of the E.C. Act, 1955.
2.	Gujarat Essential Commodities Merchants (Rule) Order, 1977	(1) Power to give instructions to non-licensed merchants under section-10 of the order of 1977.
3.	Preventing Black marketing of Essential Commodities and to maintain its Supply Act, 1980.	(1) Power to order to take into custody the person/merchant involved in mal practice as District Magistrate under section 3 [1] & 3(2) (A) of Act of 1980
4.	Gujarat Essential Commodities (License, Control and Declaration of stock) Order, 1981.	(1) Under order of 1981, disposal of appeal under section-11 against order of licensing officer regarding refusal of issuance, re-issuance or renewal of license of essential commodities covered under it. (2) Disposal of appeal under section-11 against order issued by licensing officer about malpractices conducted by the licensee. (3) Power to give permit as permit officer under section 2(16) [c] of order of 1981. (4) Power to give instructions to licensee under section (24) of order of 1981. (5) Power to give instructions to non-license holders under section (25) of order of 1981. [6] Prior approval for retail sale of petroleum products for license to be issued by Mamlatdars.
5.	Kerosene (Regarding fixing ceiling price and control over use) order, 1993.	(1) To fix price of kerosene under section 2(d) of order of 1993.
6.	Naphtha (Acquire, Sale, Store and to prevent use in Auto order,2000)	(1) Power to give license as Dist. Magistrate under section-3 [1] of order of 2000. (2) Power to ask for the last utilization certificate.
7.	Solvent, Refined and slope Acquirement, Sale, store and to prevent its use in Auto) Order, 2000.	(1) Power to issue license as Dist. Magistrate under section-3 of order of 2000 under Section 3 [4], 3 [5]. (2) Power to ask for the last utilization certificates under section 3 [3] or 3 [4].

## Collector Manual

Sr. No.	Name of Act/order	Power/ Role of the Collector.
8.	Gujarat Essential Commodities (To issue licence to Pt. Dindayal Consumer Store) Order, 2004.	(1) To dispose appeal under section-12 [B] against order issued by the licensing officer.

### Collector is the chairman of following committees/councils.

1.	District Civil Supply Advisory Committee Resolution No. JNS-1079-2742-d dt. 17-10-79.	District Collector – Chairman
2.	Dist. Consumer Protection Council Resolution No. GTS-2004-2-CPA-10-203-11592-L dt.	District Collector – Chairman
3.	Committee for levy non-levy sugar Transport letter no. J-TRS-Co-Sugar Sanctiondt.17-4-99.	District Collector – Chairman

Moreover, duties of the Collector also include

1. To monitor over all availability and distribution of stock of rationing items (including kerosene) from fair price shops to the card holders. To ensure adequate number of fair price shops in the district considering its geographical situation and population as per Govt. standards.
2. To take punitive actions against mal-practitioners. To monitor overall sale/ distribution and to maintain stock of essential commodities in the district.

Collector has also a role in implementing the following schemes with the powers conferred by various circulars

1. Pandit Dindayal Consumer store: - It has been named by a circular dt. 24-4-2002 of Civil Supplies and Consumer affairs Deptt.
2. Policy and procedure has been decided about – sanction of shop by Resolution No. VBD-102002-487-K dt. 2-8-2004
3. Procedures to be conducted taking into consideration the instructions of the Civil Supplies Department from time-to-time. This includes giving permission of sale of all commodities from fair price shops, inspection of shops, controlling malpractice, preventive actions, granting permit, withdrawal of stock, F.P.S. Model Centre etc.

### Public Distribution System:

The Public Distribution System (Control) Order, 2001 has come into effect with powers conferred by section 3 of the Essential Commodities Act, 1955 for smooth functioning of the public distribution system (PDS). It also aims to ensure proper supply of essential commodities to families of A.P.L., B.P.L. and Antyodaya. License for distribution of the various ration items are issued to Pandit Din Dayal Consumer Stores under this order.

As mentioned in this order, District Supply Officer has to follow certain procedure to issue license to the operators of Pt. Dindayal Consumer Stores. Task of supervision, control and issue of Ration Card is also entrusted with the District Supply Officer.

- (1) P.D.S. is a very important task of district administration. It is closely associated with the general livelihood of most of the citizens. It is run through the Pandit Dindayal Consumer Store. By thumb rule every village settlement should have one PDS store. Huge subsidy is given by the Central and the State Government on

ration food items and kerosene. These subsidized items are distributed through the Pandit Dindayal Consumer Stores. Moreover huge funds are spent to administer the PDS. Unfortunately, these consumer stores are well-known for poor quality and irregularities.

- (2) Mamlatdar/ Dist. Supply Officer are responsible to directly supervise the PDS.
- (3) Allotment of PDS stock to PDS shops is generally decided by the D.S.O. at district level while permit is issued by the Mamlatdar of concerned taluka. PDS shop operators lift the allotted quota from the civil supplies godowns. In case of kerosene it is to be delivered by the Oil Company at door step i.e. at village level itself. Random inspection of F.P. shops, godowns and petrol pumps is carried out by District magistrate. SDM has powers to conduct inspection in his jurisdiction . The DM can delegate powers to SDM under Essential Commodities Act.
- (4) Proper inspection must be conducted and strict vigilance shall be kept in order to prevent any mal-practice and pilferage of the PDS stock.

### **2. Prevention of Black-Marketing and Maintenance of supply of Essential Commodities Act, 1980.**

Prevention of Black-Marketing and Maintenance of supply of Essential Commodities Act, 1980 came into force with a view to prevent black-marketing, adulteration and illegal storage and accumulation activities with an intention of black marketing. It also aims at Maintenance of supply of Essential Commodities. Edible oil, food grains, Petroleum products (Kerosene, Crude oil) Cooking gas, Sugar, Wheat and rice are included by notification as essential commodities. Detention powers have been provided under this act in order to prevent black marketing practices with immediate effect.

Provisions under the Prevention of Black-Marketing and Maintenance of supply of Essential Commodities Act, 1980 are as follow

#### **Section-3 power to issue orders to arrest certain persons:**

The District Magistrate can issue an order under section 3(a) of the PBM Act to arrest such persons, who are doing business for profiteering by violating directly or indirectly the provisions of other laws which are under implementation from time to time or the above Act. Such persons who have committed punishable offence under the Acts which are under implementation at that time regarding control of trade and commerce or production of essential commodities, supply or distribution as per schedule-1 of the Essential Commodities, Gujarat Essential Commodities Merchants Control Order,1977 as per clause-4 of the Gujarat Essential Commodities (License Control and Stock Declaration) Order,1981 of the Gujarat Government breaking restrictions imposed on production of Essential Commodities, Supply or distribution etc. Such people doing any act by the way which adversely affects the supply of maintenance of essential commodities. The State Government shall be reported immediately after such orders are made. The State Government under section 3(3) of the said Act, has powers to sanction or revert the decision within 12 days from the date of order of District Magistrate.



**Section-4. Execution of Arrest order:**

A provision has been made that execution of arrest order will be done at any place of India as per provision for execution of arrest warrant under criminal procedure code, 1973 (2<sup>nd</sup> of 1974).

**Section-5 Place of Arrest and Power to Control its conditions:**

Each such person in whose regard the arrest order is issued, (a) can be arrested under such other conditions including conditions about punishment for breach and discipline, maintenance and at such place as mentioned by special or general order properly Government. (b) Such person can be shifted from one place to another state.

**Section- 6: The arrest orders will not be treated as illegal or unimplemented due to certain reason.**

Person, who is to be arrested, arrest order will not be treated as unimplementable, even if it is out of the regional jurisdiction of arrest ordering officer or Government.

**Section 7 Powers regarding absconding persons:**

Report can be submitted with facts about the person absconding to the 1<sup>st</sup> class judicial Magistrate or Metropolitan Magistrate having court jurisdiction in of the area that person residing.

**Section-8 Regarding informing grounds of arrest orders to a person affected by the order:**

Copy of the arrest order made by the DM shall be given to the person arrested within five days (in exceptional circumstance within 10 days). This copy shall have in writing the reasons for which order has been issued. But, if such facts are against the public interest then it is not binding to disclose such reasons.

**Section-9 Constitution of Advisory Board**

Under this clause, such Advisory Board will be appointed by the Chairman of the Advisory Committee who will be out of three persons qualifying to be appointed or has been posted or is Justice of the High Court.

**Section-10. To write to Advisory Boards:**

Except it is resolved clearly otherwise in this Act, in each case, in which arrest order has been issued, a report would be submitted by such officer under sub section (3) of that section in this regard, if it has been issued by an officer as mentioned in sub section (2) of section 3 of the order and if a representation has been submitted before the Advisory Board constituted by the Chairman under section 9, within 3 weeks from the date of arrest of a person under the order.

**Section - 11: Working Method of Advisory Board.**

- (1) A person will have to submit his report within seven weeks of arrest. The report can be made if he wants to state anything or if it is necessary to do so in any special case and after asking more information as required by him from the concerned person or from any person called for that purpose by the proper government or from proper government and after considering the mattes partly before the Advisory Board.

- (2) Opinion of the Advisory Board about adequate reason for arrest of the concerned person should be mentioned in a separate part of the report of the Advisory Board.
- (3) When there is a difference of opinion among members of the Advisory Board, the opinion of the majority members would be treated as the opinion of the Board.
- (4) Any person against whom an arrest order has been issued by any aforesaid of this section, will not be entitled to remain present through a legal professional.

**Section 12 Regarding taking action on the basis of the report of the Advisory Board.**

- (1) The “Proper Government” will continue the arrest of concerned person upto the tenure as it feels proper and accept arrest order, in any such case which is reported as there is sufficient reason for arrest of any person as per the opinion of the Advisory Board.
- (2) Advisory Board as per its opinion, in any case reported as such that there is no sufficient reason for arrest of the concerned person, the “Proper Government” will have to cancel the arrest order and this person should be freed immediately.

**Section 13 Maximum tenure of a person, who is arrested:**

Maximum tenure of arrest will be for six months from the date of arrest of a person. But, there will not be any bar for a “Proper Government” to make a change in it or to cancel it earlier.

**Section – 14: To cancel Arrest order**

- (1) Any arrest order, except to the provisions of section 21 of General Clause Act, 1879 (10<sup>th</sup> of 1897) can be cancelled.
- (2) It will not be objectionable to issue new arrest order under section 3 against the same person.

With a view of effective implementation of this Act, proper procedure shall be adopted considering legal provisions and instructions issued from time to time by the Food and Civil Supplies and Consumer Affairs Department.

**MID-DAY MEAL SCHEME**

Mid Day Meal scheme is under implementation in the entire state since 1984. MDM scheme has been made compulsory by judgment of Hon. Supreme Court on 28-11-2001 in writ petition No. 196/01. It has been decided to serve hot cooked meal having minimum 300 calories and 8 to 12 grams of proteins nutrients daily to every beneficiary in every primary school. Meal is to be served to the children for minimum 200 days in every, academic year. It has also been made compulsory in grant-in-aid and government aided primary schools. Government of India has also started implementation of NPNSPE-2004 since 2004. Mid-day meal scheme is an integral part of it. In the context of the above petition, Hon. Supreme Court has appointed two commissions to make various suggestions at regular intervals. A committee chaired by the Chief Secretary takes review of the entire scheme.

Important suggestions made by the appointed Commissioner before Hon. Supreme Court includes priority to rural women, dalits, scheduled castes, scheduled tribes and divorcee in the appointment of MDM workers. As in the case of writ petition No. 196/01 Hon. Supreme Court has ordered by date 20-4-04 to give priority to dalits, scheduled castes and scheduled tribes candidates in appointment of sanchalaks/cooks/ helpers in the MDM scheme implementation.

MDM centers are opened from the date of academic term. Procedure for appointment of Sanchalak/Cook/helper shall be completed before commencement of academic term. Power to appoint sanchalaks/ cooks/ helpers have been delegated to Taluka Mamlatdar from June 2011 vide Education Department's Resolution No.PRE/1295/2425-C dated 4/11/2011. Vide GR No.MDM/AML/WS/380-450-3857-3910 dated 2/5/08 qualification for Sanchalak/cook/ helper has been prescribed, which shall be adhered to. Provision of appeal to SDM against the order of Mamlatdar for appointment or removal of Sanchalaks have been made vide letter No.MDM/102011/423-2 dated 18/5/2011.

Sanchalak/ cook/ helper shall be appointed at every centre according to the number of beneficiaries as per the norms laid down by Government resolution, Education Department No. MBY/1384 -80-K dated 10-6-1985.

Sr. No.	Norm	Posts
1.	1 to 250 Children	1 Sanchalak 1 Cook 1 Helper
2.	251 to 500 children	1 Sanchalak 1 Cook 2 Helper
3.	501 to 750 children	1 Sanchalak 2 Cook 2 Helper
	More than 751 children	1 Sanchalak 2 Cook 3 Helper

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For more than 20 beneficiaries MDM center will be made operational. If the number of beneficiaries is less than 20 then they will be attached to the nearby MDM center.

Mamlatdar has to inspect at least 10 M.D.M. Scheme centres every month vide circular No. MBY/ AML/ 2002/ 3506/ 3780 dated 16-4-2002 of the Commissioner-MDM.

Mid Day Meal Scheme administration has been put under the Collector. Duties and responsibilities of Deputy Collector, Deputy District Primary Education Officer, Mamlatdar, Educational Inspector, Mid-day meal Manager, Cook and helper have been fixed vide G.R., E.D. No.MBY-1284-4031- 4049-K.

According to the circular No. MBY-HSB/99/4288/4584 dated 14-5-1999 of the Commissioner-MDM payment of salary to Sanchalak/ cook/helper of M.D.M. Scheme and advance to run the centre shall be made by cheque. Taluka Mamlatdar has to pay advance amount taking into consideration the number of beneficiaries as well as the salary every month regularly.



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# Other Functions

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### Municipality – Administration and Control.

Collectors have important role to play in municipal areas under Gujarat Municipality Act, 1963. Collectors have direct Control on municipalities. Collector reviews policy decision taken by the municipalities under Gujarat Municipality Act. Collector has appeal and revisional powers against their decisions under the Act. District Urban Development Agency (DUDA) has been constituted at every district level by urban Development and urban Housing Department of Government. This agency carries out various schemes viz. *Suvarna Jayanti Shahari Rojgar Yojana* (SJSRY), Wage Employment Scheme etc. *Bajpai Shahari Vikas Yojana* is an important Scheme of Urban Development and Urban Housing Department. It provides inter-structural facilities at municipal level. Proposals under *Bajpai Shahari Vikas Yojana* are to be examined by the Collector before submission to Gujarat Municipal Finance Board. Collector is also Co-Chairman of *Bajpai Bajpai Shahari Vikas Yojana* Implementation Committee at district level.

2. Following powers have been vested into the Collector under Municipalities Act, 1963.

(1)	Section 81	:	Collector has powers to decide claims of property by municipality or against municipality.
(2)	Section 257	:	Powers of investigation and Supervision.
(2)	Section 258	:	Powers to suspend implementation of orders etc. of municipality.
(4)	Section 259	:	Extra ordinary powers in emergency.
(5)	Section 264	:	Makes provision for control of State Government on Collectors and control of Collector on subordinate officers.

Generally, Collector delegates the powers and responsibilities under Municipalities Act to Prant Officer. The Collector should, therefore keep constant watch whether such assigned powers are properly exercised.

**3. Prant officer has following powers to administer Municipality and Nagar Panchayat:**

**(1) Powers to investigation land Supervision:**

He may examine proceedings and other documents of the municipality as well as existing works under section 257(3) of Municipality Act, 1963 and Municipality Premises Amendment Act, 1993.

**(2) Powers to enquire:**

In exercise of powers conferred by the Collector under section 257(3) of the Act, the Prant Officer may enquire for administrative and general purposes. Such enquiry is largely on financial irregularities. Such enquiry should, therefore be made very carefully.

**(3) Powers to counseling of two types:**

He has been empowered as a member of Town Planning Committee of the Municipality under section 6(2) of the Gujarat Town Planning and Urban Development Act. The committee scrutinizes cases for construction; additions and alteration, modernization and implementation



as per planning of development sanction by the government and approve or disapprove them. If Town Planner or Prant Officer is not present in the meeting of the Committee, the meeting should be compulsorily postponed and new date should be decided. It is important that the committee is constitutional and should be regularly convened.

4. It has powers to opine whether resolutions made by the Municipality are legal. Section 257(2) of the Act provides such powers. Opinion as to whether the resolutions of Municipalities are preliminarily checked to see whether they are passed in the interest of government as well as in the financial interest of the municipality. It need not be said that the relevant resolutions and orders should be kept in view while opining on the said matter.

### **Powers to recover revenue in certain cases**

Recovery of municipal tax may be made under section 142 after the process of land Revenue recovery Act, 1980. If it is known that the elected member misuses fund, it should be recovered under section 70(2). Such orders are to be issued by the Director of Municipalities. Prant Officer has direct powers to dismiss or supersede the authority as administrator of the Municipality. If Mamlatdar has been appointed as administrator he is also empowered to do so.

## Bombay Stamp Act, 1958 and Registration Act, 1908

### A. Bombay Stamp Act, 1958.

1. Bombay Stamp Act, 1958 provides for recovery of suitable stamp duty on documents in the state and implementation of procedure for distribution of stamps. A word 'collector' has been defined as under in section 2(F) of Bombay Stamp Act, 1958.

**Section 2 (F) "Collector"** : Chief Officer in charge of Revenue administration of the District, which includes officer who maybe appointed as such by publishing notification in the gazette by the State Government.

2. According to above definition chief officer in charge of revenue administration of the district gets power as 'collector' under the Bombay Stamp Act also.

The Collector has been assigned wide powers for the purpose of work of Bombay Stamp Act, 1958. These powers are subject to Chief Controlling Revenue Authority under section 53 of the said Act.

3. Collector has been assigned following important powers under Bombay Stamp Act, 1958.

(1) **Sections 18-19:** Recovery of stamp duty/differential stamp duty on deeds made outside the state.

(2) **Chapter 3 (Sections 31 to 32 A):** Adjudication of stamp duty on documents and deciding actual market price of the property.

(3) **Chapter 4 (Section 33 to 46):** Powers to detain documents of insufficient stamp duty and powers to recover missing stamp duty and penalty:

(4) **Chapter 5 (Section 47 to 52-C):** Compensation for stamps that are spoiled and taken in use erroneously. The Collector may give compensation for spoiled and taken in use erroneously irrespective of any amount.

(5) He is also authorised to check other records and to enter into the said place to scrutinize the deeds made on missing stamp duty.

(6) Chapter 7 (Section 64) : The Collector has been assigned powers to accord sanction to do criminal proceeding in any crime punishable under Bombay Stamp Act, 1958 and any revoked Act.

(7) Thus, the collector has important function to recover proper stamp duty on documents in the district and procedure for distribution of stamps and their implementation.

**4. Indian Stamp Act, 1899:**

The Collector has been empowered to undertake proceedings as 'Collector' on duty leviable documents under section 2(9) (A) of Indian Stamp Act, 1899.

At present duty is leviable on bill of exchange, bill of lading, debenture, letter of credit, policy of insurance, promissory note, proxy, receipt and transfer of shares under Appendix of Indian Stamp Act, 1899. The District Collector may proceed on these documents under Indian Stamp Act.

**5. Bombay Stamp Act, 1958 (Refund)**

(1) Section 47 to 52-A of Bombay Stamp Act provides for refund of various spoiled non-judicial and court fee stamp which cannot be used. In such cases 10% is deducted and remaining amount is refunded, provided they are produced within six months from the date of spoil.

(2) Collectors and Deputy Collectors have been assigned unlimited powers to refund stamps duty under serial No. 9 of Schedule VII of Financial Devolution of Powers Rules, 1969. Mamlatdar and Mahalkari have been empowered to refund stamps upto Rs. 100 under serial No. 10 of the said schedule.

(3) Powers assigned to above Revenue Officer have been enhanced under GR, Revenue Department No. STP 1086/1563-H-1 dated 23-4-1987 and have been assigned powers to give refund as under:

1.	Collector	Unlimited
2.	Dy. Collector/Prant Officer	Rs. 3000
3.	Mamlatdar	Rs. 1000

(4) According to circular No. Stamp/Refund/ 319/01/ 3097 dated 11-9-2001 of Superintendent of stamps, Gandhinagar, the State Government recently made necessary amendment in Bombay Stamp Act, 1958 and new section 52(c) has been inserted. According to the provision of this section, the stamps purchased prior to 1-9-2001 shall be used within six months from the date of purchase or shall obtain compensation according to the provision of the Act.

(5) The competent officer should sufficiently scrutinize the stamps enclosed with the application in works of such stamp refund. Procedure of stamp refund shall be started after tallying with stamp venders register.

**B. Registration Act, 1908.**

**(1) Documents:**

There are following three purposes to transfer immovable property under Registration Act, 1908.

- (i) Prevention of wrong and deceptive documents;
- (ii) Declaration of transfer of immovable property;
- (iii) Complete assurance of genuineness of the documents.

Thus, important work of providing documents with well-protected rights on immovable properties is done by Registration Department. The Collector has been declared as Ex-officio District Registrar under section 6 of Registration Act, 1908 at district level

- (2) Following powers have been assigned to the District Registrar under Registration Act, 1908
- (1) He may accept any document and register which may be registered by subordinate sub-registrar under section 30.
  - (2) Powers to condone delay in period prescribed under section 23 in any document under section 25 and 34.
  - (3) Powers to deposits wills under sections 42 to 45.
  - (4) Powers to supervise and control on sub-registrars under section 68.
  - (5) Powers to hear the applicant, to examine evidences, to hear appeals and to issue suitable order regarding refusal to register documents under section 71, 72, 74, 75 and 76.
  - (6) May proceed to destroy documents which may not have been demanded back under section 85.

## Entertainment luxury Tax Act, 1977

### Issue Hotel Licence:

Gujarat Ordinance 9/88 has been issued to make ancillary amendments in Bombay Police Act, 1951. Accordingly, model draft rules have been prepared and sent to all District Magistrates for registration certificates to open/run hotels/canteens vide letter No. JMS-1088/6901- M dated 2-1-1989 of Home Department. Rules there under are under implementation since 1-1-1989. An application is to be submitted to sub-divisional magistrate to open/run hotel/canteen in prescribed form with following enclosures:

- (i) Chalan for having paid registration fee;
- (ii) No-objection certificate of local administration concerning public health;
- (iii) Registration certificate under shops and establishment Act.
- (iv) Lay-out plan(in duplicate)
- (v) Evidences of ownership of the place at which the business is to be started.
- (vi) Rent receipt and consent letter of owner if the premises are on rent.

Applications received with above evidences are submitted to the concerned Executive Magistrate for verification, which is to be made within prescribed period. Evidences of above serial No. 1 to 6 are to be checked on the basis of record and submit them to the sub-divisional Magistrate with precise opinion regarding opening/running hotel/ canteen.

### Sanction for video / Cinema theatre:

1. District Magistrate has powers to issue licenses for video/ cinema theatre under Entertainment Tax Act, 1977 after the concerned Mamlatdar verifies genuineness of the place mentioned in the application. All records of documentary evidences on request of video/cinema theatre are verified and proposal is submitted to the Collector through concerned SDM with detailed observations/remarks. The Collector sanctions the demand of video/ Home Cinema on merits and subject to certain conditions. Mamlatdar is entrusted with the responsibility of inspection of video/cinema theatre. If any of the conditions are violated then such thing is reported to the Collector. Surprise checking shall done often to see whether entertainment tax is paid for video/cinema theatre. Entry tax is collected on weekly basis as per the tax structure under Entertainment tax Act, 1977. Provision of reassessment has been made under section 9(1) or (2) for more number of seats than permitted. Another provisions for 1½ times penalty for reassessment under section 9(3) and court proceedings under sections 15 and 16 have been made, Proceedings can be wound up for admitting offence under section 18.
2. According to section 4(2) of the Gujarat Cinema Regulation Act, 2004, the District Magistrates have been empowered to regulate display of films by cinematograph and for the places where cinematograph films are displayed, to regulate areas except these areas under the Commissioner of Police. Moreover, they have been empowered by the said Act to suspend or revoke the license and to inflict punishment for it.

**3. Cable connection Registration:**

Section 6-B has been newly added in Gujarat Entertainment Tax Act and provided to recover entertainment tax on dish antenna cable T.V. Rules. The owner providing entertainment through channel has to apply to Taluka Mamlatdar in form No. 1 in triplicate. After getting necessary details and registration fee, the Mamlatdar shall issue certificate in form No. 2.

Similarly, no cable operator shall start network without registration under section 3 of Cable Networks (Regulation) Act, 1955 of Government of India. Local Head Post Master has been authorised for such registration in section 2(H).

**4. Transfer of Registration Certificate:**

According to rule 9, 10 of Gujarat Entertainment Cable T.V. Antenna Display Rules; the Mamlatdar has power to transfer the certificate. While, such certificate is not transferable as per the condition laid down in condition No. 3.

**5. Provisions to suspend or revoke registration certificate:**

Mamlatdar, after giving proper opportunity to represent, may suspend or revoke the license with immediate effect, as per the provisions in section 6-D of Gujarat Entertainment Tax Act and Rule 28(1) made there under, if it is found dangerous to health and security to the people or if the owner does not pay tax.

**6. Restrictions for violation of Legal provisions:**

According to section 16 of cable Networks (Regulation) Act of Government of India, 2 years imprisonment and/or penalty of Rs. 100 or both and for the offence thereafter 5 years imprisonment and penalty upto Rs. 5000 have been provided for violation of provisions. While interest at 24% per annum is levied according to section 10(2) of the Gujarat entertainment Act in case tax is not paid in time.

**7. Provisions for seizure of transmission apparatus:**

Transmission apparatus may be confiscated for breach of main provisions of cable Networks (Regulation) Act, while according to rule 28(2) of Gujarat Entertainment Tax (Cable T.V. and antenna display Rules) if cable T.V. is found dangerous to the health and safety of the people or if the owner does not pay tax, Mamlatdar may suspend the registration certificate forth with, but he cannot confiscate apparatus. The Collector has powers to discontinue such programme which are not consistent with section 19 of programmes advertise code.

**Luxury Tax Act, 1977**

The Collector should monitor the work of Mamlatdar and Prant Officer or any Deputy Collector for inspection of Hotel [Luxury]. Power should be given to all Deputy Collectors, all Mamlatdars and ED Inspectors to see whether assessment is made and tax is collected under Luxury Tax Act, 1977.

### Mines-minerals operation and Powers

Gujarat state has abundant varieties of mineral wealth from geological point of view. Minerals are divided into two parts : major minerals and minor minerals. Minerals which are useful for construction and have been declared by the Central Government by notification as minor are said to be minor minerals. While remaining all minerals useful for industrial purpose are called major minerals. Lignite, lime stone, bauxite, china clay, dolomite, fluorspar, silica sand, base metal, agate, prelate, gypsum, manganese, quartz, chalk are major minerals in the state. Building stone, sand stone, black trap, moorum, quartzite, granite, marble, bantonite, sand, gravel, pebble, simple clay, brick clay etc. are minor minerals. At present 33 major minerals and 17 minor minerals have been listed in the State.

Administrative functions at district level for major and minor minerals are performed under direct supervision of District Collector since 1-4-1971. District office of mines and minerals department of the Collectorate looks after the work.

Central Government has enacted 'Mines and Minerals (Development and regulation) Act, 1957 for development and regulation of minerals. The state government sanctions reconnaissance permit/ research licence/mining lease of major minerals under Mineral concession Rules, 1960 framed under section 13 of the Act. Gujarat State Government has framed Gujarat Minor Minerals Concession Rules, 2010 to sanction quarry lease/quarry permit/quarry license. Commissioner-Geology and Minerals is empowered to sanction granite minor leases. Mineral Branch of the Collectorate has to make demands for various concessions of major and minor minerals. In view of demands, the District Collector has to prepare reports on surplus lands and District Geologist has to prepare technical report and submit them to competent authority for final decision.

District Collector has an important role at various levels of administrative work for mining. The work has been divided mainly into following three parts:

1. To accept applications for various concessions of major and minor minerals. To initiate reports on surplus lands and technical aspects for submission to competent authority.
2. To administer lease sanctioned by competent authority right from agreement of concessions of major and minor minerals viz. recovery of royalty, inspection of lease, observance of conditions of agreements etc.
3. To keep close watch on unauthorised mineral excavation, transportation, storage etc. in the district.

Gujarat Government has declared Gujarat State minerals Policy-2003 with a view to bring transparency, to make operations speedy and competent at every stage.

Detailed discussion of functions and powers of the District Collector regarding mines and minerals at district level are as under:

**1. Work regarding minor minerals:**

Gujarat Minor Minerals Concession Rules, 2010 provides powers of sanction of quarry leases/quarry permits/ quarry licenses for excavation of minor minerals. District Collectors have been declared as competent officers to sanction quarry leases/quarry permits of all minor minerals except granite and quarry licenses for lime-stones, black traps, sand stones and building stones and ancillary proceedings thereon.

Prescribed forms to obtain quarry leases/quarry permits/ quarry licenses of minor minerals, prescribed fees, timeliness and details of competent officer for decisions are given as below.

<b>Procedure</b>	<b>Quarry lease</b>	<b>Quarry licenses</b>	<b>Quarry permits</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
To whom to apply? Where to apply.	District Collector, Mineral Branch	District Collector, Mineral Branch	Dist. Collector/ Dist. Development Officer, Mineral Branch
In which form to apply?	Prescribed form –3 Appendix 1	Form prescribed by Dist. Officers on plain paper.	Prescribed form- T Appendix 2.
Application fees. Only for sand, pebble, gravel and common clay mineral	500(areas less than five hectares) 1000 (areas more than five hectares or more)	5.50 (upto 1000 sq. meters 5.100 (Area more than 1000 sq. meters)	100 – rates per 500 m. tones or its part. Appendix 4
Enclosures of Applications	Applications should be submitted in triplicate with enclosures. Application in prescribed forms.	Applications should be submitted in triplicate with enclosures- Applications in prescribed forms.	Applications should be submitted in triplicate with enclosures. Applications in prescribed forms.
	(1)Original challan of having paid prescribed application fee. (2) Map showing area of demand, showing North direction and scale measurement. (3) Copy of extract of 7/12 (4) Copy of power of attorney of attorney holder has signed. (5) If it is company, copy of constitution. If partnership firm, copy of its document. (6) Consent letter of possessor in case of private lands.	In the areas declared for licence by competent officer, miners working by self labour shall apply on plain paper original challan of having paid prescribed application fee.	(1) Original challan of having paid prescribed application fee. (2) Map showing area of demand, showing north direction and scale measurement. (3) Copy of extract of 7/12 (4) Copy of power of attorney, if attorney holder has signed. (5) If it is company, copy of constitution. If partnership firm, copy of its document. (6) Consent letter of possessor in case of private lands.
Acknowledgement of application	Form – B	-	-
Competent officer to take decision	District Collector (except granite)	District collector (Provision to	District Collector/ District Development



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Procedure 1	Quarry lease 2	Quarry licenses 3	Quarry permits 4
		sanction lime stones, black traps, sand stones and building stones licences only)	Officer.
Time-limit to get opinion regarding surplus land from Mamlatdar.	One Month	-	One month
Time-limit to submit technical opinion from geologist.	One month	-	15 days.
Time-limit to dispose application by competent officer.	One month	One month	15 days.
Time-limit to dispose application by competent officer.	One month	One month	15 days
Total time-limit to dispose application.	Three months	One months	1½ months
Maximum areas to be sanctioned for sand, pebble, gravel and common clay mineral	50 hectares Appendix -5	2000 sq. meters	Not fixed but maximum quantity 4000 M. tones as per sanctioned quantity.
Maximum period of sanction	General Sand, Gravel, pebble- Three years other minor minerals-20years. Appendix -6	One year (From January to December	Three months
Security deposit for sand, pebble, gravel and common clay mineral	Per hectare or its part. Rs. 1000 maximum Rs.10,000 Appendix-7	Rs. 100	-
Agreement	Within three months in form- D Appendix-8	Sanction in form H H	Sanction in form I Appendix-9
Renewal	Application for renewal in form- F	In the forms prescribed by District Officer.	No provision for renewal.
When to apply for renewal	Before 6 months of expiry of period	Before completion of time-limit of licence	-
Time-limit to dispose renewal application	Six months	One month	-
Maximum limit available under renewal	Three years under one renewal for sand, gravel, pebble, total 10 years for all renewals. Appendix-11 for other minor minerals where one renewal not exceed	May be renewed for one year. Renewal for three years maybe available for all renewals.	-

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Procedure 1	Quarry lease 2	Quarry licenses 3	Quarry permits 4
	20 years		
Transfer Appendix-12	Transfer is made by prior sanction of commissioner on payment of transfer fee of Rs. 1000 for first two hectares or Rs. 1000 for additional two hectares of 12.5 percent of price of dealings.	No provision of transfer`	No Provision of transfer
Appeal	Of dissatisfied with the order of the competent officer, within 60 days of receipt of order Appeal may be made to Additional Director (Appeal), Geology and Mining Dept., Gandhinagar by payment of Rs. 250 as appeal fee in form 'L' in triplicate.	If dissatisfied with the order of the competent officer, within 60 days of receipt of order. Appeal may be made to Additional Director, (Appeal), Geology and Minerals Dept., Gandhinagar by payment of Rs.250 as appeal fee in form 'L' in triplicate.	If dissatisfied with the order of competent officer, within 60 days of receipt of order. Appeal may be made to the Additional Director(appeal), geology and Mining Dept., Gandhinagar by payment of Rs. 250 as appeal fee in form 'L' in triplicate.
Revision Appendix-11	If dissatisfied with the order of Competent authority, revision application may be made to Deputy Secretary, (Mines) Industries and Mines Dept., Sachivalaya, Gandhinagar by payment of Rs. 500 as appeal fee in form '0' in triplicate within 60 days of receipt of order.	If dissatisfied with the order of Additional Director, revision application may be made to Dy. Secretary (Mines), Industries and Mines Dept., Sachivalaya, Gandhinagar by payment of Rs. 250 as appeal fee in form 'L' in triplicate within 60 days of receipt of order.	Competent authority " '  Rs. 500 form '0'

Government policy to sanction research licenses and quarry leases of granite and marble minor minerals is as follow

1. On coming into force 'Granite conservation and Development rules, 1999' of Central Government for granite minerals and 'Marble Development and Conservation Rules, 2002 of Central Government for minerals for areas in which research was undertaken previously or otherwise their existence are proved may be sanctioned directly.
2. Otherwise, it is obligatory to obtain first research license.
3. There is provision to sanction research licenses for maximum period of two years.

4. There is provision to sanction maximum area of fifty hectares and minimum one hectare and four hectares respectively.
5. Applications for prospecting licenses and quarry leases for granite and marble minerals are to be made to the District Collector under general provisions of Gujarat Minor Minerals rules, 1966.
6. Commissioner, geology and Mining Department, Gandhinagar is competent officer to sanction quarry lease of granite mineral, while District Collector is competent to sanction quarry leases of marble mineral with prior sanction of government.
7. If anybody is dissatisfied with the order of commissioner, there is a provision to apply directly to Industries and Mines Department of Government.
8. Mining plans of granite and marble minor minerals shall be prepared by Mining Engineer or Geologist and got sanctioned by Deputy Director, geology and Mining Department.
9. All the provisions of Gujarat Minor Minerals Rules, 1966 shall continue to apply to both the minerals except where the provisions of G.D.C.R, 1999 and M.D.C.R. 2002 differ.
10. Quarry lease may be sanctioned upto 30 days and renewal for twenty years may be made at a stretch. Lease agreement, recovery of royalty, lease inspection, observance of conditions of agreements etc. are included in ancillary procedure of quarry leases/quarry permits/ quarry licences of minor minerals. District Collectors have to keep vigil to see that there is no unauthorised excavation, transport or storage.

In the cases where period of lease has expired or it has been cancelled, possession of the lands should be resumed to government and to obtain opinion of District geologist whether minerals are still available and declare the area available again for mines and minerals, again sanction lease and collector should see that income of Government continues.

### **2. Work regarding major Minerals.**

There is provision to sanction three types of concessions in major minerals.

1. Reconnaissance permit
2. Prospecting license
3. Mining lease.

Object of reconnaissance permit is for primary research, while prospecting license is for detailed mineral research. Mining leases are for excavation of minerals.

The Central Government has made Mineral Concession Rules, 1960 for sanction and regulations of concessions of major minerals under section 13 of Mines and Minerals (Development and Regulation) Act, 1957, according to which State Government (Industries and Mines) Department is competent authority for disposal of applications for R.P./ P.L./ M.L. The State Government sanctions concessions of specified major minerals under schedule-I of the Act, by obtaining prior sanction of the Central Government.

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District Collector is not competent authority to take decisions on demands of major minerals, but accepts the applications on behalf of government, scrutinizes them, sends reports on surplus lands, technical reports by Commissioner, Geology and Mining Department. To submit them within time-limit to State Government and to undertake ancillary procedure by District Office of Geology and Mining Department under direct supervision of Dist. Collector.

Details of prescribed forms, prescribed fees, procedure, totally time-bound programme and competent officer regarding R.P/P.L/ M.L. of major minerals are as under:

Item of Procedure	Reconnaissance permit	Research licences	Mining lease
1	2	3	4
To whom to apply? Where to apply.	It should be addressed to Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar and presented to District Collector in triplicate.	It should be addressed to secretary Industries and Mines Department, Sachivalaya, Gandhinagar and presented to Dist. Collector in triplicate.	It should be addressed to secretary, Industries and Mines Department, Sachivalaya, Gandhinagar and presented to Dist. Collector in triplicate.
In which form to apply?	In prescribed form - A	In prescribed form-B, for renewal in prescribed form-E	In prescribed form -I, for renewal in prescribed form-J
Application fees.	At prevailing rate. At present Rs. 5 per Sq. Kilometer.	At prevailing rate. Rs.250 for first sq. kilo meter of its part. Additional rate Rs. 250 per sq. kilometer.	At prevailing rate, Rs. 2500 application fee and Rs. 1000 as deposit for preliminary expenditure.
Enclosures of Applications	Application in prescribed form with following enclosures: (1) Original Challan of having paid prescribed application fee. (2) Map showing area of demand showing North direction and scale measurement. (3) Certificate of affidavit of 'no-mining dues.' (4) Affidavit of having paid Income tax. (5) Affidavit showing details of areas demanded or held under mineral wise R.P. in the state. (6) If it is company, copy of constitution.	Application in prescribed form with following enclosures: (1) Original Challan of having paid prescribed application fee. (2) Map showing area of demand showing North direction and scale measurement. (3) Copies of extracts of 7/12 of areas of demand; (4) Affidavit or certificate of 'no mining dues' (5) Affidavit of having paid Income tax. (6) Affidavit showing details of areas demanded or held under mineral wise	Application in prescribed form with following enclosures: (1) Original Challan of having paid prescribed application fee. (2) Map showing area of demand showing North direction and scale measurement. (3) Copies of extracts of 7/12 of areas of demand; (4) Affidavit or certificate of no mining dues. (5) Affidavit of having paid Income tax. (6) Affidavit showing details of areas demanded or held under mineral wise

## Collector Manual

Item of Procedure	Reconnaissance permit	Research licences	Mining lease
1	2	3	4
	(7) If it is partnership firm, copy of document; (8) If power of attorney holder has signed, copy of power of attorney if signed by attorney holder.	R.P. in the state. (7) In case of private land, consent letter of possessor (May be presented after agreement but prior to entry into lands) (8) If it is company, copy of constitution; If it is partnership firm, copy of document. (9) If power of attorney holder has signed, copy of power of attorney.	R.P. in the state. (7) In case of private land, consent letter of possessor (May be presented after agreement but prior to entry into lands) (8) If it is company, copy of constitution; If it is partnership firm, copy of document. (9) If power of attorney holder has signed, copy of power of attorney.
Acknowledgement of application	In form 'D-1'	In Form 'D'	In form 'D'
Competent officer to take decision	Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar, State Government sanctions minerals specified in scheduled- I after obtaining prior sanction of Central Government.	Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar, State Government sanctions minerals specified in scheduled- I after obtaining prior sanction of Central Government.	Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar, State Government sanctions minerals specified in scheduled- I after obtaining prior sanction of Central Government.
Time-limit to express opinion for surplus land at district level by commissioner to government.	2 months	3 months	4 months
Time-limit to to present technical opinion from district level to Commissioner.	2 months	3 months	4 months
Time-limit to present technical and surplus land from Commissioner level to government.	2 months	3 months	4 months
Time-limit to for final decision by Industries and Mine Department.	2 months	3 months	4 months
Total time-limit to dispose application.	6 months	9 months	12 months
Maximum areas to be sanctioned.	10,000 Sq. Kilometer	25 Sq. Kilometer	10 Sa. Kilometer
Maximum limit of	-	According to	Minor Minerals

## Collector Manual

Item of Procedure	Reconnaissance permit	Research licences	Mining lease
1	2	3	4
sanction		minimum limit of mining lease.	deposit 1 hectare, beach sand of plaser-2 hectares; other mineral deposits-4 hectares.
Maximum limit of sanction	3 years	3 years, then after may be renewed for two years.	After 30 years, may be renewed on 20 years norms.
Security deposit to be paid prior to agreement.	Rs.20 per sq.meter or part thereof	Rs.2500 per sq.meter or part thereof	Rs. 10,000/-
Agreement	In three months in Form 'F-1'	In three months in Form 'F-1'	In six months in Form 'K'
Mining Lease Transfer	No provision for transfer	May be transferred with prior sanction of State Government. On payment of transfer fee of Rs. 500/-.	Maybe transferred with prior sanction of State Government on payment of transfer fee of Rs. 500/-.
Appeal revision	If you are dissatisfied with the order of competent officer, Rs. 5000 maybe paid by draft or challan. There is a provision to appeal make revision to Mines Department of steel and Mines Ministry, Central Government in Form 'N'. Appeal/revision is to be made in copies equal to number of impleaded parties. Demand draft should be enclosed in favour of Pay and Account officer, Department of Mines, New Delhi OR Treasury challan should be under the head 0-853 Non0ferrous mining and metallurgical Industries, 102-Mineral concession fee, rent and royalty".	If you are dissatisfied with the order of competent officer, Rs. 5000 maybe paid by draft or challan. There is a provision to appeal make revision to Mines Department of steel and Mines Ministry, Central Government in Form 'N'. Appeal/revision is to be made in copies equal to number of impleaded parties. Demand draft should be enclosed in favour of Pay and Account officer, Department of Mines, New Delhi OR Treasury challan should be under the head 0-853 Non0ferrous mining and metallurgical Industries, 102-Mineral concession fee, rent and royalty".	If you are dissatisfied with the order of competent officer, Rs. 5000 maybe paid by draft or challan. There is a provision to appeal make revision to Mines Department of steel and Mines Ministry, Central Government in Form 'N'. Appeal/revision is to be made in copies equal to number of impleaded parties. Demand draft should be enclosed in favour of Pay and Account officer, Department of Mines, New Delhi OR Treasury challan should be under the head 0-853 Non0ferrous mining and metallurgical Industries, 102-Mineral concession fee, rent and royalty".

The applicant is informed and asked to fulfill the conditions when government decides to sanction mining lease of major minerals. As per the conditions, the applicant has to prepare mining plan and mining closure plan. These plans are to be put up for sanction from the authorized officer of State Government or I.B.M. according to

categories. Environmental clearance has to be obtained for five hectares or more area. Moreover, the applicant has to pay research expenditure and has to produce its challan. the Government issues detailed order of sanction of mining lease only after the necessary conditions are fulfilled.

After sanction of mining lease other necessary things like area measurement by the DILR office, certified maps, stamp duty payment and execution of lease agreement shall be completed. Mamlatdar shall hand over the possession of the area only after these mandatory requirements and then shall inform the concerned departments of Central Government and State Government. Vigil shall be kept to see whether the lease holder works according to the condition of lease agreement and also to ensure that royalty is paid in time. In the cases of breach of agreement, notice of sixty days is given and report is to be submitted to government for further action of compliance or non-compliance of the lease.

If the period of mining lease is over or is revoked, the area is resumed to the government. Opinion of the District Geologist is obtained for availability of the minerals. Depending on this report, Government takes decision to government to declare the area re-available for mines-minerals.

**4. Express opinions of surplus lands under demands of leases/permits/ licenses of minerals.**

R.P./P.L./M.L. applications of major minerals and applications of quarry leases/quarry permits are accepted by mineral Branch of District Collectorate. For these demands, revenue report for surplus land from Mamlatdar is sought, in which explicit opinion is to be given by Mamlatdar including details in prescribed check-list as to whether area demands are available.

If the area of demand is forest area, opinion of Forests Department is compulsory in prescribed form and to be submitted to the competent officer in time.

**5. To show mineral- abundance areas in the extract of 7/12.**

With a view to exercise care in the management of natural wealth of the State, minerals-abundance areas situated in the State and minerals included therein should be mentioned in the revenue record. It has been decided to show mineral abundance areas into village form No. 7 as per Mineral Policy of the State, 2003. In pursuance thereof instructions have been issued to District Collectors and concerned persons vide Government circulars No.RM-102004-180-B-1 dated 26-2-2004 and 13-7-2004 of Revenue Department. In remarks column in 7/12, mineral wealth should be shown. It includes instruction to obtain 'no objection certificate' of geology and Minerals Commissioner.

**6. Prevention of illegal excavation/transport/storage.**

The State Government has all the rights of mines and minerals in the state. Any person/ firm/company shall not carry out research or mining operations without obtaining legal sanction under Mines and Minerals (Development and Regulation) Act, 1957 and rules made there under viz. M.C.R. 1960 and Gujarat Mines and Minerals rules, 1966. Any act done without obtaining sanction under laws and rules is considered illegal. The Collectors have been empowered to take steps against defaulters under Mines and Minerals (Development and Regulation) Act, 1957 and rules made there under.

Powers under Mines and Minerals (Development and Regulation) Act, 1957.

Excavation of minor minerals, taking out, removal and transport them without legal permission is said unauthorized. Similarly, mining or research activities without obtaining authorised permission are considered unauthorized. The District Collector has been empowered to take following measures under section 21 for his jurisdiction:

1. If any person intrudes into any area against the provision of section 21(3) of the Act, Government has authorized the Collector for areas under his jurisdiction to remove such intrusion by taking help of police vide Government Notification, Industries, Mines and Power Department No. G.U.-74-78-MCR-2168-7740(1)-Chh dated 16-9-74.
2. If any person excavates minerals, transports them and uses any vehicle or other things from anyplace without lawful authorization under provisions of section 21(4) of the Act, the Collectors have been empowered to confiscate such minerals, implements, vehicles or other things vide Government Notification No.GU-89-19-MCR-2188-(53) GOI-428- Chh dated 1-4-1989.
3. If any person excavates minerals from any place without legal authorization under section 21(5) of the Act, the Collector has been authorized to recover minerals from him or if he has disposed them to recover price of minerals from him or to recover rent, royalty and tax from the defaulter vide Government Notification No. GU-74-90-MCR-2168-7740(3)-Chh dated 16-9-1974.
4. If the defaulter agrees to have committed crime and request for compromise, the collector has been authorized to compromise, the case on recovery of price of minerals plus royalty. Amount to be recovered is decided by the Commissioner.
5. The State Government has been empowered to make rules to prevent unauthorized mineral excavation, transportation and storage in the state vide Central Government notification dated 20-12-1999 under section-23 of Mines and Minerals (Development and Regulation) Act, 1957. The State Government has implemented Gujarat Minerals (Prevention of illegal mining transportation and storage) Rules, 2005 since 26-10-05. The Collectors have been vested with following powers to take steps under his jurisdiction vide G.R., Industries and Mines Department No.GU-12-MIS-112000-GOI-4- chh dated 29-8-06.
  - a. Powers to transportation, checking and if found unauthorized to confiscate under rules 6 and 7;
  - b. To try court cases, to recover price of minerals and to confiscate means and minerals under rule 13;
  - c. If defaulter confesses his crime and request for compromise, he may pay the decided amount and has been authorized to compromise under rule 13;
  - d. To confiscate minerals and implements under rule 17 and to release them on bond under rule 18;
  - e. He has been empowered to enter into and inspect, search any place and to confiscate for unauthorized excavation, transportation and storage under rule 19.

A State level Task Force has been formed under the chairmanship of Additional Chief Secretary/Principal Secretary-Industries and Mines Department to review checking of unauthorized Mining activities in the State under G.R., I and M Department N. MCR-1105-GOI-28-Chh dated 19-9-2005. Task force has been formed at district level under the chairmanship of District Collector, in which Deputy Collector (Revenue), District Forest officer, Pollution officer and Transport officer are included. District Geologist is the Member Secretary for the District Task Force. Meeting of Task force is held every month, wherein details of



unauthorized activities are coordinated and reviewed. Moreover, details of action taken are sent to State level Task Force officer.

**6. Arrears of minerals to be recovered as arrears of Land Revenue.**

System to take in advance royalty from lessee is in force. If the lessee does not manufacture and dispose minerals during the year, he has to pay dead rent. Royalty or dead rent, whichever is higher is to be recovered from lessee. Moreover, surface rent is also recovered at prescribed rate of leased area per annum.

If the lessee does not pay dues of royalty, dead rent, surface rent of lease of minerals, the competent officer may issue show cause notice and take action to recover it. However, of such dues as well as dues raised on account of unauthorized excavation are not paid, proceedings are made to recover them as arrears of land revenue. District Collectors has been empowered to recover such dues under Notification No.GU-132-MCR-2170(48)-1532-Chh dated 25-3-1970.

**7. District Collector has all powers of Inspector of Mines and Ex-officio District Magistrate under Section 6(3) of Mines Act, 1952.**

- (1) As powers vested in District Collector under Gujarat Minor Minerals Rules, 1966 and M.M.D.R. 1957 are statutory powers may not be transferred to other.
- (2) If any area is given once as quarry lease and permit by sanction of Revenue Officer under Gujarat Minor Minerals Rules, 1966, sanction of Revenue Officer shall not be taken again for renewal of quarry lease or for permit again such decision was taken with concurrence of Revenue Department. It has been intimated vide letter No. MCR-2166-26175-Chh dated 28-10-1966.
- (3) If there is more than one demand for the same area, all the applications need not be sent to Mamlatdar for opinion of surplus land. Only one application may be sent. Report shall be obtained not regarding person but for area.
- (4) When agricultural lands are to be used for mining or to draw out minerals, sanction is to be obtained N.A. use. According to Mines and Minerals (Development and regulation) Act, 1957, if mining lease and quarry lease are granted and sanction for N.A. use has been sought under section 65 of Land Revenue Code, N.A. sanction shall be invariably given but it shall coincide with lease period.
- (5) Opinion of Panchayat is to be obtained for lease applications in lands vested in Panchayats. If opinion is sought from Panchayat, the Panchayat shall give its opinion within twenty days. If the opinion is not given with time-limit, it should be presumed that it has been granted.
- (6) Opinion of Panchayat is necessary for demands of gauchar area. Gram Panchayat may have refused to release area for lease, while Gram Panchayat has taken positive view on application of other. In such cases decision is considered immature and it is rejected. Again the area is declared available and applications are processed.
- (7) Before sanctioning quarry leases/quarry permits or licences in scheduled areas, it is obligatory to obtain recommendations of Gram Panchayat.
- (8) According to G.R., I.M.P. Deptt., No. MCR-2166-21516-Chh dated 15-9-1966, applications for minor minerals should be disposed within a period of eight months. Such applicants whose applications have not been decided within eight months may consider their applications have been rejected under rule 38 of Gujarat Minor Minerals rules, and may make appeal/ application to the additional Director, Geology and Mining Department, Gandhinagar.

- (9) There is no provision to give opportunity to hear personally before rejecting or revoking demand of quarry lease/licence, but if the applicants request for it, it should be given. Legal Department has advised to the Government that if this is not done, it amounts to breach of principle of natural justice.
- (10) Area demanded as shown in map with original application should be sanctioned after proper checking and clear map of sanctioned area should be sent to District Land Inspector for measurement. The competent officers have been instructed vide Government circular, Industries Mines and Power Department No. VSP-1067/3367-Chh to ensure that area except that measured is not sanctioned and the area other than sanctioned is not measured.
- (11) Mining lease or quarry lease does not end with the death of lessee, but survives for the benefit of his heirs. The name of lessee is to be transferred and may apply for renewal also like the applicant.
- (12) It has been clarified by letter no. 16(24) 2001-MUI dated 9-10-2001 that lease agreement has been made but if the lessee has no physical or legal possession of lease, he is not required to pay dead rent for such period.
- (13) As regards breach of conditions of agreement for major minerals, District Collectors have been empowered to issue notice of sixty (60) days under rule 27(5) of M.C.R. 1960 vide govt. notification, Industries, Mines and Power Department No. GU 86/33/MCR-2186-21-3287 dated 29-5-1986.
- (14) Excavation, transportation etc. of minerals without obtaining legal sanction is considered as theft of Government wealth. Action may be taken against defaulter under Indian Penal Code. A written complaint may be launched under sections 4(1) and 4(1-A) of M.M.D.R. Act, 1957 and rule 5 of Gujarat Minor Minerals rules, 1966 and proceedings may be initiated. He may have to pay price of the minerals and penalty also.
- (15) The District Collector has been empowered to write off the crimes on unauthorized and illegal mining. As regards amount to be recovered and procedure, summary of various orders has been circulated vide circular No.MCR-1088/2153(1)-Chh dated 25-8-1988.
- (16) District Collectors have been empowered vide Government Resolution, Industries and Mines Dept. No. MCR-1099-276-Chh dated 13-1-2000 for effective recovery of royalty, prevention of illegal and unauthorized excavation and theft of royalty and to requisite staff of other departments.
- (17) For simplification of mineral administration in the district, he has been authorized to transfer class-3 employee viz. royalty inspectors, mines supervisors and naka clerk in the district.
- (18) Competent officer is empowered to sell by auction the minerals confiscated or resumed to government under sections 165, 167 and 127 of Land Revenue Code.
- (19) District geologist/Geologist works under direct control of District Collector and is directly responsible to the Collector. If the files of mineral branch are submitted to the Collector through RDC, there is delay in decision/ disposal. There is, therefore, no objection if the file is marked to R.D.C. for opinion on land of collector feels proper.

District Collector directly looks after the administration and development of minerals of the district. He has such powers according to Mines Act and rules. Effective administration in regard of Mines and Minerals will help the State and the Nation for rightful use of this natural treasure for its development.

## **Powers and Duties under Environmental Acts - Water Pollution (Prevention and Control) Act, 1974: Section 33-A**

Gujarat Pollution Control Board has been empowered to give written notice to any person, officer or authority for implementation of water pollution (Prevention and Control) Act under section 33-A, according to which when the officer authorised by the Board issues any written notice to any person, officer or authority but it is not implemented, the Board may instruct the Collector to seal the industry or place spreading pollution, which is binding to the collector and his subordinate officers.

### **[33A. POWER TO GIVE DIRECTIONS]**

Under this, any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

*Explanation:* - For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- [a] the closure, prohibition or regulation of any industry, operation or process; or
  - [b] the stoppage or regulation of supply of electricity, water or any other service.
2. Similarly, Board issues order to seal the industries or places spreading air pollution under section 31-A of Air Pollution (Prevention and Control) Act, 1981, which are to be observed by the Collector and his subordinate officers like SDMs/ Dy.Collectors and Mamlatdars.

### **[31A. POWER TO GIVE DIRECTIONS]**

Under this, issue any directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

*Explanation:* For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- [a] the closure, prohibition or regulation of any industry, operation or process; or
  - [b] the stoppage or regulation of supply of electricity, water or any other service.
3. Section 5 of the Environment (Protection) Act, 1986 provides as above, according to which the chairman issues order to seal the industries or places violating Environmental protection Act. which are to be observed by the collector and his subordinate officers.

### **[5. POWER TO GIVE DIRECTIONS]**

Under this, issue any directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

*Explanation:* - For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- [a] the closure, prohibition or regulation of any industry, operation or process; or
- [b] the stoppage or regulation of supply of electricity, water or any other service.

4. Ministry of Forests and Environment, Government of India has provided four steps under section 7 for applications for new project or expansion of old projects to obtain Environmental Clearance vide notification dated 14<sup>th</sup> September, 2006. It has been decided to hold public consultation in third step, which has been divided in to two parts. It has been arranged to hold public hearing on environment in the first part, according to which Gujarat Pollution Control Board shall complete public hearing within 45 days, which includes issue of public notice of 30 days. The public hearing shall be held under the chairmanship of the respective District Collector. If he is not in position to remain present, he may authorize any officer not below the rank of Deputy Collectors or SDMs. for public hearing. Proceedings of the public hearing shall be prepared on the place itself and Collector or his authorised officer shall be required to sign the minutes on the same day.
5. The Collector shall be responsible to implement disposal of Municipal solid wastes of each municipality under The Municipal Solid Wastes Management and Handling Rules 2000 framed under Environmental Protection Act, 1986. They may give guidance to observe properly.
6. The Collector shall be responsible to see that plastic bags having less than 40 microns thickness are not used in municipal areas situated in his district under Plastic Waste Management and Handling Rules-2011, so that they may give proper guidance.
7. The Collector have been assigned responsibilities to prepare off site Emergency plan and update it according to rule 14 of Manufacturing storage and hazards chemical Rules, 1989.
8. The District crisis group has to be constituted as per Schedule-7 under the section 7 of The Chemical Accidents Emergency, Planning, preparedness and response Rules, 1996. the Functions of the district crisis groups is as under:

The District Crisis Group shall be the apex body in the district to deal with major chemical accidents and to provide expert guidance for handling chemical accidents;

  - \* assist in the preparation of the district off-site emergency plan;
  - \* review all the on-site emergency plans prepared by the occupier of major accident hazards installation for the preparation of the district off-site emergency plan;
  - \* assist the district administration in the management of chemical;
  - \* continuously monitor every chemical accident;
  - \* ensure continuous information flow from the district to the Central and State Crisis Group regarding accident situation and mitigation efforts;
  - \* forward a report of the chemical accident to the State Crisis Group immediately;
  - \* conduct at least one full scale mock-drill of a chemical accident at a site each year and forward a report of the strength and the weakness of the plan to the State Crisis Group.

### Implementation of other Government Acts.

As mentioned in earlier, the Collector and District Magistrates has been assigned duties and powers under various Acts as well rules and he has to strictly implement all the Acts and Rules directly or indirectly at the District level.

#### I. Arms Act, 1959 and Arms Rules.

(1) The District Magistrates may issue licence for self-defence under section 13 of Arms Act and Rule 14 of Arms Rules. Application is to be made in Form 5. District Magistrate is empowered to renew, revoke, suspend the licence and to enter the name of licence holder into it. He also issues road permit for movement as well as to bring from other places such arms. The Dist. Magistrate extends the time-limit of ownership of explosive appliances if deems fit.

(2) Types of arms kept under licence for self-defence are as under:

- (1) Fat loaded major gun
- (2) 12 bore, single major gun
- (3) Revolver
- (4) Pistol
- (5) Non-prohibited rifle

(3) While issuing licence it may be ascertained that –

- (1) Police has certified that the applicant is not involved in any anti-social activities;
- (2) Certificate is given by distinguished citizens of the society.
- (3) For crop protection license, the applicant should hold agricultural lands and there is danger of damage to agricultural crops by wild animals. He should enquire surrounding his farm/field to ascertain it.
- (4) Since Mamlatdar has knowledge of local situation. therefore, his opinion may be considered.

If any Magistrate has reason to believe that any person has possessed arms or explosive materials ultra vires in the jurisdiction of Dist. Magistrate, he may be inspected under section 22 and 23 of the Act and arms may also be seized.

#### II. Abolition of immoral traffic among women Act, 1956 (including amendments of 1986)

The Sub-divisional magistrate have been empowered under section 2-C of the Act. Their detailed information is given in schedule. He has been assigned other powers under section 15(5), 16, 18, 19 and 20. If any woman or girl is deprived from any property, she should approach to the appropriate Magistrate under section 15(5).

(2) It is revealed from section 16 that the Magistrate may instruct Police officer to shift the women or girl from the property where such activities are going on.

(3) When the sub-divisional Magistrate receives such information from the police or others, he should close such brothels and should get the property vacated.

(4) Any girl may apply to the sub-divisional magistrate for protection in his jurisdiction under section 19.

(5) Magistrate may close brothels on any place. The District Magistrate reviews whether provisions of the Act are implemented by the sub-divisional magistrates properly and effectively.

**III. The cable Television Network (Regulation) Act, 1995 and the Cable Television Network (Regulation) (Amendment) Act.**

The Sub-divisional Magistrate has been empowered as authorised officer under section 2 of the Act.

(1) When the authorised officer has reason to believe that cable operator has violated or has been violating provisions of section 3, 5, 6 and 8, he should confiscate the apparatus used by such operators managing the cable network.

(2) If the authorised officer finds that the cable operator displays some specific programme violating programme code or if such transmission is encouraging disharmony, enmity, vengeance, misunderstanding among various religious, castes and groups and harming public interest, they may be stopped displaying such transmission or retransmissions.

The District Magistrate often reviews to see whether powers delegated to the sub-Divisional Magistrates are properly exercised according to provisions of the Act.

**IV Laws concerning Labour Welfare:**

**(1) Gratuity Payment Act, 1972.**

The Assistant Commissioners of Labour have been declared as controlling authority under Gratuity Payment Act, 1972. They have to work as controlling authority for the applications of non-receipt of gratuity payment Act, 1972 at district level. Recovery certificates are issued to recover amount of gratuity as arrears of land revenue by controlling authority where gratuity is not paid. The collector recovers the amount of gratuity and interest thereon at the rate as order for delayed payment.

**(2) Gujarat unprotected Labour (employment and welfare regulations) Act, 1979.**

If the owners do not pay levy under scheme 1981 under Gujarat Unprotected Labour (Employment and Welfare regulations) Act, 1979, Section 14 of the Act provides to recover the outstanding amount as arrears of land revenue. (Section 14 of the Act, 1979 provides for recovery after deciding amount due from employer and labourers.

**(3) Child worker Act, 1986.**

According to Child worker (Prohibition and regulation) Act, 1986, child worker means such person who has not completed 14 years. 15 occupations and 57 processes have been considered hazardous. A prohibition has been ordered to employ children below 14 years in such occupations. List of hazardous occupations and process is enclosed.

State Government has declared all class-I and class-II officers of the Commissioner of Labour as 'Inspectors' under Gujarat Child Labour (Prohibition and Regulation) Act, 1986. The 'Inspectors' may file any criminal complaint against any person under section 16 of the Act.

**(4) Child Labour Rehabilitation -cum-Welfare Fund Society.**

According to judgement given by Hon. Supreme Court in writ petition No. C/465/1986, the defaulting owner shall be required to deposit Rs.20,000 per child labour in Child Labour Rehabilitation-cum-Welfare fund of the children if a child found in hazardous occupations. The Child Labour Rehabilitation-cum-welfare society has been constituted

in each district. The collector of the respective district is the chairman of the society. The Asst. Commissioner of Labour and S.D.M of restive talukas of the respective district performs duty as secretary of the society.

**(5) Formation of Task Force.**

In view of judgement given by Hon. Supreme Court in writ petition No. C-465/83, task force has been constituted vide Govt. resolution, Labour and Employment Dept. No. ECA-2006/2455/4-M3 dated 19-10-2006 to abolish the evils of child labour. The State Government has formed taskforce under the chairmanship of collector to make free the child labour from the place of work, take their possession and restore them. The Deputy/ Assistant Commissioner of the respective district are its Member-Secretary. Moreover, officers of various departments have been included therein. Meetings are held every month to supervise the work under the chairmanship of collector. Its report is to be submitted to the Principal Secretary, Labour and Employment Department. Officers of various departments are entrusted duties as laid down in the resolution.

**(6) National Child Labour Project.**

Government of India has selected nine districts of Gujarat State viz.(1) Ahmedabad (2) Vadodara (3) Surat (4) Rajkot (5) Bhavnagar (6) Banaskantha (7) Godhra (8) Dahod (9) Kachchh (Gandhidham) under National Child Labour Project for restoration and welfare of child labour. Special schools are opened for these child labourers through voluntary agencies in these districts. As the Government of India has allocated grants, 113 special schools have been started in 8 districts at present.5,714 children have been admitted into main stream of education from these schools. They are paid Rs. 300 per child.

**(7) Establishment of peaceful and congenial atmosphere in industrial fields.**

The Gujarat state is the front runner to establish peaceful and congenial atmosphere in industrial fields in the country. Collector's contribution is very important to see that law, order. Public peace is maintained and in cases of strike and lockout violent atmosphere is not created.

**5. The Bonded Labour (Abolition) Act, 1976.**

This is very important law. In rural and urban areas some persons are forcibly confined and labour is taken from them. They are mentally and physically tortured and they are not given proper employment in lieu of labour. When such situation comes to the notice during inspection by the collectors at district level, such bonded labourers are to be freed from such work. A district level committee has been constituted to review the work under the chairmanship of District Magistrate and Collector at district level, in which work of various agencies to abolish bonded labour and to restore them is reviewed. A committee is formed at sub-divisional level for restoration of bonded labour under section 14 of the Act under the chairmanship of sub divisional Magistrate.

**6. The Poison Act, 1919.**

The sub-divisional Magistrate has power to issue search warrant under section -7 of the Act, when he has reason to believe or suspect that poisonous substances are manufactured and sold against provisions of the Act or rule. When any confiscatory poison is kept or concealed, he has powers to issue search warrant. Work of sub divisional magistrate is reviewed by the District Magistrate under the Act.

**7. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.**

This Act was enacted in 1989 to prevent atrocities to Scheduled Cates and scheduled tribes persons by the Central Government. The State Governments implement the law. The Central Government made rules there under in 1995. They are also implemented by State

Governments. The District Collector reviews implementation of the Act quarterly, in which functioning of police and other officers regarding scheduled castes and scheduled tribes persons are reviewed. Such enquiries should not be conducted by officers below Dy. S. P., A.S.P. the following important provisions have been made for the safeguard for such weaker sections :- arrest of the culprits at once, charge-sheets to be presented against the culprits during a period of two years, immediate medical treatment to suffers by atrocities, financial assistance, restoration. During the trail of the case, proper representation is to be made by Pubic Prosecutor on defendant side and timely proposal for appeal in case the judgement is given against the government. If the Public prosecutor has not represented the case well, a suitable proposal should be submitted to Legal department. All these issues are reviewed by the collector.

Social Justice and Empowerment Department of State Government has constituted a District Vigilance Committee under the Chairmanship of the District Collector. The Committee meets at every quarter and reviews the work done by the implementing agencies. Similarly taluka vigilance committee is formed under the chairmanship of Mamlatdar, in which implementation of the Act is reviewed.

Authority maintaining law and order has to work to maintain peace and order and to prevent atrocities cases under criminal procedure code (according to amended proceedings) under section 17.

### **8. Explosive Substances Act, 1984.**

When it has reason to believe that explosive substances are being manufactured ultra vires under section -7 and rule 179, powers to inspect and confiscate have been vested.

### **9. Petroleum Act, 1934.**

The Central Government/ State Government officer authorised under section 80 of the Act finds any person suspected or has violated laws or found violating or making efforts for it, may enter into any public place, inspect and may arrest any person without notice.

### **10. The Indecent Representation of Women (Prohibition) Act, 1986.**

The State Government has empowered class-I Gazetted officer authorised by State Government under section 5 of the Act that when he finds violation of provisions of the Act, he has powers to enter into any property, to inspect it and to seize any thing there from.

### **11. The Press and Registration of Books Act, 1867.**

The Sub-divisional Magistrate has been empowered to accept affidavit for printing and publicity under section 5 of the Act. Further, he has powers to revoke such notifications under section 8 (B).

### **12. The Bombay Prohibition Act, 1949.**

The District Magistrate has powers under section 4 of the Act, while the sub-divisional magistrate has powers under section 93. They undertake to take surety under section 110 of the criminal procedure code. When gets such information in his jurisdiction or have violated provisions of the Act or has been punished under the Act or often violates the provisions or making efforts to violate or is involved in any such act, the Magistrate takes surety bond for maximum three years.

These provisions are meant to prevent punishable act. Appeal against the order of the sub-divisional Magistrate may be made in criminal court only.



The District Magistrate reviews the work of the sub-divisional magistrate viz. cases entered during month, cases disposed during the month, merits of disposal, pending cases, details of cases pending for more than three months in monthly meeting of law and order.

**13. The Gujarat Public Premises (eviction of unauthorised occupants) Act.**

In case of unauthorized possession of public properties, the sub-divisional magistrate / Mamlatdar and at village level TDO has powers to remove the said person from unauthorised possession.

If a person has unauthorised possession of public properties or any person has given such property on rent to anybody, sections 4, 5 and 7 empowers to proceed against such person. If such person has possession of such public property and does not pay rent for more than two months, or sub-lets the property without sanction of the State Government or makes such efforts that devalues the property or use in such a way that property is damaged or make breach of any condition, action may be taken against such person.

**14. Bombay Rent (Lodging and Boarding) Act, 1974.**

This Act provides to issue licences by the sub-divisional magistrate for hotels, lodges, dharmshalas, boarding. The sub divisional magistrates have powers to renew such licences every year. Proper control, regulation and effective inspection of eating places are very essential. The essential services provided to the people should be pure and proper and the owners are responsible for it. If this is violated the Asst./ Dy. Collector may issue order against house owners for breach of essential services under section 23(1) of the Act. Electricity and water are included in such essential services.

**15. Gujarat Visitors of Prisons Rules.**

Visitors of prisons committee constituted under the chairmanship of the District Magistrate having jurisdiction of the district, reviews jail work. In addition to the District Magistrate, the District Superintendent of Police, the District and Sessions Judge of the respective district, the Civil Surgeon, the Superintendent of District Jails / S.D.M. are the members of the committee.

The committee personally enquires conditions under trial prisoners and women prisoners. It also enquires whether any illegal activity is going on in the Jail.

**16. Moreover, powers have been conferred under securitization Act, Gas Cylinder rules, Telegraphic Act, Electricity Act etc.**

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# Administrative Functions

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### Record Keeping

1. According to provision made in office procedure (for all offices except Sachivalaya), letters/ application are received in the Government offices which results in new files of various subjects. For well-arranged preservation of such records, the Government has decided 6-bundles systems as stated in paragraph 16. Accordingly, the record should be arranged in following six bundles:
  1. Pending papers for disposed.
  2. Await papers for disposal
  3. Periodic statements (MPK-1, MPK-2 etc.)
  4. File of standing orders or circulars (S.O. File)
  5. Papers to be sent to record room for classification.
  6. 'D' class papers.
2. The Government/ Semi-Government letters and applications of the applicants are decide and disposed as per the prevailing laws and rules in this regard. In such circumstances, record disposed is very crucial. As stated in office procedure, the record should be filed as closed files. Arrangement has been made for their classification and destructions, which should be followed. As stated in this book, a method viz. A, B, C, D list is in vogue, according to which, class wise provisions have been made to preserve specific types of files for prescribed years. At the end of the years, the files which have been completed are to be classified as A, B, B-1, C and D in suitable class as per system stated above. It is essential to observe these provisions. If this is not done, records will be piled up. In order to prevent this, the work may be undertaken periodically. According to provisions made for classification of files, unnecessary papers shall be removed, page numbers are given in the file and a stamp with necessary details (which class of record, record for which year, when to be destroyed) is affixed. When pages are added in the file they are given further serial numbers constantly and on completion of file, stamp may be affixed and may be classified in suitable class, so that burden of work may not increase. A list is prepared showing details of files in various classifications. All the files except 'D' class should be sent to record room.
3. At the time of giving order to file, note of classification should be shown on every file. According to classification of file viz., A, B, B-1, C and D, it should be seen that files are sent to record room after 30 years, 10 years, 5 years and one year respectively after the accounts are audited or sanctioned.

Records are classified, but they are preserved in record room even after expiry of period. Files are increasing every year in the record room. Their preservation becomes very difficult and unnecessary records pile up in the record room. Therefore, it is very essential that old files may be destructed as per the procedure lay down by the

Government. Files of various classes should be arranged in such a way that they are immediately available. Details of respective class should be kept on racks.

4. Closed files are to be classified in the Government Offices in view of their importance, usefulness and necessity for reference for administrative requirements. In view of administrative and historic view points and importance, record arrangements have been made in office procedure (For offices other than Sachivalaya Departments). It should be implemented accordingly.
5. Papers will be easily available by proper arrangements of papers according to the office procedure and unnecessary delay taking place in pending issues of the applicants shall be avoided.

### Disposal of Cases – Elimination of Delay

1. Mamlatdar is responsible as head of office to exercise accuracy and for constant monitoring regarding applications received from people and compliance of papers received from higher office or government. Time frame for various citizens' issues has been fixed under the citizen's charter.
2. Mamlatdar is responsible to see that employees working in the office implement office procedure. Introductions have been given to reduce delay in cases in chapter 6 of office procedure as under:
  - (1) List and abstract of fortnightly pending work should be checked. To see whether works-sheets as per Appendix-3 have been maintained and review it.
  - (2) It should be seen whether abstract showing pending cases from Appendix -20 has been prepared as per the form given in Appendix-17.

#### 3. Disposal of case paper within time-limit:

##### (1) List and abstract of fortnightly pending cases:

Noting/secretarial clerk on the first date of fortnight i.e. from 1 to 15 and from 16<sup>th</sup> to onward of the calendar month in the form given in Appendix – 3 should review noting made on last day of a fortnight. Papers received and disposed during fortnight and pending cases as per Appendix – 20 as well number of other pending cases should be prepared as per the form given in Appendix – 17. In the office where there are branches, such abstract for all noting clerks of branches should be collected and details of cases disposed of and pending cases below and above fortnight should be given. Abstract of entire branch should be prepared in form given in Appendix-18. Abstracts received from branches and where there is no branch system, abstracts received from noting clerk should be accumulated in a detailed statement for entire department/ office accumulated fortnightly detailed statement should be submitted through concerned officer to Head of the department/ office.

All Heads of offices of the State should submit to the Head of the department abstract of disposal of cases and remaining cases by 10<sup>th</sup> of every month, Head of Department should accumulate such abstracts from all subordinate offices, add information of own office and should submit to the secretary of concerned Secretariat Department by 20<sup>th</sup> of the month. While sending consolidated abstract to Sachivalaya Department should check whether there is accumulation of work in any office and information on action taken should also be submitted.

##### Measures to dispose cases within prescribed time-limit.

Following instructions should be followed by the Heads of offices to monitor himself so that cases in government offices may be disposed within prescribed time-limit in Government offices:

- (1) Report on cases disposed and cases pending is prepared weekly and a statement is prepared for pending cases and submitted to Head of the office. Similarly, Head

of office should submit the information in the form of Statement to higher officer. The higher officer should submit to Head of the department in the form of statement. The Head of the department should submit such information to the secretary of the concerned department. The above officers should be careful to see that their subordinate officers may send such reports in time.

- (2) Head of office should review work and tours of officers viz. Prant officers, Mamlatdar, Inspector, Circle officer to whom field works are entrusted from the office fortnightly, guide them and in view of pending work insist for disposal of old cases.
- (3) When any case is pending for period exceeding two weeks, the employee concerned should submit list of such cases to the Head of office who is conversant with the cases disposed daily. Every Head of office should make proper arrangement for this in his office.
- (4) Inspecting officers should ascertain at the time of inspection, whether work is done well for cases shown in paras (1), (2) and (3) above and should note it in inspection report.

**2. Register of letters from State Government and Head of the Department.**

A separate register should be maintained to enter letter coming from government or Head of Department and which are to be replied in time and to monitor such letters. Form of register is given in Appendix 19. All the letters received from State Government and Head of department should be entered into this register. Head of office should check the register every week and sign in it, so that the papers coming from government are not delayed.

**3. Check Register:**

(1) The departments like Revenue, Panchayats, Police, where work is going on Tumar system, should enter such letters which are sent for asking report in this register. Form of this register is given in Appendix-20. Such register should be maintained branch wise where there is branch system and where it is not, it should be maintained employee wise separately. When any paper/case is sent to other department or employee for report, such case/paper should be entered into this register and when reply is received or case is returned, the entry should be cancelled by drawing line across the entry. The employee who has cancelled the entry should initial with date. The respective officer should often examine the register.

At the time of monthly meeting, outstanding cases should be earmarked and the Head of the office should give suitable instruction to the employee concerned.

(2) Secretariat departments and offices of the Head of Department should scrutinize and review the outstanding cases which have been decided but remained pending in branches and final orders are yet to be issued should be prioritized and final orders should be issued and intensive efforts should be made for their disposal at the end of quarter. Care should be taken to see that no case may remain pending for more than six months.

**4. Causes of delay in Government work and remedies to remove them:**

**(A) Causes of Delay:**

- (1) The clerk may not have been given sufficient guidance and training;
- (2) Books of rules and Acts and file of orders in the regard are not on hand for disposal of the case;

- (3) Distribution of work among clerks is not proper;
- (4) Reports of incomplete details are asked from subordinate offices instead of report on specific point;
- (5) The details which are to be sought from applicants are asked from subordinate offices;
- (6) Even though the information is available in the office itself, it is asked from subordinate offices;
- (7) Information received from subordinate office is not complete, not as asked for;
- (8) Different facts are written instead of the information asked for.
- (9) There is drawback in office procedure;
- (10) Case is not studied properly and is disposed off negligently;
- (11) Employee has no knowledge or willingness;
- (12) Record is not well arranged.

**(B) Remedies to avoid delay:**

- (1) When information is to be sought from subordinate or other offices, the complete information should be sent to higher authorities;
- (2) If by making some more efforts the information is available from office itself, such efforts should be made and papers should not be sent to other offices;
- (3) If information or opinion from subordinate office is required, it should be clearly written as to which information is necessary and on what point the opinion is required.
- (4) If any information or opinion is sought from the Department, the information and opinion should be given accurately. If supplementary information is necessary, it should invariably be provided, so that no new issue may be raised.
- (5) Writing of correspondence should be clear and to the point so that may not be misunderstood.
- (6) Record of the employee and office should be arranged systematically in bundles;
- (7) In the files of standing orders, it should be ensured that last orders are in the file and index thereof is complete, so that there may not be any delay in finding any order or suggestion from the file;
- (8) Law books should be kept prepared with addition and alterations, so that no wrong decision may be taken;
- (9) Distribution of work among employees should be made equal in proportion and the Head of the branch should inspect the work from time to time and make arrangement for disposal of remaining work;
- (10) The employee should not keep the complicated cases pending but should present to the Head of the branch and get his guidance. The Heads of branch and office should encourage the clerk so that he may be inspired to do so;
- (11) The cases which are pending for want of information from other offices, regular reminders should be sent to them;
- (12) The papers which are pending with other offices since long, officewise lists should be prepared and demi-official letters should be sent through head of office and request him to dispose them at the earliest. This may be repeated at the interval of every week or fortnight.
- (13) For papers pending since long, the question may be posed in coordination meeting held under the chairmanship of collector quarterly.



- (14) Head of office should convene monthly meeting of employees. At the time difficulties regarding their work should be discussed and proper steps should be taken to prevent them;
- (15) Head of branch or office should inspect the record timely and if old papers are lying with employee, guidance should be given to him.
- (16) The employees should not delay work willingly under any circumstances and officers should be vigilant to see that the employees may not adopt unwilling approach.

**Counting of Cases.**

Counting of cases and their time-bound disposal is undertaken every year since 1967 as per instructions of government from time to time.

According to instructions issued vide G.S.; G.A.D. No. VKS/ 2668/ 19 to 22/ ARTD (2) dated 1-8-1986, cases are counted in district revenue offices and offices of District/ Taluka Panchayats on 31<sup>st</sup> December every year and in form of Appendix-A for disposal of cases are sent every year. However, as discussed in the fourth council of collectors counting of cases should be made twice in a year instead of every year.

It is necessary that pending papers may not be piled up and old papers may not be pending. At certain time on account of unforeseen work, current work is held up. The Government holds special campaigns at some intervals for speedy disposal of outstanding cases.

Mamlatdars should scrutinize the cases pending since long and give necessary guidance to dispose such pending cases Mamlatdar has invariably to show details of cases in his monthly diary also. Collector should elaborately review work of Mamlatdar, circle officer, talatis-cum-mantri regarding disposal of cases during his tour to taluka/village and give necessary instructions.

**Clarification regarding counting of cases.**

1. Pending cases and pending papers should be counted separately. The papers received in the office and on which no action has been taken are said pending papers (work sheet arrears).
2. The papers on which procedure has been made but their final disposal may be made if replies from other offices are received are said pending cases (await cases).

Counting of pending cases should be made separately typewise:

- (A) Applications from people
- (B) Matters regarding employees.
- (C) Semi-judicial matters
- (D) Others not included in (A) and (B) above.

You are requested to see that rubber stamp giving following information is affixed on the front page of cases taken for counting:

Office:

Date of counting:

Serial number in counting register:

Case happened on Date:

Age of case on the date of counting:

Cases taken up for counting should be divided into following three parts. Two square pieces of two inches of following colours should be affixed on front page near rubber stamp.

- |       |                                  |   |       |
|-------|----------------------------------|---|-------|
| (i)   | Above two years                  | : | Red   |
| (ii)  | Between 1 years and two years    | : | Blue  |
| (iii) | Between six months and One year. | : | Green |

Pending cases counted and monthly abstract of pending papers should be regularly drawn and Prant officers/ Mamlatdar should sign it.

In view of age of pending cases, await cases, time-limit should be fixed for their final disposal and plan accordingly. After counting of pending cases not disposed and pending case papers, preliminary information on certificate-cum-counting in types 1 to 9 of statement-1 is to be sent in prescribed form by prescribed dates. It should be so arranged that it may reach to the collector office by prescribed date of next month. Mamlatdar should ensure that counting of cases is done in true sense.

**Note:**

Instructions have been issued vide G.C., G.A.D. No. PKN-1088-1874-ARTD (2)-4 dated 22-6-2004 regarding submission of abstract of works-sheets in Sachivalaya and in other Government offices to maintain abstract of worksheets and information of cases, which should be observed by every Mamlatdar. Information should be prepared and submitted in forms decided by the circular:

1. Appendix-I, Pat 1, Works-sheet – work-sheet arrears (monthly)  
Appendix- I, Part 1 Details of pending cases (Await cases) (Fortnightly)
2. Appendix II – Form of case (tumar) register.
3. Appendix III – Part-I Pending work-sheet arrears.  
Appendix III- Part-2 Pending cases (Await cases)

**Statements 1 to 35 prescribed by Revenue Inspection Commissioner (R.I.C.) for review of Revenue Work.**

Revenue Inspection Commissioner has prescribed total 35 statements for points 1 to 35 for monthly review of revenue work of District Collectors vide circular No. MTK-MKM- Vashi-2416- 2006 dated 6-11-2006. Accordingly, monthly work of collectors is reviewed. Statement No. 3 among these shows details of disposal of cases while statement No. 4 shows await cases for want of information. In order to include pending cases and await cases of Revenue offices in the statements received from Dist. Collectors, calculation should be made accurately. On receipt of information from subordinate offices, coordinated information of district should be verified and submitted to Revenue Inspection Commissioner.

### Citizen's charter and Jan Seva Kendra

#### 1. Complaint Book:

Complaint/ Application register is to be maintained upto date in prescribed form as per instructions issued under resolutions dated 30-8-1977 and 28-10-1977 and circular dated 22-1-1985 by General Administration Department to record (1) Complaints / applications received from complaint book and (2) presented in person against public administration on citizen charter Acknowledgements are to be issued to the concerned complainant/ applicant for having received complaint/ application. Such complaints are to be duly disposed within prescribed time-limit.

According to the instructions issued by Revenue Department under circular No. PRC-1093.UO/661 dated 4-5-94, a complaint box is to be placed near the chamber of Head of office at conspicuous place. The complaint box should be opened on every fifteen days and complaint box rojkam register is to be duly maintained regarding complaints/ applications received from it. If there are no complaints in complaint box, zero is to be entered into rojkam register.

#### 2. Citizens Charter: Janseva Kendra (Public Service Centers): E-Seva Society.

Register of Applications on citizens' charter is to be maintained in computerized form. Details of applications received during the month for Citizen Charter, how many have been disposed, how many within time-limit and how many outside time-limit, how many have been disposed positively and how many negatively and how many remained at the end of the month are to be submitted to Prant officer and Collector by 5<sup>th</sup> of every month. Citizen Service Centres are made functional in every taluka to give priority to Citizen Charter under E-governance system.

Applicant should deal politely. The staff should sufficiently respect the applicant. If some staff is discourteous to them, it should be taken seriously.

The State Government has implemented Citizen Charter Programme in the State Vide G.R. G.A.D. No. VHS-1098/1571-ARTD-2 dated 8-10-1998 with a view to dispose the complaints/applications of citizens within time-limit and to make administrative machinery more effective.

- (1) Guide lines have been imparted to create Jan Seva Kendra (Public Service Centres) under citizen charter vide G.R., G..D. No. NAP-102004-838-ARTB-1.
- (2) Instructions have been issued to form E-Seva Society vide G.R., GAD.No.NAP-10204/8380 ARTD-1 dated 19-10-2006, in which collector shall be chairman. Then it has been informed to finalize agreement and Memorandum of association to form 'District E-Seva Society' vide circular dated 4-3-2008. The collector has to take action thereon :
  - (A) Agreement for out-sourcing.
  - (B) Memorandum of Association
  - (C) Rules of District-E-Seva Society

(D) Funds of Society

(E) Accounts and Audit.

Thus, the Collector has to perform duties as chairman of this important institute.

**2. Items covered at Jan Seva Kendra.**

Janseva Kendras have been started in every taluka. Services are provided for various types of demands to citizens from these Jan Seva Kendras. In order to provide citizen facilities quickly from Jan Seva Kendras, the Collector, Ahmedabad, after taking in view the resolutions of various departments, the citizens were provided application forms/certificate forms and with reference to such applications, they were provided with forms and work was started to process the applications, which are under implementation at present. About 75 forms have been made available for facilities of citizens in Ahmedabad District. Then Gandhinagar Jan Seva Kendras added some forms and provided 86 forms for facilities of citizens. Mostly all types of items are included therein following facilities are provided from these 'Jan Seva Kendras':

Sr. No.	Details	Govt. Resolutions and Circular number	Time-limit for disposal (Days)
1	2	3	4
1.	Release Lands for village site	G.R., R.D. No. JMN-3980-5326-G dated 15-2-80.	60
2.	Demand of Land for Government Departments/ Offices.	When Govt. requires land for any state government department/ office under administrative order 3 of Land Revenue Rules.	40
3.	Registered institution/Cooperative Society/ Trusts to obtain govt. fallow lands for non-agricultural purposes.	G.R., R.D. No.JMN-392003-454-of dated 6-6-2003.	120
4.	Demand of co-operative society for Govt. fallow lands for agricultural purpose.	G.R., R.D. No.JMN-398803290(1) dated 15-2-1989.	90
5.	Demand of land for social afforestation.	G.R., R.D. No. JMN-3986-2745-G dated 30-4-1987 (Within limit of 4 hectares)	65
6.	Demand of Land for rearing of 'Zinga' / Fisheries	G.R. R.D. No. JMN-3993-3031-J dated 22-12-1994 and 29-7-1998	90
7.	Demand of Government fallow lands individually for agricultural purposes/ by land office.	G.R., R.D. No. JMN-3988-3280(1) dated 15-2-1989.	120
8.	Demand of Govt. fallow lands individually for non-agricultural purposes	G.R., R.D. No.JMN-392003-454-A dated 6-6-2003	120
9.	Demand of Govt. fallow lands individually for non-agricultural purposes (for physically challenged applicants only)	G.R., R.D., No. JMN-392003-454-A dated 6-6-2003.	120
10.	Demand of Govt. fallow lands individually for non-agricultural purposes (For employees only)	G.R., R.D., No. JMN-392003-454-A dated 6-6-2003.	120

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<b>Sr. No.</b>	<b>Details</b>	<b>Govt. Resolutions and Circular number</b>	<b>Time-limit for disposal (Days)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
11.	Demand of Govt. fallow lands individually for non-agricultural purposes. (For Ex-serviceman only)	G.R., R.D., No. JMN-392003-454-A dated 6-6-2003.	120
12.	To give property on sale/lease out of roads/C.S. Number (For Municipality/ own Panchayat area only)	As per provision of section 65(2) of Gujarat Municipality Act, 1963 and following circular Nos. of urban Development and Urban Housing Department: (1) NPL-4586-4049-M dated 19-5-1988. (2) NPL-4586/4458-M dated 19-5-1988 (3) NPL 1489/840-M dated 25-10-1990. (4) NPL 4594/2369-M dated 20-9-1994. (5) NPL 1096/2163-M dated 18-11-1996. (6) NPL 4598/5935-M dated 12-1-1999.	120
13.	Release of lands for crematorium/cemetery	Section 38 of Gujarat Land Revenue Code,1879, rule 73(1) of Gujarat Land Revenue rules,1972 and circular No. JMN-3988/111672-G dated 23-2-1969.	90
14.	To obtain land on lease for salt industries.	Govt. as provide to give lands on 10 years lease for salt Industries vide resolution No.MDJ-1597/1372/K dated 10-10-2000.	120
15.	Confirm village site and outskirt site yard.	G.R., R.D. No.1008/ 3148-K dated 25-4-1980.	120
16.	Demands to sanction cutting of trees under Panchayats.	As per provision of Saurashtra trees-felling Act, 1951	25
17.	To give sanction to cut green trees in agricultural lands (In private ownership land)	As per provision of Saurashtra trees- felling Act,1951	15
18.	Provision to obtain permission for non-agricultural use of lands (under section 65 of Land Revenue Code)	Section 65 of Land Revenue Code	90
19.	Removal of restrictions on restricted tenures under non-agricultural use of land (under section 65 of Land Revenue Code (on 60 times norm)	G.R.,R.D. No. NSJ-1081/3152-J dated 11-3-1996.	60
20.	Removal of restrictions of new term for agricultural purposes (on norm of 60 times)	G.R., R.D.No.NSJ-1081/3152-J dated 11-3-1996	60

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Sr. No.	Details	Govt. Resolutions and Circular number	Time-limit for disposal (Days)
1	2	3	4
21.	Sanction under section 63 of Tenancy Act.	Section 63 of Tenancy Act and rule 36	90
22.	Sanction under section 63-AA of Tenancy Act.	Section 63AA of Tenancy Act.	90
23.	Sanction to transfer lands for agricultural purposes under section 43 of Tenancy Act.	G.R., R.D. No.NSJ-1088/2023-Jh dated 13-7-1989	90
24.	Exemption from restrictions of non-agricultural purpose of new terms land under section 43 of Tenancy Act.	G.R.,R.D.No.NSJ-1088.2023-JH dated 13-7-1984 and 17-0-1984	90
25.	Sanction of block division under consolidation scheme.	Section 31(1)(B) of Bombay Fragmentation of Holdings and consolidation of Lands Act.	45
26.	Sanction for certified industrial purposes under section 65(B) of Land Revenue Code.	Section 65(B) of Land Revenue code and G.C, R.D.No. BKP-1096/1572-K dated 1-2-1997.	90
27.	Consolidation of agricultural lands	Rule 11(3) of Land Revenue Code, 1972	15
28.	To obtain certificate for being farmer-Land holder	Land Revenue Rules, 1972	15
29.	To obtain certificate for being farmer land holder	Land Revenue Rules, 1972	15
30.	To obtain stamp-vender licence	Govt. R.D. No. dtd. 11-3-94 and Gujarat Stamp supply and sales Rules, 1987.	60
31.	Renewal of stamp vender licence	Govt. R.D. No. dtd. 11-3-94 and Gujarat Stamp supply and sales Rules, 1987.	15
32.	Payment of assistance for death assistance in natural calamities (urban areas)	(1)G.R., R.D.No.CLS-2486-1290-C-4 dated 31-12-86 and 26-10-1989. (2) G.C, R.D.no.CLS-1191/138-C-4 dated 18-3-1991.	07
33.	To obtain small savings agency viz. NSC/KVP/ monthly income scheme.	G.R. Finance Dept. No.SS-1060/H dated 24-9-1960.	15
34.	To obtain agency for Mahila Pradhan Kshetriya Savings Scheme (recurring deposit)	G,R, F.D. No.NBY-102202-M.R.6-B dated 13-3-2003.	15
35.	Obtain Solvency Certificate	G.C.,R.D. No.SLC-3977-A dated 27-7-1977.	10
36.	Obtain Income Certificate	G,R, L.S.W. and T.D.D No. BCR-1080/diary-321-Z dated 5-3-1980.	01

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<b>Sr. No.</b>	<b>Details</b>	<b>Govt. Resolutions and Circular number</b>	<b>Time-limit for disposal (Days)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
37.	To issue O.B.C./Creamy layer certificate	(1) G.R., S.W.D. No.SSY-11940Kh-190-C dated 1-11-1995. (2)G.R., S.W.D. No. SSY-1194-Kh-909-C dated 6-2-1996 and instructions from time to time.	01
38.	To obtain certificate for religious and linguistic minority.	No.SKA/Sh-education/ Scholarship/8192-882-A dated	01
39.	To obtain certificate for socially and educationally backward classes.	According to resolution of Labour and Social Welfare and Tribal Development Department dated 1-4-1978.	01
40.	To obtain certificate of Scheduled Castes/Scheduled tribes	(1) Constitution of India (Scheduled castes) order, 1950.	01
41.	To obtain residence certificate (only for registration with Employment Exchanges)	No. VHT/LP/ 71/Act- 47073 dated 7-10-1971 from Directorate of Man Power, Employment and Training.	01
42.	To issue domicile certificate.	As per Govt. resolutions dated 11-6-94, 12-6-64 and 22-4-64 of General Administration Department	01
43.	Disposal of applications for copies.	As per provisions of Gujarat Land Revenue Rules, 1972.	15
44.	Scheme of financial assistance for maintenance of destitute old and destitute physically challenged persons.	G.R., Social Welfare and Tribal Development Dept.No.BMA-1078-M 5882-Chh dated 25-9-1978.	60
45.	National Family Assistance Scheme (For Municipal areas)	As per provisions of G.R., S.W.D. No. VNP-1095-I-77 Chh-1 dated 25-9-1995 and Govt. of India, Rural and Employment Development Dept. dated 31-7-1998.	60
46.	To sanction assistance for solatium Fund (Hit and run)	Govt. of India has formulated solatium Fund vide notification No. SCO-440-E dated 12-5-1989 for compensation of hit and run after accident under the provisions of section 163(5) of vehicles Act, 1988.	60
47.	Issue of Inheritance certificate.	As per provisions of rule 28 of BCSR (Volume1) and G.R. F.D., No. NTU-1199-934-1-P dated 31-1-2000.	20
48.	Obtain certificate of being widow and income certificate.	G.R., Women and Children Development Dept. No. NUD-112002-1626-A dated 30-7-2003	07

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<b>Sr. No.</b>	<b>Details</b>	<b>Govt. Resolutions and Circular number</b>	<b>Time-limit for disposal (Days)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
49.	Renewal of licence for self defence.	Section 15 of Arms Act, 1959 Rule 54 of Arms rules, 1962 Condition No.14 of Arms Licence (Form No.3)	15
50.	To obtain booking licence/ performance licence for public entertainment programme.	(1) Section 33(1) of Bombay Police Act, 1951 (2) Rule 12 of Licensing rules for entertainment Programme public entertainment places situated in Gandhinagar District (Rural)	35
51.	To obtain 'No objection certificate for petroleum storage'.	Rule 144 of Petroleum Rules,2002	90
52.	To obtain Arms licence for self-defence	Section 3,14 and 14 of Arms Act, 1959	75
53.	To obtain duplicate licence for self-defence.	Rule 58, of Arms Rules,1962	15
54.	Licence to manufacture fire works.	-	60
55.	To obtain permanent licence for sale of fire works.	Section 6-B of Explosive Act, 1884.	60
56.	To obtain temporary licence for sale of fire works.	(1) Section 6-B of Explosive Act, 1884. (2) Rules 154, 156 of Explosive Rules, 1983.	21
57.	Renewal of sales licence for fireworks.	Explosive Act 1884 and Explosive rules, Rule 164(4)	15
58.	To obtain storage licence under Petroleum Act, 1934.	(1) Petroleum Act, 1934 (2) Rules 143, 147, 148, 156 of petroleum Rules, 2002.	75
59.	To obtain licence for storage of poisonous things.	Section 2 of Poison Act, 1919 and rule 4 of Gujarat Poison Rules, 1993.	120
60.	To obtain registration certificate for canteen.	In exercise of powers vested in Dist. Magistrate (Police Commissioner, except city limit) under clauses (X) (A) (1) of sub-section 1 of section 33 of Bombay Police Act, 1951. No. 2 <sup>nd</sup> of Bombay has formed rules for registration certificate to open and run canteen from 18-2-1989.	45
61.	Renewal of certificated for canteen	In exercise of powers vested under clause XAY of sub section 1 of section 33 of Bombay Police Act, 1951 (22 <sup>nd</sup> of Bombay) and rules made there under for renewal of hotel registration since 18-2-89	15



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Sr. No.	Details	Govt. Resolutions and Circular number	Time-limit for disposal (Days)
1	2	3	4
62.	To obtain Video licence	Rules 3 and 11 of Gujarat Cinema (Exhibition by Video) regulation rules, 1984.	90
63.	Dish antenna licence	1) Gujarat entertainment Tax Act, 1977 and rules made there under, 1979. 2) Govt. of India, Cable Television Network Regulation and exhibition through antenna, 1993.	14
64.	To obtain new ration card.	Public Distribution System (Control) Order, 2001.	30
65.	To obtain separate ration card.	Public Distribution System (Control) order, 2001.	30
66.	To obtain Duplicate ration card.	Public Distribution System (Control) order, 2001.	01
67.	To omit/enter names and change of address in ration card.	Public Distribution System (Central) Order, 2001.	01
68.	To issue institutional card.	G.R, F. and C.S.D. No. KTK-1088/4224-K dated 30-6-88.	30
69.	To issue licence for retail/whole sale manufacturer and retail or wholesale licence for petroleum products.	Gujarat Essential Commodities (Licences, Control and Declaration of stock) Order, 1981.	45
70.	Change of place in licence of retail/wholesale manufacturer (Wholesale or retail) of petroleum products.	Gujarat Essential Commodities (Licences, Control and Declaration of stock) Order, 1981.	30
71.	Application for change in partnership of retail/wholesale manufacturer (wholesale or retail) licence for petroleum products.	Gujarat Essential Commodities (Licences, Control and Declaration of stock) Order, 1981.	30
72.	Sanction of new Govt. recognized Fair Price shop, Pandit Dindayal Grahak Bhandar.	Collector gives advertisements in news papers and invites application to start fair price shop in place of closed fair price shop or to start new fair price shop in new area. Applicants shall have to apply for it.	50
73.	To issue institutional kerosene permit	Circular No. ATL-KSN-4601/99 dated 8-2-2000 from Directorate of Civil Supplies.	30
74.	To issue Solvent licence.	Solvent trade, user and Manufacturer (Refinet and slops procurement, sales and storage and restrain their use in automobiles) Order, 2000.	45

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Sr. No.	Details	Govt. Resolutions and Circular number	Time-limit for disposal (Days)
1	2	3	4
75.	To issue registration certificate for free sale kerosene.	According to letter no. ATL/KSN-Free sale Kerosene- 4839/ 2004 all parallel sellers dealing in free sale imported Kerosene from Directorate of Civil Supplies, Gandhinagar dated 3-11-2004.	30
76.	Extension of time-limit for construction on plot allotted at concessional rate.	G.R., R and B. Dept. No.LND-1095/1981-A-1 dated 24-4-98, 5-4-03 and 25-4-06.	07
77.	To obtain 'No-objection certificate required for loan from Bank, L.I.C. and other financial institutions for construction on plot allotted at concessional rate.	G.R., R.D. No. JMN-3987/1218-01 A dated 28-10-91	01
78.	Regularise delay in construction on plot allotted at concessional rate.	G.R., R & B Dept. No. LND-1095-1981- A-1 dated 24-4-98, 5-4-03 and 15-4-06.	01
79.	To issue certificate for preliminary test for Learner's licence to drive vehicle.	Motor Vehicle Act, 1988 Rule of Centre-10 Form-2.	01
80.	Proceeding under Right to Information Act, 2005.	Rules 3 (1) of Right to Information Act.	-
81.	To recover land revenue, Local fund, education cess, occupancy right, difference in price, permission to sell, transfer, premium and rent for shop.	-	01
82.	All types of Affidavits.	-	01
83.	To transfer plots of Gandhinagar city on sale.	As per order given with prior sanction of Road & Building Department.	60
84.	Application to inherit plot	According to Inheritance Act.	60
85.	Avail benefit as affected person of Gandhinagar Capital	G.R., Roads & Bldg. Dept. No.0-11408-G-R dated 26-10-7-.	60
86.	To obtain assistance as widow	-	60

## Co-ordination with other Departments of the State Government

The role of Collector is very significant, directly or indirectly in implementation of activities of various plans/schemes undertaken by other Departments of State Government. The Collectors have been entrusted with the various responsibilities for effective implementation of activities by various Departments, Collector is expected to periodically review, co-ordinate, Supervise and Control all Schemes and functions of various Departments. The details of the functioning of various Departments are as under.

### 1. General Administration Department.

Collectors undertake very important activities and implementation of various schemes enforced by General Administration Department of the State Government such as schemes for welfare of employees of the State Government, activities for welfare, pension assistance and rehabilitation of freedom fighters of the State etc. Besides, the Collectors also undertake activities of verification of citizenship on behalf of the General Administrative Department.

1. The State Government undertakes the work of implementation of welfare activities for the employees at the District level in all the districts. This includes various problems of employees, education, health, cultural programs, sports, organizing the festivals, consumer stores, sewing classes, embroidery classes, starting of medicines bank, starting of book banks etc. All such activities are undertaken by a Committee constituted under the chairmanship of Collectors. These schemes are implemented under General Administration Department's G.R. No. SGA-1072-Welfare, dtd. 16-4-1974. The G.R. has been amended from time to time. The Welfare Committee at District level has been provided with some funds also and the fees are also charged as per prescribed rates.
2. The District Level Committee for addressing the problems of Non-Resident Indians (NRIs) has been constituted vide GAD's G.R. No. BNG-1098-258-NRI, dated 24-5-1999. The District Level Committee under the chairmanship of District Collector reviews various issues such as addressing the problems of Non-Resident Indians, providing them guidance, protection of their rights, facilities to be provided to them during their visits to the State of Gujarat as well as representing their problems by the State Government in the Central Government.
3. As per GAD's G.R. No. SNS-1080-3658-GH-1, dated 18-11-1999, it has been provided that after presenting a verification report in the Committee constituted under the chairmanship of Collector, the matter can be referred to the State Government regarding sanctioning of life-time pension to the adopted daughter/widow daughter/mentally challenged son or daughter of the freedom fighters.

#### (1) Decentralized District Planning – District Planning Board.

In the State of Gujarat, the decentralized district planning programme is in operation since the year 1980-1981. The District Planning Board has 6 components:

1. Discretionary provision,
2. Incentive provision,
3. Development of geographically backward areas;
4. MLA's local development programme fund;
5. Provisions for 30 developing talukas;
6. MPs (Member of Lok Sabha and Rajya Sabha) local development programme fund

Under Direct supervision of planning division of General Administration Department of the State Government, the District Planning Boards have been constituted at District level. The District Planning Boards sanction the small community based development works which are of missing link type under Minimum Needs Programme.

At the District level, the Minister in-charge of the District is the chairperson of the District Planning Board and the co-Minister in-charge is the co-chairman. In the District Planning Board, the President of District Panchayat acts as the Vice President, whereas the Collector acts as co-Vice President of DPC. The District Planning Board undertakes the work of giving financial and administrative sanction to the works of discretionary provision (15 per cent), works of incentive provision (5 per cent) works of special budgeting (80 per cent) works of MLA grants, MP's (both members of Lok Sabha and Rajya sabha) grant, works under Special Backward Areas grant etc. at District level. This is under direct control of Collector. The meeting of the Planning Board is convened every four months; wherein the works of giving sanctions to above mentioned grants are undertaken, besides review of progress and quality of the works. Besides, Collector is chairman of District Planning Committee of District Planning Board. In the meeting, the Collector reviews the works of the schemes such as discretionary grant, incentive grant, special backward areas grant, 30 developing talukas' grant, MP/MLA Fund's grant etc.

The Collector is co-chairperson of DPC in the District. He also looks after co-ordination of district plan and election of Planning Committee.

(2) Protocol: - At State level, General Administration Department looks after Protocol work. At District level, GAD has entrusted all the responsibilities of Protocol to the Collectors. The important functions of Protocol include to receive the President of India, Vice President of India, Prime Minister of India, Chief Justice of Supreme Court of India, Justice of Supreme Court of India, Ministers of Government of India, all other VIPs included in the Protocol list of Government of India, Governors of India, Chief Minister of the concerned State, any Minister of the Cabinet of State Government, Chief Justice of Gujarat High Court, Speaker of Legislative Assembly, Justice of Gujarat High Court, any other VIPs in the Protocol list of State **Government as well as those persons whom the State Government declares as State Guest and makes a visit to the concerned District and to perform Protocol duties in their regard.**

(3) Right to Information Act, 2005.

The Administrative Reform Department of General Administration Department performs the functions of implementation of Right to Information Act. The Right to Information Act, 2005 of Government of India is implemented in the State of Gujarat since 12<sup>th</sup> October, 2005. **Under this Act, the provision has been made for ancillary matters related to Central Information Commission and State Information Commission for constituting practical administration of Right to Information, so that the citizens can get information about working of public authorities to bring about transparency and accountability among each public authority. It is required to appoint such number of Public Information Officers and Assistant Public Information**

Officers considering the distribution of work and responsibilities as well as considering the administrative convenience in each public authority (including all departments of Government and their subsidiary offices under their administrative jurisdiction) for providing information which is eligible to be provided under Section 5(1) of the Act to the citizens who seek such information. Under section 19(1) of the Act, the officer holding the higher status than the Public Information Officers automatically becomes an Appellate Officer in the Public authority. However, it is necessary to issue the orders to appoint the Appellate Officer from administrative point of view so that all working in administration as well as to the concerned citizens and there is no confusion. The citizens seeking the information can directly address their application to the Information Officers or to the Assistant Public Information Officers, as the case may be, and can have an access to the required information. Besides, as per section 4 of the Act, each Public authority is required to make proactive disclosure of the information on 17 stipulated points. In Collectorates, usually a Class-I Officer in the office is Public Information Officer and against the decision taken by such Public Information Officer, Collector/Additional Collector is an Appellate Officer. **For implementation of this very important legislation in the District, Collector at District level, assures responsibilities.**

### 2. Finance Department

The responsibility for implementation of schemes enforced by Finance Department of the State like Pension, Insurance etc. are carried out at District level by District Treasury Officer and other officers associated with financial matters. The co-ordination and supervision with these officials is very important. The pending cases of beneficiaries of schemes **implemented** by Finance Department are disposed of by the officers of concerned department; review of pending cases is done by collector in Co-ordinated matter. The functioning of Collector is very important in redressing the difficulties faced by the pensioners, as well as, in solving the difficulties faced in implementation of Government insurance scheme at district level. The Collector co-ordinates and supervisor following schemes directly or indirectly.

1. **If a deceased pensioner, at the time of his retirement was a non-gazetted employee, the competent officer is the officer drawing pay and allowances of the employee before his retirement and if the pensioner dies after payment of pension, the concerned Collector of the District from the Treasury where he drew his last pension is the competent officer.**
2. Under Gujarat Civil Services (Pension) Rules, 2002, Rule 9/34, the concerned Collector of the district has been delegated the powers of head of department.
3. As per Finance Department of State Government G.R. No. NBY-102002-MM-2-6-B, dtd. 17-3-2003, the office of Regional Director of National Small Savings, Ahmedabad has been closed. Now in **urban** areas District Collectors have been empowered to give sanction License to the small savings agencies and to renew them. Besides, the Collectors are empowered to sanction/renew the women's field savings scheme, pay-roll savings group and savings (Sanchalika) schemes.
4. Vide Government's Finance Department G.R. No. NBY-1098-69-B, dated 16-7-2004, the Collectors are empowered to delegate the powers to the sub-ordinate Class-II Officer to sanction/renew the agencies for women's field small savings scheme and PPF scheme.

(1) Small Savings.

The Finance Department has entrusted the functioning of small savings to the Collectors at district level. Every year, the Central Government decides the target of State Government for investment in small savings and the same are given to Collectors at district level. The District Collector further distributes these targets for urban and rural areas and every month, a review is taken in the co-ordination meeting. Besides, Collector issues licenses to the agents for small savings, renews the licenses and carries out all other function related to licenses. The Collector co-ordinates the activities of Pay roll of employees, functioning of Mahila Bachat Samruddhi Yojana, Small Savings camps at taluka and district level. Collectors also make efforts for promotion and publicity of small saving schemer.

(2) Functioning of Collector regarding Commercial taxes.

The functioning of Collector in respect of the Commercial taxes (Sales tax) is very important. The Collectors, vide GAD's orders dated 17-3-2004 have been declared as ex-officio Additional Sales Tax (now Commercial Tax) Commissioner. In this context, the District Collector has **responsibility** for the following functions of Commercial taxes.

1. To prepare provisional estimates of income from receipts of commercial taxes in respect to agricultural produce, forest produce and mineral produce of the district.
2. To see that tax received from various contract being implemented is as per actual estimates.
3. To keep a check on evasion of taxes by keeping a vigil through check posts of the District.
4. To periodically review and ensure tax collection from all defaulters.

**3. Home Department**

At District level, the Collector also holds the position of District Magistrate. He has to perform his duties as District Magistrate under direct supervision of Home Department of the State. As District Magistrate, he has to ensure Law and Order prevails in the district head of District Police Administration. He has to carry out his duties as District Magistrate keep in mind various instructions issued by Home Departments of Central and State Government. He has to comply with the various instructions issued by home department such as Compendium of Instructions; Civil Defense (Operations, Organizations and Training). War Book (Gujarat State), 1999 along with the instructions of Intelligence Department under Home Department. Besides, as District Magistrate, he has to maintain the important confidential record under the Distribution list of officers using the civil cipher system-2004, issued by the Director, Intelligent Bureau of Home Department, and Government of India. The Collector, in the capacity of the District Magistrate has also to perform the responsibility as contained in a confidential document, Terrorism, A Gujarat Perspective and Action Plan, issued by Criminal Investigation Department of State Government. Besides, he has to perform the responsibility as District Magistrate under Criminal Procedure Code, 1973, Bombay Police Act, 1951, District Police Act, Arms Act and Rules made there under, under direct control of Home Department.

**4. Education Department**

The Education Department of State Government includes Primary Education, Higher Education and Technical Education. At State level, the educational programs of primary, higher and technical education are implemented by respective Head of Departments. At the district level, there are some important offices and institutions such as District Education Officer,

District Primary Education Officer, District Adult Education Officer, Continuous Education Officer, Principal, Polytechnic, Central School, Jawahar Nehru Vidyalay, Education, and Research & Training Institutes. These offices implement various schemes of Primary Education, Secondary Education, Adult Education etc. viz.; School admission festival, Girls Education campaign, Vidyaxmi Bond, Literacy Campaign, Vidyadeep Yojana, Gyan Ganga Yojana, N.S.S., N.C.C. etc., and Collector ensures that these activities and programs are carried out in an efficient manner. The Collector perform a very significant role of chairman of various district level committees such as of district level Adult Education Committee, District level Literacy campaign Committee, as district level committee for Continuous Education, District level Committee for school admissions festival and girls education mission. The Collector co-ordinates the administrative and educational activities of Central schools and Jawahar Navoday Vidhyalaya as Chairman of District level Committees set up for this purpose.

### 5. Social Justice and Empowerment Department.

There are 3 Departments under the Social Justice and Empowerment Department of State Government – (i) Social Justice and Empowerment (Welfare of Scheduled Caste and welfare of Socially and Educationally Backward Classes), (ii) **Tribal Development**, (3) Social Defense.

The Collector co-ordinates the activities of all these three Departments at district level wherein the most important function is to carry out activities under Scheduled Castes, Scheduled Tribes Atrocities (Prevention) Act, 1989.

#### (i) Welfare of Scheduled Caste and welfare of Socially and Educationally Backward Classes.

The Collector carries out functions as ex-officio chairman of special Vigilance Committee for Scheduled Castes and Scheduled Tribes. Collector reviews the implementation of important schemes for welfare of Scheduled Castes and Scheduled Tribes on regular basis. Besides, the District Collector also supervises implementation of various schemes in capacity of ex-officio Chairman of committee for Tribal Area Sub Plan (TASP) and Scheduled Castes Special Plan (SCSP).

District Collector takes a review of implementation of various schemes for welfare of socially and educationally backward classes and those of Specially Backward areas.

Collector also Co-ordinates work related to individual schemes, bankable schemes, and subsidy schemes, implemented by various boards/corporations at the district level. Besides, this he also takes detailed review in the District level Bankers' Committee meeting for implementation of individual and community based schemes.

#### (ii) Tribal Welfare.

The instructions issued by tribal development department on 17-8-1999 regarding planning and discretionary provisions made under New Gujarat pattern. The Collector, also at as Chairman of District Tribal Executive Committee and Coordinates various function in this regard.

#### (iii) Social Defense.

(1) Collector, besides his regular duties, has also to take care of vary important responsibilities related to social security. This work needs extra attention **and sensibility** because it touches the welfare of most needy people of the society. Following social welfare schemes have been implemented by Central and State Governments wherein the Collector has to play a very vital role.

- i) Scheme for aged destitute and disabled (State Government Scheme);
- (ii) Scheme for providing assistance to destitute widows (State Government Scheme);
- (iii) Vay Vandana Yojana/National Scheme for Old Age Pension (State Government Scheme);
- (iv) Sankat Mochan Yojana/National Family Assistance Scheme (State Government Scheme).

All these schemes have been included within in Citizens' Charter; Collector should ensure that no delay is done in sanction of applications under these schemes. Collector is expected to reviews the implementation of these **schemes** from time to time.

- (1) Scheme for Assistance to destitute aged and disabled.

Any destitute aged person whose age is 60 years or more) and any destitute disabled person (whose age is above 45 years) and not having an adult son and whose individual annual income is less than Rs. 2400/- and whose annual family income does not exceed Rs. 4500/- are eligible to get assistance under this scheme. The beneficiary gets assistance of Rs. 200/- per month. If a beneficiary is above the age of 65 years, he is eligible for assistance under National Old Age Pension Scheme. A beneficiary gets Rs. 200/- p.m. and also gets additional Rs. 70/- p.m. After receiving the application, the Prant Officer forwards it to concerned Mamlatdar for verification. The verification is being done through Talati and Circle Inspector. The process takes quite a long time. The completion of verification also causes concern. Therefore, a checklist has being prepared. The Mamlatdar should fill this checklist completely and should forward it to prant officer with his opinion and recommendation. After receiving the application, Prant Officer should not make any delay. The applicant must be informed about approval or rejection of his application. When the application is rejected, the causes of such rejection should be communicated to the applicants. Besides, it should also be informed that he can file an appeal to the Collector against the decision.

The amount should be paid through Money Order through the Post Office. Often the M.O. is returned when the applicant is not available at the given address. This may happen when the applicant is dead or has gone out for some period of time. In order to save on M.O. charges; the M.O. should be dispatched every two months.

- (2) Scheme for assistance to destitute widows for their rehabilitation.

The scheme is entrusted to Prant Officer for its implementation since 1-8-2003. Prant Officer can sanction the application or can reject the application but the amount to beneficiary is distributed by the concerned Social Defense Officer. The eligibility criterion for availing of benefit under this scheme is that any widow between the ages of 18 to 60 years and having no adult son can **sanctioned** assistance. After 60 years, she automatically becomes eligible for old age pension scheme. Her annual individual income should not exceed Rs. 1200/- and the annual family income should not exceed Rs. 3600/- and should not have an adult son and she should have applied within a period of one year after the date of death of her husband. The application should be made in prescribed Performa and should be addressed to Prant Officer and should include the necessary documents such as the death certificate of the husband, certificate of income, birth certificate of the child etc. (The age of maturity under this scheme is 21 years).

The scheme provides two categories of benefits. In first category, is for widows between the age group of 18 to 40 years and the second category for widows between 40 to 60 years. In case of first category, a widow applicant has also to give her consent if she is willing to join the government approved training course and obtain occupational training. Each widow beneficiary



gets assistance at the rate of Rs. 500/- p.m. Besides, she gets Rs. 80/- per minor child upto the limit of two children.

As per the orders under the scheme, the income from household work is not be reckoned as income. The order under the scheme should be made very carefully because once the application is rejected; there is no provision for filing an appeal.

(3) Vay Vandana Scheme: - As per G.R. No. NSAP-102002-I-246-Chh, dated 6-1-2005 of the Social Justice and Empowerment Department of the Government, the national old-age pension scheme has been given a new nomenclature, Vay Vandana Scheme. The scheme originally belonged to Government of India but is now transferred to State Government. Under the scheme, the destitute aged person above the age of 65 years is to be provided with assistance of Rs. 75/- per month.

(4) Sankat Mochan Yojana: - Vide G.R. No. NASP-102002-I-246-Chh, dated 6-1-2005 and dated 18-1-2005 of Social Justice and Empowerment Department of the Government, the national family assistance scheme has been renamed as 'Sankat Mochan Yojana'. Earlier, this was a Government of India Scheme but how it is transferred to Government of Gujarat. According to the scheme, if a main earning person of the family dies either naturally or even in unnatural circumstances or dies due to an accident, the family is entitled to the financial assistance upto Rs. 10,000/-. The deceased person should be within the age of 18 to 65 of years and should be BPL.

The Collector is also supposed to implement the following schemes:-

- (i) Implementation of provisions under Disability Act, 1995;
- (ii) Providing STD/PCO to educated unemployed, blind, disabled persons.
- (iii) Programme for rehabilitation of person with disability;
- (iv) Implementation of Dowry Prohibition Act, 1961.

## **6. Agriculture and Horticulture Department.**

The District Agriculture Officer and the District Deputy Horticulture Director are responsible for implementation of various schemes of farmers' welfare implemented by the Agriculture and Horticulture Department. Whether there is any impact of working of these officials at district level on farmers or whether the farmers have any problems etc. is reviewed by the Collector. The Collector co-ordinates following very important schemes of Agriculture and Horticulture Department directly or indirectly.

1. AGR-23, 24 - A Programme for motivating entire village to cover under Horticulture farming.

Especially the villages under major irrigation projects, command areas of Narmada, Ukai, Kakdapar and Kadana get benefits under this scheme. A provision is made to provide grant worth Rs. 5.00 lakhs to the village Panchayat of the selected villages to equip the villages with facilities for irrigation, pipeline, drip sprinklers, transport facility for products etc. for facilitating the modern techniques of farming in the village. The benefit is available to those selected villages where all the farmers have adopted horticulture farming. For availing the benefit, the concerned village Panchayat has to pass a resolution and has to apply to the Assistant or Deputy Director of Horticulture. The applications are placed before the Committee under the chairmanship of Collector which verifies the date of applications received and make selection of the village for providing benefit. The selected village gets one-time benefit under this scheme. The beneficiary village has to keep and produce the accounts before the Committee and also has to give utilization certificate to the Deputy Director, Horticulture before the end of financial year.

2. Implementation of Agriculture Relief Package in cases of damage to the crop due to heavy rains or floods.

Sometimes Due to heavy and continuous rains, the crop fails. The crop is also damaged by heavy floods and due to covering of crop by mud and clay from rivers flooded by water. The land is often damaged and made unfit for agriculture due to water logging in fields or due to change in flow of rivers. The agriculture lands in hilly areas get damaged by stones, sand, mortar which comes down due to rains, or otherwise. In order to provide relief in such situation, the Government usually declares Agriculture relief package. It includes the following:-

1. Agriculture Relief Package:-

Package-1:- The input assistance to farmers to compensate damage by crops.

Package-2:- Relief to compensate damage to the land washed away or otherwise.

Package-3:- Assistance for seeds.

The norms for assistance are as below:-

**Package-1:-** Input Assistance to farmers to compensate damage to crops.

The input assistance to the farmers is available under calamity relief fund, in respect of damage to agriculture or horticultural crops to the extent of 50 per cent or more.

Sr. No.	Type of farmer	Details of crop	Norms for assistance per hectare	Remarks
1.	Small and Marginal Farmers	1. Non-irrigated agriculture/ Horticulture crops	Rs. 2000/- Per hectare	This assistance is available for non-irrigation agriculture/ horticulture crops in proportion to the damage but not less than Rs. 250/-
		2. Irrigated agriculture/ Horticulture crops.	Rs. 4000/- per hectare	This assistance is available for irrigated agri. /horticulture in proportion to the damage but not less than Rs. 250/-.
		3. Multiple crops	Rs. 6000/- per hectare	This assistance is available for multiple crop damage in proportion to the damage but should not be less than Rs. 500/-.
2.	Farmers other than Small and Marginal Farmers	1. Non-irrigated farming/ Horticulture products.	Rs. 2000/- per hectare	(A) This assistance is payable per farmer maximum for one hectare of damage for first time damage.
		2. Irrigated farming/horticulture farming.	Rs. 4000/- per hectare.	(B) If damage is for continuous second time, to the same farmer in the same area to the extent of 50% or more, the assistance is payable to the farmer for maximum of 2 hectares of damage.
		3. Multiple crops.	Rs. 6000/- per hectare.	

**Package-2:-** Assistance against damage to agricultural land for land washed away or otherwise.

Under the package, the assistance is being paid to the small and marginal farmers from calamity relief fund, whereas in case of farmers other than small and marginal farmers, the assistance is paid from the State Government's Funds. The provision is made for following type of assistance to affected farmers:-

Sr. No.	Type of farmer	Details of crop	Norms for assistance per hectare	Notes
1.	Small and Marginal Farmers	1. For removing of clay, mud, sand etc. to the extent of more than 3 inches from the land.	Rs. 6000/- per hectare	With regard to the layer of stone, sand, clay, mud etc. to the extent of 3 inches or more, as in (1) the certificate from Assistant Director (LA) of Land Development Corporation or from Agriculture Officer (LA) is required.
		2. For removal of garbage etc. from agricultural land in hilly areas.	Rs. 6000/- per hectare	
		3. For heavy damage to land due to falling of rocks, snow-fall or due to change in flow of rivers.	Rs. 15000/- per hectare	The assistance at No. (3) Will be available only to those small and marginal farmers whose damage has been established as per revenue record.
2.	Farmers other than small and Marginal farmers.	1. For removal of clay, mud, sand etc. from agricultural land.	Rs. 5000/- per hectare but for not exceeding 3 hectares.	With regard to layer of stone, sand, clay, mud etc. to the extent of 3 inches or more, as in (1), the certificate from Asstt. Director (LA) of Land Development Corporation or from Agriculture Officer (LA) is required.
		2. For removal of garbage etc. from agriculture land in hilly areas.	Rs. 5000/- per hectare but for not exceeding 3 hectares.	
		3. For heavy damage to land due to falling of rocks, snow-fall or due to change in flow of rivers.	Rs. 5000/- per hectare but for not exceeding 3 hectares.	The assistance at No. (3) Will be available only to those small and marginal farmers whose damage has been established as per revenue record.

**Package-3:-** Assistance for Seeds for re-plantation:-

Since the expenditure under this scheme is not sanctioned in calamities relief fund, it has to be met from the State Government's Fund.

Sr. No.	Type of farmer	Details of crop	Norms for assistance per hectare	Notes
1.	Small and Marginal Farmers	Hybrid-breed cotton, ground nut and B.T. cotton.	75% of the sale price of the seeds but not exceeding Rs. 1000/- per hectare for assistance in purchase.	Within land holding limit.

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Sr. No.	Type of farmer	Details of crop	Norms for assistance per hectare	Notes
		Other crops	75% of the sale price of the seeds but not exceeding Rs. 750/- per hectare for assistance in purchase.	Within holding limit.
2.	Farmers other than Small and Marginal Farmers.	Hybrid cotton, ground nut and B.T. Cotton.	50% of the sale price of the seeds but not exceeding Rs. 1000/- per hectare for assistance in purchase.	Not exceeding 3 hectares of land.
		Other Crops	50% of the sale price of the seeds but not exceeding Rs. 750/- per hectare for assistance in purchase.	not exceeding 3 hectares of land.

All the benefit under above packages 1 to 3 are to be paid to the farmer of the districts, talukas and villages, which are declared as affected by the Committee constituted under the chairmanship of the District Collector.

For the purpose of the scheme, there is a district level Committee under the chairmanship of Collector which declares the villages as affected ones and also to review its implementation from time to time. It would include District Development Officer and the District Agriculture Officer will be its member-Secretary. This Committee will declare villages as affected ones, if anyone of the of following circumstances/conditions are there (i) wherein cash dole has been paid by the Revenue Department (ii) the buildings have collapsed (iii) When the rainfall is more than 70 per cent of average (iv) When the excessive water has been released from upward area and when migration has taken place.

### 7. Animal Husbandry.

The responsibility of implementation of various activities and schemes for welfare of people involved in occupation of animal husbandry and the schemes for protection of the animal of the State is enforced by the Animal Husbandry Department of the State and at district level lies us with Deputy Director of Animal Husbandry. Collector reviews his working to find out whether there is any impact of such activities undertaken at district, taluka and village levels. He also reviews the problems faced by people rearing animals. In short, Collector co-ordinates, directly or indirectly, following of the important schemes of animal husbandry Department.

Under several Circulars, Resolutions and several Rules, the Collectors have been empowered by the Animal Husbandry Department:

1. Gujarat Animal (Restriction on import) Order, 1982:- Under this order, the Collector has been empowered under section 3 of the Act, vide Government Resolution No. GH-KM-202/(A)/LBS/1182/1964-(P)(1) to restrict the import of animals and person aggrieved by the order of Collector can file an appeal to the State Government under section-4.
2. Gujarat Milch Animal and draught Animal (Transport and Control) Order, 1983 :-

Under this Order of State Government dated 9-8-1983, the Mamlatdars are empowered to issue permit for transporting of draught animals and milch animals. The Collectors, under

section 5 of the Orders, are empowered to examine and also to take custody of such transported animals at any place in a vehicle, ship or any other means.

**8. Forest and Environment Department.**

The responsibility of various activities and schemes for conservation of forests or preservation of environment as well as forest animals is vested in Deputy Conservator of Forest at District level. The Collector reviews the impact of this activity being carried out by this officer at district level, on conservation of forests, preservation of forest animals and preservation of environment at village level. Besides, the District level Forest Festival being organized by the Department every year is organized under the chairmanship of the Collector, under which various important agencies and at activities such as involving the primary schools, high schools, colleges, agricultural-nursery, social forestation, preservation of wild animals etc. are co-ordinated directly or indirectly by the Collector.

The Forest and Environment Department undertakes several activities such as plantation on sides of canal and rail-tracks, rural a forestation, a forestation on private plots, distribution of plants, decentralized plantation center, plantation center by women, public forestation, eco-development scheme, activities under Saurashtra felling of Trees Act, certification by Sarpanch for transportation of goods, trees on private and public plots, working of Gujarat Pollution Control Board, working under Environmental Protection Act, Air (Prevention and Control of Pollution) Act, 1958 of Forest and Environment Department and Notification dated 4-6-1993 and provisions of Water Act, 1974 etc. etc.

In all these activities, Collector plays an important role especially but allotment of plot in *Gauchar* or Government land etc. The Committee appointed under the chairmanship of Collector at district level, makes a review of work done by Deputy Conservator of Forests at district level. Encouragement and guidance are provided in matters like forestation, rural forest rearing, distribution of plants in schools, nursery, women's nursery etc. In order to build the decent, clean, development-oriented and green cities by under taking urban forestation scheme and for implementation of urban development programme through people's participation under urban forestation scheme, the Government have planned to provide basic amenities in urban areas and to make the towns green with urban forestation to meet a great challenge of providing all amenities to citizens focusing on speedy process of urbanization. For this purpose, the urban forestry plan, Green Belt, Block planting, Panchvati, Panchvati forest Smriti Van, Rashi Van, Nakshatra Van, Punit Van etc. have been planned. This has to be coordinated and supervised by Collector at district levels.

**9. Health & Family Welfare Department.**

It is the responsibility of District Health Officer to implement various schemes enforced by Health and Family Welfare Department of State Government such as Family Welfare, Eradication of T.B., Eradication of Leprosy, Eradication of Malaria, Eradication of blindness; programme of mother's health-care, polio immunization, immunization, primary health center, community health center, civil hospitals, disabled aid centers, epidemics, any programme of health and welfare etc. The Collector reviews the activities of this officer carried out at district, taluka and village levels. Besides, for achieving the target of family welfare such as Vasectomy, Tubectomy, Oral Pills etc., the Collector co-ordinates with all the officers of the district. Besides, the Collector co-ordinates following important schemes of Health and Family Welfare directly or indirectly.

(1) National Rural Health Mission (NRHM):-

Vide State Government's Health and Family Welfare Department G.R. No. PHC-1005-GOII10(2)-B, dated 29-8-2005, the District Health Mission has been constituted at District level, and several district level societies such as maternity and child health, eradication of TB, eradication of Leprosy, eradication of Blindness, Malaria, AIDS Control etc. have been amalgamated in it.

District Health Mission mainly aims at providing qualitative health services in most simple way, especially to the people living BPL in rural areas, women and children.

District Collector is the co-chairperson of District Health Mission, the acts as chairperson of governing body of District Health Society. The National Rural Mission covers mainly following important programmes:-

- A. `Maternity and Child Health;
- B. Special programmes under National Rural Health Mission;
- C. Immunization;
- D. Other National programmes;
- E. Objective centralization at divisional and inter-divisional levels.

(2) Patient Welfare Committee:-

Vide State Government, Health and Family Welfare Department's G.R. No. MIS-102002-352-A, dated 14-9-2004, has decided to form Patient Welfare Societies in 23 hospitals at district level.

The Patient Welfare Committees have been constituted with a view to strengthen the health-care services in General/Civil hospitals. It has mandate to redress the problems related to establishment, financial management and other requirements in view of the existing situation. It is expected to make an efforts to undertake overall development of the hospitals and also to improve and maintain the quality and level of services, to undertake the works with people's participation, to achieve economic co-operation from different available sources including well-to-do people for providing best services to diseased persons and citizens of the State and with an aim to make the hospitals neat, clean, decent and facilitating Government have appointed District Collectors as chairperson of the Patient Welfare Committees. The Patient Welfare Committees have been constituted under Societies Registration Act, 1961. The sources of income for Patient Welfare Committee includes donation received in hospitals, income from user charges levied in the hospitals, grant-in-aid from Government, donations received from industrial houses etc. This amount is utilized for welfare of patients, for making hospitals neat, clean and comfortable, for maintenance of hospital buildings and equipment's, for repairing and for providing best qualitative services to the patients.

(3) National Leprosy Eradication Programme.

Vide the Health and Family Welfare Department's G.R. No. LEP-102005-1133-G, dated 2-7-2005, the Urban Leprosy eradication Committee has been constituted under the chairmanship of Collector, in urban areas, under National Leprosy eradication Programme. The Committee reviews the efforts to control elimination of leprosy, the treatment system for the disease, publicity campaign, rehabilitation etc.

(4) Employees State Insurance Scheme.

District Collector is the chairperson of the Committee constituted by Employees state Insurance Scheme of representatives of factory owners and labor unions. In each district level, such local Committees are constituted under chairmanship of the Collector.

**10. Energy Department.**

The Executive Engineer, Gujarat Electricity Company looks after various schemes implemented by Energy Department of State Government for saving of energy and for providing information about new sources of saving of energy as well as providing electric connection to the families living BPL in rural and urban areas under “*Ghar Divda*” scheme.

The Collector co-ordinates these activities to find out whether the eligible beneficiaries in rural and urban areas could avail the benefit and whether the difficulties faced in residential electric connection or industrial and agriculture electric connection are properly handled by the Executive Engineer. Besides, the Collector is responsible for publicity and dissemination of information about programme of ‘Akshay Urja’ implemented by Central Government.

The District Level Committees are constituted under Electricity Act, 2003, section 166. According to which vide G.R. No. GU-2004-86-ELA-1103-GOI-103-K, dated 2-12-2004 of Energy and Petrochemical Department of State Government the Committee has been constituted under chairmanship of District Collector. The Committee in its meeting reviews the situation of expansion of electrification in the concerned district and resolves various issues related to co-ordination in this regard, situation of quality of electricity supply, satisfaction of customers, effectiveness of electricity, encouraging savings of electricity etc. at district level.

**11. Panchayat, Rural Housing and Rural Development Department.**

The District Collector has direct or indirect contribution in various schemes implemented by both the divisions of Panchayat, Rural Housing and Rural Development Department, such as those implemented by – (1) Panchayat division, viz., Tirth Gram Yojana, Pavan Gam Yojana, Panchvati Yojana, Samras Gram Yojana, scheme for constructing Panchayat office and residence of Mantri, development works undertaken under 12<sup>th</sup> Finance Commission, Gram Sabha, scheme under Nirmal Gujarat, office buildings and staff quarters for newly constituted districts and talukas, programme for imparting training to elected representatives, scheme of healthy village – clean village, E-gram and global – gram yojana, Sardar Awas Yojana etc. as well as those implemented by (2) Rural Development Divisions such as SGRY scheme, STSTS scheme, Farm-pond and bag-dam scheme, *Khet Talavadi* and Bori-bandh scheme, Watershed scheme, Total Sanitation campaign, NRIGP scheme, BRGF scheme and other rural development schemes implemented by Ministry of Rural Development, Government of India, Audit Para of Panchayats, Record inspection of village Panchayats, deciding of *Gam-Tal*, supervision over *Gauchar* land, general and by-elections of Taluka and District Panchayats, problems of *Gram Sabha*, review of utilization of grants allotted at district level etc.

**12. Food, Civil Supply and Consumer affairs Department:-**

Implementation of various acts, rules, orders and instructions issued by the Department.

**13. Youth Services and Cultural Department (Tourism and Holy Places of Pilgrimages Development Department):-**

(1) As Collector and District Magistrate, it is the responsibility of Collector to see that fairs and festivals are organized in efficient and effective manner. As far as the organization of fairs is concerned; it is not only law and order as far as collector is concerned but also issues of social

responsibilities and public security/safety are also involved. The number of fairs is increasing day by day due to religious and social reasons. Besides, there is huge rise in no of people attending these melas.

(2) In these circumstances, the Collector and District Magistrate at district level should keep proper care in planning and administration of Fairs and festivals. Following aspects need special care and attention:-

1. Assigning of responsibilities to officers and employees;
2. Administration of Control Room for providing assistance;
3. Law and Order;
4. Transportation,
5. Water Supply;
6. Electricity Supply;
7. Health;
8. Distribution of milk and other food articles;
9. Cleanliness and sanitation;
10. Communication.

(3) Above all, it is important to keep in view why, with what objection, when and where the fair or festival is to be organized. For how many days, this fair or public festival will continue should also be taken in view. Some fairs and festivals are traditional in nature whereas some festivals are organized to celebrate a special event, such as Golden Jubilee (Swarna Jayanti) Mahotsava. The most important aspect is the size of fair. It is important to keep in view as to how many people are expected to visit during a particular day and on what day the persons in largest number are expected to visit. The important aspects in such religious fairs are number of visitors expected on one or more days during the fair, the particular important event of Special 'Darshan' and sometimes the holy bath in a nearby river or holy pond. The fair organized in Bhadarva month in Ambaji is one of the largest fair in Gujarat; wherein the visitors come from far off places, just walking on foot in several lakhs number. Likewise, in Junagadh, fairs in the month of Kartik as well as during Mahashivratri are the largest fairs in Junagadh (Saurashtra) visited by lakhs of people. Both these fairs last for 4 to 5 days and on last day, the number of people visit in largest number. The Tarnetar Fair in Surendranagar district is a colorful festival and attracts foreigners also along with local communities in great numbers. Again, the fair organized at Dakor (District Anand) for darshan of especially during Holi-Dhuleti festival in unique both in terms of number of visitors and also carries significance of Darshan at some special hours of the day. Here also visitors come in large number, just walking on feet from all parts of the State. In view of significance of such special festivals; it is a great challenge for administrators to manage them at district level. Following tips could be useful:-

1. It is necessary to increase the time/duration for Special Darshan to avoid heavy rush;
2. A control room should be established for providing assistance. There should be microphone for public announcements;
3. Special space should be provided for purchase of Puja-material, Prasad and other articles.
4. Special provision should be made to take care of shoes etc.
5. Special arrangement should be made for offerings to be made to Holy God/Goddess.



**Law and Order:-**

The whole area of fair should be divided in different sectors and each section should be assigned to a specific police officer and executive magistrate.

1. Even sectors could be divided into zones and each zone should be made under charge of a police officer.
2. For traffic, road-arrangement and patrolling there should be separate sectors and there should be assigned to separate Police Officers. Arrangements for Communication should be up-to-date. All the sectors should be linked to main control point, for seeking guidance and providing inputs.
3. Detailed plan should be made for traffic arrangement and suitable routes should be provided to ST Buses, Private luxury buses, government vehicles, permitted vehicles, water tankers, milk van etc.
4. The notification should be issued regarding traffic arrangement, by competent authority, well in advance under section 33 of Bombay Police Act, 1991. Besides, notification should be issued under section 37. If necessary, notification in respect of public health may also be issued under section 43/1 of Bombay Police Act. While issuing such notifications, the existing notifications in force are also to be taken in view. It is also necessary to appoint Executive Magistrates and also to issue permits for vehicles.
5. During fair/festival period, if a VIP is to make a visit, arrangements for his/her visit should be made in such a way that general public is disturbed the least. If possible, route of such VIP visitors should be separate and the time for their visit to temple for 'darshan' should also be separate so that security arrangements are made and other people are not put to inconvenience. For the purpose, separate staff should be kept for such visitor, with appropriate police officer to look after.

**Transport System.**

It is necessary to make following arrangements for facilitating transport and for proper arrangement during the period of fairs.

1. Adequate arrangement for ST buses and private vehicles;
2. Temporary Bus arrangements;
3. Proper light arrangements;
4. Proper drinking water arrangements;
5. Proper Toilet system;
6. Continuous Microphone/Loud Speaker for guidance;
7. Telephone on each booth;
8. Crane and other mechanical arrangements;
9. Provision for Ambulance and Fire fighter;
10. Banners/Pamphlets for guidance to visiting public.

Bus depot should be made at appropriate places in the directions from which the buses and vehicles arrive, so that buses and vehicles do not cross the place of fair. For each depot, the depot in-charge should be fixed and places for pickup of people, parking, mechanical gang etc. should also be fixed. Small vehicles for taking passengers from depot to the place of fair can be arranged only if the traffic can be properly controlled.

**Arrangement for Water Supply:** - It is necessary to make arrangement for additional pure drinking water and water for other use during the period of fair/festival. Advance planning in this regard could be made for specific issues and agencies are deployed, e.g. village Panchayat/Municipality looking at issue involved. How much water supply they can provide and from which sources? Water supply Board – How much supply they can provide and through which means etc. All these matters should be pre-planned considering the number of visitors on particular day. If the additional requirement is to be met from tankers; it should also be decided in advance, as to where will the supply source and to which destination they will bring the supply. If possible, such supply should be outside the place of Fair/Festival, and then could be supplied to the place through water pipeline to avoid the tankers to cross the place of fair. If necessary, water supply can be arranged zone-wise. The sources of water within the area of fair, such as water pump etc. should be repaired before the actual event. Those in charge of water supply should be equipped with communication plan so they can be in touch with top management during emergency. PVC tanks can be used for storage of water at various places. Considering the rush of people, arrangements should be made for drinking water at public places. Drinking water should be properly chlorinated to ensure it is germfree. In case of emergency requirements, standby motor pumps with necessary H.P. capacity should be kept ready with necessary staff. Control room should be established to immediately look into complaints like leakage or inadequate supply or water logging etc. The phone number of such control point must be properly displayed.

**Electricity Supply:** - Electricity is an important commodity as water, milk and food. It is necessary for control point as well as the Dharmashala, guest houses, hotels, temple, for decoration etc. In order to supply adequate and constant electricity, it is necessary to ensure that concerned Officer is available there round the clock at designated location.

The whole area should be divided into several zones and for each zone, adequate numbers of Engineers, Supervisors, helpers, lightmen etc. suitably placed. Separate control room should be established with their defined jurisdiction for electricity supply and maintenance. In order to avoid accidents, transformers of adequate capacities should be installed to take care of electric load. Temporary connections should be provided for stalls, places of entertainment, flying wheel etc. Generators should be installed at important places like temple, control point, ST depot etc. Besides, reserve electricity supply, staff should be kept in standby position for meeting any exigencies. All concerned should be properly oriented as to what action to be taken during accidents and all concerned should be properly equipped to handle such situation.

**Health:** - At the place of fair, one main center should be established for emergency treatment. As far as possible, such center should be located in the local hospital and arrangements should be made for presence of doctor and staff round the clock. Besides, the center should be equipped with an ambulance van. If the fair is very big more ambulances should be made available for service. A mobile team should be attached to the Ambulance to provide treatment forthwith. Adequate stock of medicines and equipment's should be maintained in both, in ambulance van as well as at health center. These centers also should have adequate medicines and communication tools.

**Rescue Team:** - During fairs and festivals, people come in great numbers. During such period, the possibility of people being drowning in water or incidents like stampede cannot be ruled out. Despite all preventive steps being taken, when such incidents take place, it is necessary to keep the rescue team ready, with people who can save people from drowning, with the help of local municipality, at the control room. Besides, for prevention against fire etc., the firefighting team should also be kept ready.

Control on food articles: - It is necessary to arrange for proper verification of food articles and drinks during fair. Whenever necessary, samples can be collected and dispatched for proper examination. Food Inspectors should be instructed to take necessary action as per Prevention of Adulteration in Food Articles Act, 1954 and rule made there under in 1955, adulterated vegetables, fruits, sweets etc. should be destroyed. Care should be taken to see that the sweets do not contain in-edible colors and that spurious drinks are not sold. Proper care should be taken for cleanliness at lari-gallas and restaurants. Care also should be taken that sweets are prepared from quality materials. The edible articles should be properly covered. Special care should be taken to see that cases of food poisoning do not happen due to inferior quality of milk and milk-preparations. The prices of food articles should be displayed and it should be seen that no unreasonable prices are charged from the customers. The weight also should be proper. Planning should be made for agencies to supply and distribute milk. If possible, the milk center should be open for 24 hours. Staff should be placed to watch that the higher prices are not charged for milk due to short supply.

Cleanliness: - Proper care should be taken to see that notification is issued regarding cleanliness. Adequate publication should be made that the shopkeepers and other people place the garbage in the dust bins. This should be made compulsory. The total area should be divided in the sectors and for each sector, a team of Sanitary Inspector sanitary workers could be deployed and it should be insured that the team is equipped with equipment's and insecticides. Separate teams should be kept for removing solid waste and dry waste. Besides, drainage cleaning team should also be separate one. If there is heavy work load, the shift system should be introduced for round the clock cleanliness. Cleanliness can easily be done during night hours or those times when the place is less **crowded**. A separate place should be identified for control of stray animals; and a separate squad should be maintained for same. Strict action should be taken after issuing notification under section 23 of Bombay Police Act. Separate places should be identified for collection of garbage. Arrangements should be made to take away the garbage with the help of tractors or other equipments. Pesticides should be sprayed at all places near to drainage etc. Additional toilets should be provided. Such toilets should be prepared in advance and additional staff should be provided for its cleanliness. For monitoring of the entire cleanliness work, a team with up-to-date communication system should be placed on duty. Separate plan may be prepared for cleanliness of main roads, ST stand, Hospitals etc.

### (2) Celebration of events.

The State Government celebrates several events – Uttarardh Mahotsav (Modhera), Tara Riri Festival (Vadnagar), Champaner Festival, Tribal Festival, Navratri Mahotsav, Children's Dance-Drama Festival, Girnar Climbing Competition, Swimming in Sea, Boat Competition etc.

It is important that the aspects like duration and place are kept in view. The long-duration festivals like Youth Festivals and Sports events are planned in its own way. The celebration of Independence Day (5th August), Republic Day ( 26<sup>th</sup> January), Gujarat Day (1<sup>st</sup> of May) etc. are done with joy and fun. For long duration festivals, it is necessary to constitute following Committees to look after various aspects:-

1. Main Organizing Committee;
2. Reception and Registration Committee;
3. Accommodation Committee;
4. Financial Transaction Committee;
5. Cultural Programme Committee;
6. Inauguration and Conclusion Programme Committee;

7. Publicity Committee;
8. Health Committee;
9. Food Arrangement Committee;
10. Pandal and Electricity Management Committee;
11. Invitation Card Distribution Committee;
12. Law and Order Committee;
13. Liaison Committee.

If necessary, more Committees could be constituted.

For organizing most important event, various responsibilities should be assigned to different officials considering the aspects of place, details of the programmes, arrangement for rehearsal, sitting arrangements, stage, hall or pandal, microphone & loud speakers etc. More attention is required to ensure that programme is very well arranged, that it starts at right time and that it is concluded at stipulated time. Besides, proper arrangement for comparing is also to be made. Regular in-time starting and concluding of celebration of Independence Day and Republic Day are most important and essential. When a State level programme is arranged, the invitation to Hon. Ministers, MPs, MLAs, Office bearers and other VIPs should reach in time and the sitting arrangements should be as per protocol.

## " Aapno Taluko Vibrant Taluko " (ATVT)

### **A.T.V.T. is a major step in the direction of decentralization,**

The recently concluded Garib Kalyan Mela (May-2011) scheme brought about, what one could call, an **epiphany** in the way governance could be improved and decentralized to grass root levels, at the same time. The Garib Kalyan Mela scheme enabled people living below the poverty line to receive government aid directly without involving any middle men, thereby, eliminating red-tape. The process was executed at Taluka level due to which there was hardly any delay in receiving the aid. Due to an efficient and flawless display of execution during the Garib Kalyan Mela, the government has launched an ambitious, yet promising new way of governance called 'Aapno Taluko, Vibrant Taluko' (ATVT), which will provide around 124 services, 377 schemes and 96 activities under various state government departments, at Taluka level.

Decentralization of governance would give more power to the people and help them establish and run their businesses in a more efficient manner, which in turn would help the Taluka prosper. Treating each taluka as a separate unit with its own blueprint for development would take into account the unique characteristics and features of that region. Thus the Taluka development plan would consider the unique strengths and weaknesses of that particular Taluka, rather than just implementing a plan developed for an entire district which may or may not be beneficial to a particular Taluka. Having a separate development plan for each Taluka would also inculcate a spirit of healthy competition among the different Talukas.

Red- tape and harassment by middle men in issues like renewal of licenses, services and certificates have always been major hindrances to people, especially belonging to smaller town and villages. For example, some certificates are issued at district headquarters. But by enabling the Taluka Janseva Kendra with the authority to issue such licenses and services and certificates, an enormous amount of time and money is saved due to the reduction of cost time and it is efficient and at the same time, the risk of corruption and other such hindrances is also minimized.

### **Major Steps are initiated by Government as below:**

- ATVT approach began on 28-04-2011.
- Creation of new 57 Prant offices accounting to 112 more Prant Officers.
- Construction of Model Taluka Seva Sadan (Taluka Offices either at one building or in same compounds).
- Setting up of new Technical Wings at all Talukas with DEEs and his setup.
- A provision of the flexi fund of Rs. 375 crores for Taluka Development Plan.
- Various schemes and activities Delegated at Taluka level by various departments for empowering Taluka administration.
- Taluka Janseva Kendras started at all the 225 Talukas.

- 457 services & schemes delivered from Taluka Janseva Kendras (including one day and Time bound services)
- Taluka Co-ordination and Grievances committee formed headed by Prant officer. The committee has to meet every month.
- Each Janseva Kendra is provided with 5 computers, 5 printers and 5 webcams along with LAN & GSWAN connectivity 10 mbps.

The State of Gujarat is striding towards progress in all its 26 districts. Gujarat is making strides in all the work of 225 Talukas, or the '225 pillars of Gujarat'. The success of this approach would require them to be proactive, innovative and in-tune with the needs of the region. Fostering a healthy competition between various Taluka administrations would, in the long term, benefit the economy and livelihood of people in the region.

ATVT governance is to empower the people and help them shape the course of their lives and businesses with minimum interference of bureaucracy and its procedures. After all, a man has right to enjoy freedom of leading his life in a way that is beneficial to him and his society.

The form of governance is seen to especially beneficial for people from uneducated or low -income backgrounds.

One of the main objective is to also provide for all the Taluka offices in one complex i.e. Taluka Seva Sadan for the convenience of people

Empowering the Taluka level administration would also create more employment opportunities within the Taluka as a plethora of skills would be required to plan and develop a successful model for region like engineering skills, medical skills, administrative skills etc. Thus people would be more responsible towards the progress of their Taluka.

### **"Aapno Taluko Vibrant Taluko" - An approach.**

A.T.V.T. is a Unique approach in decentralization of power, Decentralization of governance would give more power to the people and help them establish and run their business in more efficient manner, and with this approach, government can serve the last person of the society in proper manner. The basic concept of A.T.V.T. is to take planning and implementation to the taluka level so that the whole administrative process become speedy, easy, transparent and citizen centric.

With the help of A.T.V.T. administrative processes will generate results which are useful to daily affairs of the citizen.

Through A.T.V.T. taluka team will be empowered, Treating each taluka as a separate unit with its own blue print for development would take in to account the unique characteristics and features of that region, thus the taluka development plan would consider the unique strengths and weakness of that particular taluka, having a separate development plan for each taluka also creates a spirit of healthy competition among all talukas.

To empower Taluka, taluka team will be built on the pattern of district team, so that taluka can become the catalyst of development and good governance on the principal of "maximum governance minimum government".

### **Planning and Implementation on Taluka level**

- (1) At present, planning is taking place at state or district level, and state targets are distributed to districts and then to sub-district levels. Instead of this, under A.T.V.T planning takes place at the grass root level as per the taluka's needs.

- (2) Bhaskaracharya Institute of Space Informatics and Geo-Informatics(BISEG) is surveying the taluka asset and updating the taluka and village profile. On the basis of this information gap analysis and common asset directory will created, which will be and to create taluka development plan and taluka theme.

### Spheres of ATVT

- (1) Planning of Social & Infrastructural Amenities:
  - (a) Taluka Planning Committee
  - (b) Gap Analysis
  - (c) SWOT Analysis
  - (d) Taluka Theme
  - (e) GIS-based Planning
- (2) Coordination, Monitoring & Service Delivery:
  - (a) Taluka Coordination & Grievance Committee
  - (b) Cluster Approach
  - (c) Common MIS
  - (d) Janseva Kendra
- (3) Simplified Implementation of Schemes
  - (a) Convergence of Various schemes
  - (b) Restructuring of Common Schemes
- (4) Grievance Redressal
  - (a) Taluka Coordination & Grievance Committee
  - (b) Taluka SWAGAT
  - (c) Gram SWAGAT
- (5) Delegation of Powers at Taluka Level
  - (a) Monitoring and Supervision by Prant Officer
  - (b) Delegation of Powers to Taluka Officers by Various Deptts.
  - (c) Receiving & Disposal of Applications at Janseva Kendra

### **ROLE OF DISTRICT COLLECTOR IN A.T.V.T.**

A.T.V.T program is basically a development program at taluka level, though Prant officer is the leading officer, the role of a collector is very important. Collector is a bridge between state and sub district level, along with his regular duties he also has to perform the duty of a strong coordinator for A.T.V.T.

### **AS A COORDINATOR.**

Collector has to coordinate between different officials of different departments. In close co-ordination with Prant officer, Collector has to ensure that implementation of A.T.V.T is on right path, keeping co-ordination between various department at district level so that collector can solve the problems of implementation of delegated powers on taluka level, In district co-ordination committee meetings, collector has to review the A.T.V.T progress.

### **IN THE FIELD OF PLANNING.**

Taluka development plan and Taluka gap analysis monitoring is duty of the collector under A.T.V.T. Collector has to ensure that Taluka Planning Committee meets regularly and works well and the work suggested by Taluka Planning Committee is taken up for consideration by District Planning Committee.

### **SOFTWARE AND JAN SEVA KENDRA**

National informatics center is developing the software named C.M.I (common management information service), The C.M.I deployment will require collector to ensure that at the sub district level, information is uploaded timely and correctly in this software.

Collector has to monitor the performance of Janseva Kendra at regular interval. More over collector has to work as the president of District E-seva society, and make sure that all the services of the various departments are available and provided in time as per the limit prescribed at Taluka Jan Seva Kendra.

### **TO STRENGTHEN DECENTRALISED DISTRICT DEVELOPMENT PLANNING**

As per the resolution Dated: 06/02/2012 no.vja-152011-418-y of G.A.D , to strengthen the decentralized district development planning programme, under the taluka starker approach, Collector has to work for “Aapno Taluko Vibrant Taluko” programme and to utilize the grant as per the procedure laid down in the resolution mentioned above.





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# Departmental Co-ordination

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### Election

In our democracy, election of representatives of people is an important process associated with administration.

Under Article 324 of the Constitution of India, the Election Commission of India undertakes the functions of preparing electoral rolls and arranges for conducting elections of Lok Sabha and Legislative Assembly, as the case may be, under its supervision, guidance and control.

Under section 13AA of Peoples' Representation Act, 1959, the Election Commission of India appoints the District Election Officer. District Collector acts as District Election Officer. Besides, when the Lok Sabha elections are held, Collector-cum-District Election Officer performs the constitutional duties as Retuning Officer of particular Lok Sabha constituency. The Election Commission of India appoints the Returning Officer under section 21 of People's Representation Act, 1951.

In the important election duties of Legislative Assembly and Lok Sabha, the Officers of the level of Deputy Collectors and Mamlatdars under the direct control of Collector perform the following functions :-

- (1) The officers of the level of Deputy Collectors of Gujarat Administrative Service Act as Assistant Returning Officers in Lok Sabha Constituency and as Returning Officers in Legislative Assembly constituency as well as Election Registration Officer of Legislative Assembly constituency. The Election Commission of India appoints Election' Registration Officers under section 13B of People's Representation Act, 1950.
- (2) The Officers of Mamlatdar cadre act as Assistant Returning Officers and as Assistant Voters' Registration Officer in Legislative Assembly constituencies. Under section 22 of People's Representation Act, 1951, the Election Commission of India appoints Assistant Returning Officers. During Lok Sabha or Legislative Assembly Election, the Collector-cum-District Election Officer, Officers in the cadre of Deputy Collectors and officers in the cadre of Mamlatdars perform following constitutional duties :-
  - (i) To publish the notice for election;
  - (ii) To efficiently conduct the election in the constituencies in which they are Returning officers.
  - (iii) To accept the nominations from the candidates and to verify them.
  - (iv) To distribute the symbols to the candidates;
  - (v) To prepare a list of candidates;
  - (vi) To get the ballot papers printed and the dispatch the postal ballots to service voters;
  - (vii) To send the Polling Officer with polling material to the polling booth;

- (viii) To supervise the working of polling officers on the day of voting in their constituencies and to submit necessary report to the Election Commission of India and to Chief Election Officer.
- (ix) To get the voting done in a fair manner in accordance with the legal provisions of law;
- (x) To decide the place for counting and to issue notice to the candidates about place and time of counting;
- (xi) To count the votes and to declare the results of election.

All these functions have been described in different laws related to election which are incorporated in Manual of Election Law. Besides, while discharging of duties as Election Officer or Assistant Election Officer, they have to carry out the instructions contained in "Hand book for Election Officers". Further, they have to act according to various instructions issued by Election Commission of India from time to time.

Under section 13CC of People's Representation Act, 1950, all the Officers and Government Servants who have been appointed for work related to electoral roll revision or for election of Lok Sabha/Legislative Assembly, are during the period of such appointment considered under deputation to the Election Commission of India working directly under their control, supervision and discipline.

**Polling Booth :-** According to section 25 of the People's Representation Act, 1950, the Collector-cum-District Election Officer is responsible for preparing polling booths in the Legislative Assembly constituencies in his/her district. The district election officer has to prepare a proposal for polling booths according to the instructions of the Election Commissions and after getting it verified by the Chief Election Officer submit it to the Election Commission of India. After getting approval from the Election Commission of India, the concerned place can be utilized as a polling booth.

The District Election Officer has to get personally verified all the place/building to be proposed as polling booth by the officer, not below the rank of Deputy Collector and has to give certificate to that effect.

Besides, before making a proposal for polling booth, District Election Officer is required to have consultation in this regard with the political parties and after considering their reasonable suggestions, if any, the proposal for polling booth is required to be made, and the certificate to that effect is also required to be given.

If any building is utilized as a Polling Booth; without permission of the Election Commission, it becomes a serious matter. Therefore, the permission of Election Commission, New Delhi is essential before using any place or building as a polling booth and the district election Officer has to take care in this regard.

**Code of Conduct :-** The Election Commission of India, New Delhi has issued a Model Code of Conduct for candidates contesting election and for political parties. Each Collector has to see that the Code of Conduct is followed in his/her district. The incidents of breach of Code of Conduct have to be brought to the notice of Election Commission, New Delhi.

In light of this Code of Conduct, the Election Commission has issued various instructions to organize election in free and fair atmosphere. These instructions are mainly in respect to maintenance of law and order situation. Besides, it is the duty of the district election officer to take all steps suggested by election commission so that a voter can cast his/her vote without any

kind of fear. Further, the Election Commission has issued several instructions to see that there is no misuse of government machinery. It is the duty of the district Election Officer that These instructions are followed.

**Accounts of the expenditure in Election :-**

According to section 78 of Peoples' Representation Act, 1951, all the candidates for election have to submit their account of election expenditure to the district election Officer. The district election officer has to see whether the contesting candidates keep their accounts of election expenditure as per rules and as per instructions of the Election Commission. If any candidate does not keep the accounts of expenditure properly, action can be taken under clause 171(h) of IPC for the expenditure incurred by him.

Besides, the district election officer has to submit the report to the Election Commission, New Delhi, whether the contesting candidates have submitted their accounts of election expenditure within one month of results of election, to the District Election Officer or not. The contesting candidate who has not submitted the accounts of election expenditure or has not maintained the accounts as per rules get notice from the Election Commission as to why they should not be declared unfit under section 10 of the People's Representation Act, 1951 and the erring candidate has to reply in this regard to the district election officer.

Thus, district Election Officer has to take care about expenditure on election by the candidate.

**Electoral Roll :-**

- (1) Government of India has made rules regarding methods of preparing of Electoral Roll under People's Representation Act, 1950. Thus, the Voters' lists are prepared according to the provisions of the above Act and rules made there under in tune with the constitutional provisions regarding right to vote. The qualifications for eligibility of enrollment in Electoral Roll are covered under sections 16, 17, 18 and 19 of the Act. Under section 14 of the Act, fixes first of January as the date, of cut off for Electoral Roll. Section 20 of the Peoples' Representation Act clarifies who is to be considered as ordinary resident.
- (2) Vide section 21 of the People's Representation Act, 1950, the voters' lists are to be revised as indicated below unless the Election Commission of India issues legal note and gives instructions in writing otherwise :-
  1. Before general elections of Lok Sabha and Legislative Assembly;
  2. Before holding by-election of the vacant seats of Lok Sabha or Legislative Assembly.
  3. At in any time a year, in case the orders are issued by Election Commission.
- (3) The electoral rolls are prepared constituency-wise of Legislative Assembly. The revision in electoral rolls is done either in details or in abridged manner. Besides, when the Election Commission orders to revise the electoral roll both in details as well as in abridged manner, such revision can also be made. Further, the Election Commission can also order for special revision. Thus, there are four types of revision of electoral rolls.
  - (1) Detailed revision,
  - (2) Abridged revision,
  - (3) Partly detailed and partly abridged revision;
  - (4) Special revision.

**Appointment of Polling Officers :-**

The appointments of Polling officers and polling employees are made by District Election Officer under section 26 of the People's Representation Act, 1951. The election Commission, issues instructions in this regard from time to time, Collector has to make proper arrangement for appointment of Polling. The polling staff is not informed in advance about their place of duty. Besides, polling staff are not appointed in their own residential area. The polling employees are appointed in the presence of observers appointed by Election Commission through randomisation technique on computer. The staff members of the same office or same department are not appointed at one location. The employees of Central Government are appointed on sensitive polling booths as micro observers.

### **Electronic Photo Identity Card (EPIC) :-**

The voter is provided with an identity card with his photograph by the Election Commission to ensure free and fair election, to prevent voting on others name and also to establish voter identity at the polling booth under rule 28 of Electoral Roll Rules, 1960. Under the provision of the rule, it has been decided to provide Electronic Photo Identity Card (EPIC) to all the voters registered in Electoral Roll.

The voter is provided with the identity card along with signature and seal of the Electors' registration Officer in prescribed design and size decided from time to time by the Election Commission of India. This work is undertaken by the Electors Registration Officer and assistant Electors Registration Officer of the concerned Legislative Assembly Constituency, under the supervision and control of concerned District Collector and District Election Officer.

The detailed programme of providing photo identity card (EPIC) has to be prepared by Electors Registration Officer and is to given wide publicity for the information of the voters, in Co-Ordination with the concerned agency.

### **Election of Municipal Corporations/Municipalities :-**

Under Article 243-VK of Constitution of India, the supervision, guidance and control of elections of Municipal Corporations and Municipalities are vested in State Election Commission. Accordingly, under Bombay Provincial Municipal Corporation Act, Section 14, and sub section (1) and under Gujarat Municipalities Act, 1963, section 6, sub section 4, the supervision, guidance and control as well as its administration are vested in the State Election Commission. The State Government has made following rules for elections of Municipal Corporations and Municipalities:

- (1) Bombay Provincial Municipal Corporation; and
- (2) Gujarat Municipalities (Holding of Election) Rules, 1994.

Under rule 3 of both these rules, the Collector has been appointed as City Election Officer and District Municipal Election Officer respectively. Besides, under the following notifications issued by Urban Development and Urban Housing Development Department of State Government, the services of District Collector and other revenue Officers are made available to the State Election Commission, for the purpose of elections.

- (1) No. KV-1028-94-NPL-4593-3576-M, dtd. 5-2-1994;
- (2) The Notification by State Election Commission No. RCP-CLtn-NP-CLAN-94, dated 8-6-1994.

Under the above mentioned provisions, the State Election Commission has to carry out the functions related to constitution of wards, mapping and allocation of seats. The Collectors play key role in submitting the proposals in this regard. Besides, the Collector-cum-District

Election Officer has to undertake the working of conducting free and fair election at district level under direct guidance and supervision of State Election Commission.

### **Election of Panchayats :-**

Under Article 243-D of the Constitution of India, the supervision, guidance and control of Panchayat elections are vested in the State Election Commission. Under Gujarat Panchayat Act, 1993, section 15, sub section (3), the supervision, guidance, control and administration of Panchayat election are vested in State Election Commission. The State Government has made Gujarat Panchayat Election Rules, 1994 for Panchayat Election. The Panchayats, Rural Housing and Rural Development Department vide its notification No. KP-208-94-ELC-1094-3249-G, dated 12-9-1994, have placed the services of Collectors at disposal of the State Election Commission for election purpose. The State Election Commission has vide their orders No. RCLP-CLTN/JiTaP-DEO-95, dated 2-3-1995 has appointed District Collectors as District Election Officers under Gujarat Panchayat Election Rules, 1994, Rule (2), sub-rule (1), clause-Ch. Besides, the State Election Commission, vide order No. SEC-CLC-DLP-VP-95, dated 19-4-1995, has for elections of the Village Panchayats, delegated the powers of the State Commission to the District Collectors under Gujarat Panchayat Act, 1993 section-15 and under Gujarat Panchayat Election Rules, 1994, Rules 5, 8, 9, 18, 22, 23, 34, 35, 48, 49, 60 and 63 as Officer of the State Election Commission. The powers of mapping of the wards and allocation of seats for the elections of village Panchayats have also seen delegated to District Collector, as Officer of the State Election Commission, by the State Election Commission. Under this provision, the Collector is now responsible for all the functioning of holding of Gram Panchayat elections. But for the election of Districts/taluka Panchayats, the State Election Commission has to constitute the constituencies, mapping and allocation of reserve seats etc. but in preparing and submission of proposals in this regard, the district Collectors play a key role. Besides, all the responsibilities for holding free and fair election at district level under the direct supervision of State Election Commission lies with District Collector in the capacity of the District Election Officer.

Gujarat Co-operative Act, 1961 and Election of Co-operative Societies and Rules regarding Election of Co-operative Societies, 1982.

In chapter 4 of Gujarat Co-operative Societies Act, 1960, establishment of various kinds of Co-operative Societies, their duties and their privileges have been described. Besides, Gujarat Co-operative Societies Election Rules, 1982 have been made, and provisions have been made entering chapter 11(1) (Election of several Committees of Societies and Officers) of Gujarat Co-operative Societies Act, 1961 section 145 (a) to 145 (z). In view of these provisions, Collector has to conduct the election of these societies which are indicated in section 74(c) of Gujarat Co-operative Societies Act, 1961. As per the Gujarat Co-operative Societies' Committees Election Rules, 1982, for conducting these elections, as per definition under section 145(B) of the Co-operative Act, Collector means Deputy Collector or any Officer not below the rank of Deputy Collector as appointed by Government. For election of the indicated Societies, Prant Officer has to act as Collector. Section 74(C) of the Co-operative Act, describes which of the societies and which of the committees of the societies, the members/officers of which are included in indicated societies', for which the Collector is to conduct the election. Thus, the top most co-operative institutions, district co-operative banks, Gujarat State Agriculture and Rural Development Co-operative Bank Ltd., Co-operative Purchase and Sales Unions of the State, Co-operative Sugar factories, Milk Producing Unions of the districts, district and taluka level Co-operative Processing Societies and any other societies which have been declared as 'indicated societies' are included in this. Besides, it also includes those Co-operative Societies and those Co-operative Institutions which are declared so by the Government by issuing notification from time to time.



For the purpose of holding election of these indicated societies or for holding elections of management Committees of indicated societies under sub section (2) of section 145(G), the Gujarat indicated societies' Committee Election Rules, 1982 are made and the election of such indicated societies are held as per provisions contained under these rules. The rules also contain formats of several legal forms to be used in the process of elections. After holding elections of the managing Committee members of such indicated societies, the election of the office bearers such as President/Vice President/Chairman/Vice Chairman etc. are held as per provision of Section 145(Z) of the Co-operative Act. Under this provision, after holding the election of the members of the management Committees for holding the election of concerned office bearers of the indicated societies; when the meeting will be held of the members/Committee, only the Collector or any other Officer appointed by him for this purpose, will be the Chairman of that meeting. Thus, when the election of the President/Vice President etc. of the indicated societies are to be held, such elections are to be held only by Collector himself or by the Officer appointed by him for the purpose.

For election of members of the indicated societies or for elections of their President/Vice President etc., the by-laws of the concerned co-operative societies apply. Therefore, it is necessary to study these by-laws of the concerned societies carefully. Each co-operative society has its own by-laws which may be different from others. These by-laws have been approved by a competent authority in co-operative Department. Therefore, it becomes necessary to study them at the time of each such election. The legal clarities that exist in the elections of Legislative Assembly/Lok Sabha/Taluka Panchayat/District Panchayats etc. are not present in the elections of co-operative societies (The legal matters are very complicated or confusing here). Besides, when the election officer is not associated or conversant with co-operative department, he/she may not be aware about latest and up-to-date provisions of co-operatives. That is why, when the elections of such societies/Committees are held, it is necessary that one takes into consideration the latest and up-to-date provisions of concerned by-laws of the indicated co-operative societies or even those of co-operative act. As per Agriculture/Co-operative and Rural Development Department of Government of Gujarat Notification No. DhKh/1094/42/CSA/1093/2272/G, dated 21-9-1994, the Prant Officer have been declared as Collector in their sub-division jurisdiction, and they have been empowered to use all the powers as collector under chapter 11(a) within their sub-division.

## Disaster Management

The geographical conditions of Gujarat State are such that every year some small or big natural calamities occur and consequently the Government machinery gets engaged in it. Mainly the State faces following types of disaster:-

1. Earth Quake, (2) Scarcity, (3) Cyclone, (4) Heavy rain/flood. Besides, Sometimes following unfortunate events also take place :-
  1. Fire accident,
  2. Accidents of vehicles (including road, rail and air).
  3. Industrial accidents (where chemicals/gas leakage or blasts take place)
  4. Concerning Public health (such as epidemic, food poisoning, drink poisoning etc.)
  5. Concerning animal health or loss of crops by birds (Foot and Mouth diseases, attack by locust).
  6. Civic movement and communal riots.

In order to meet with the disasters, various Departments were deployed and emergency services, relief and rehabilitation services were provided but due to absence of prescribed procedure, level of responsibilities, delegation of power and principles of disaster management, there was loss of time, energy and money.

On the basis of experience gained, the State Government enacted Disaster Management Act, which is known as Disaster Management Act, 2003. Under the Act, the Government has also formulated a policy for Disaster Management.

Objectives of the Act.

The objectives of the Act are :-

- Effective management of disaster;
- To lessen the impact of disaster;
- To manage the relief work during and after disaster;
- To make this work simpler;
- To co-ordinate, supervise and control;
- To implement the action for re-construction and rehabilitation after disaster in the State and to supervise, control and co-ordinate such action.

The act, with the above objective, aims at establishing Gujarat State Disaster Management Authority, as also to indicate other agencies and also to provide for the matters associated with and ancillary to it.

In sections 23 and 24 of the Act, there is a provision for powers and duties of the Collector.

Section 23 :-

- (1) When any area is affected by disaster, the Collector, during that period will order the officers of various departments of Government and local authorities to provide immediate emergency relief according to Disaster Management Scheme.
- (2) The Collector can undertake following functions :-
  - (1) To release the available fund and to arrange for its use;
  - (2) To control and regulate the traffic towards disaster affected areas or from that area or into that area;;
  - (3) To control and prohibit the entry to, movement in and going to the disastrous area or within it;
  - (4) To remove the garbage,
  - (5) To start rescue and relief work;
  - (6) To make appropriate arrangement for disposal of unclaimed dead bodies;
  - (7) To provide alternative shelter;
  - (8) To provide food, medicines and other necessary goods;
  - (9) To order to carry out the relief work to the experts and advisors associated with disaster management under their guidance and supervision;
  - (10) To take custody and make use of property, vehicle, equipment, buildings or communication means at prescribed terms and conditions;
  - (11) To make special and priority based use of facilities, whenever necessary;
  - (12) To construct temporary bridges and other infrastructure;
  - (13) To remove unsafe infrastructure which are risky to general public;
  - (14) To co-ordinate between non-government organizations and to ensure their functioning in reasonable manner;
  - (15) To public safety measures for combating the disaster;
  - (16) To make use of reasonable force for ordering migration and enforcing the order in order to save the lives from a disastrous place to all of people residing there or part that of.
  - (17) If he/she deems it fit that such action is necessary for protection of lives or that of property and if the owner or tenant of such door or gate or stoppage is absent or is present; but refuses to open it; then he/she can authorize some person to open or get it opened the door, gate or stoppage; and;
- (2) The Collector can utilize powers given in sub-section (2) to the extent necessary and for following purposes only :-
  - (a) to provide assistance and protection to the community;
  - (b) to provide relief to the community,
  - (c) to prevent disturbance or to face it;
  - (d) to meet with the destructive and other impact of the disaster.
- (3) The Collector can also issue order to the individual or to a Government Agency and also can take necessary steps to prevent the disaster.

Section 24 :-

(1) The Collector -

- (a) should ensure that the actions to prevent, or to lessen its impact or to make preparations to meet with such impacts, are done according to prescribed guidelines;
- (b) should provide information relating to various aspects of disaster management such as precaution and preparation to the authority;
- (c) Should ensure that the officers of the district get information about arrangements to be made for disaster management;
- (d) Should ensure that district disaster management schemes are prepared, revised and updated;
- (e) Should simplify the management activities before and after the disaster and for ensuring it, should co-ordinate with local Government offices.
- (f) Should simplify the establishing of community training, awareness programmes and emergency services with the help of local administration, non-government organizations and private sector;
- (g) Should establish inter-departmental co-ordination on the matters related to disaster management;
- (h) Should review the emergency plans, accidental plans and guidelines;
- (i) Should ensure that the local authorities of the district are involved in developing strategy to meet the disaster situation;
- (j) should ensure that there is harmony between disaster management activities and planning;
- (k) should ensure that communication authorities are functioning well;
- (l) should ensure that firefighting instruments and other equipment related to disaster management are ready for use;
- (m) should co-ordinate the reconstruction and rehabilitation activities in the district;
- (n) should help the authority in supervision and control of progress and results of rehabilitation and reconstruction activities;
- (o) should exercise powers and carry out functions as delegated by State Government, Authority and Commissioner.
- (p) should exercise those other powers and carry out those other functions as prescribed.

Collector.

The unit for disaster could be any local area, such as a village, town or city or villages, towns or cities. Mamlatdar is considered to be a first Officer in capacity of the local Officer for taking immediate actions against impact of disaster on local areas.

The powers and functions to be exercised and carried out include plan before the disaster, during the disaster and after the disaster. In the circumstances, the Collector, in particular, has too carry out functions in following way:

1. To be equipped (before disaster)	-	<ol style="list-style-type: none"> <li>1. People's awareness;</li> <li>2. Preparing a disaster plan;</li> <li>3. To be equipped for combating the Disaster.</li> </ol>
2. Immediate reaction (during disaster)		<ol style="list-style-type: none"> <li>1. To monitor, control and supervise The working by local administration.</li> <li>2. To co-ordinate with Relief Commissioner of the State.</li> <li>3. To help migration of the affected people and to provide them immediate relief.</li> <li>4. To manage shelters.</li> </ol>
3. Re-construction and Rehabilitation (after disaster)		<ol style="list-style-type: none"> <li>1. To monitor and control local activities of re-construction,</li> <li>2. To manage the functioning of re-construction and rehabilitation.</li> </ol>

**First Information Report (FIR) :-**

The Collector, when he/she comes to know about disaster in any area, should submit a First Information Report to the Relief Commissioner as soon as possible. The First report should include the brief description of measures taken by local administration and the assistance required at district level.

If there is no event of disaster, NIL report also should be submitted. This should be daily routine and all the Mamlatdars should be kept on alert.

**Emergency Measures :-**

1. To activate control rooms at district and taluka levels and to ensure continuous communication with State Control Room;
2. To keep record of the goods, material, machinery and means of communication and provide them to these villages/towns in need.
3. To conduct Mock Drill of District Disaster Management Scheme and make suggestions for additions and omissions in the scheme.
4. To supervise the places of rehabilitation.

**Phase-wise functions during disaster.**

Any calamity, either natural or man-made has to be dealt with as under:-

- (1) **Rescue Work :-** When any disaster takes place accidentally or naturally in the villages under one's jurisdiction, it is necessary to supply the manpower and material for rescuing of people in accordance with nature of disaster. The concerned departments should be entrusted with the responsibilities of providing hospital treatment to the affected people.
- (2) **Relief Work :-** For various kinds of functions, looking at the type of natural or man-made calamities, the co-operation from the office bearers as well as voluntary organizations

along with that from government machinery should be solicited to the fullest extent. The provisions for food, clothing, tents, pure drinking water, proper health care etc. are primary and most essential and important requirements.

The management of all these should be done in following priority:-

1. To remove the affected people to safe place;
2. To remove the injured people to nearest hospital;
3. To make available pure drinking water;
4. To make available as soon as possible, food/edibles;
5. To provide clothing and blankets etc.;
6. To provide tents to stay as temporary shelters.

### (3) Survey Work :-

Immediately after any accidental event, it is most essential to collect preliminary information or soon as possible. If one is not aware of such primary information, it is most likely that there will be difficulties in making a detailed survey and also a possibility of misuse of government money by some anti-social people. It should be ensured that while making detailed survey, the team consisting of officers and employees do not succumb to the pressure of local leaders and political persons and that the team records only true and real facts in their survey report. The facts contained in the survey report should be verified in the light of information available with the Officer concerned. Only on that basis, the estimates of loss can be assessed.

### (4) Assistance :-

The assistance in the urban areas is to be distributed by Collector, for which the instructions of Relief Commissioner should be followed.

(5) In any circumstances, both in case of natural calamity or man-made calamity, the information and intensity are likely to be different. The advance planning is necessary in handling such calamities. The aspects to be considered in such advance planning are manpower, availability of materials, sources of assistance in case of more help is necessary, availability in concerned district, what further assistance can be availed from the neighboring district etc. For this purpose, it is necessary to prepare an action plan and to update it from time to time. Prant Officer needs to be cautious in several matters, e.g.; when there is a possibility of cyclone in a particular area during some definite period of time, the preparation in accordance to the situation is very much necessary, e.g. the cyclone storm usually occur during May-June and during September/October on sea shore of Saurashtra and that too from Bhavnagar to Jamnagar and Kutch coastal areas. Likewise, every year during July and August both South Gujarat and Central Gujarat experience heavy rains and floods. Therefore, at least in those districts, advance planning becomes essential. In Some was, in there border districts, where there is a possibility of war, the civil defense training should be made compulsory in those districts as well as in all major cities. In those districts, where there are factories/industries manufacturing chemicals, advance planning to meet with the situation of controlling gas-leakage and chemical mishaps are essential.

In order to provide for all such items in a phased manner, one should fully utilize one's good and healthy relations for harnessing the servicer's of citizens, voluntary organizations, trained volunteers etc in providing help to the affected people.

I.D.R.N. and S.D.R.N. :-

The Government of India has worked out India Disaster Resource Network (IDRN) website and sent it to various districts. In the website, the Disaster Resources at district level

are shown and the information is regularly updated and reviewed. Here also the details of district-wise resources should be prepared.

Besides, Gujarat State Disaster Management Authority has also prepared State Disaster Resource Network in co-operation with UNDP. Proper attention to this will facilitate immediate reactions at the time of disaster.

Village/Taluka/District Disaster Management Plan.

Gujarat State Disaster Management Authority has prepared Village and Taluka Disaster Management Plan in co-operation with UNDP. Proper guidance should be provided for proper planning at village and taluka level. The Multiple District Disaster Management Plan should be prepared as well as updated on regular basis. Therefore, the Collector should be active and continuously review issues related to disaster management.

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# R. I. C. Inspection

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### Review of Revenue / Administrative Work

Revenue inspection commissioner has decided 1 to 35 revenue points with a view of comprehensive review of revenue work. It is necessary to get the real picture of revenue work carried out from rural level to district level by these statements. The review of work of collectors is based on the details being submitted from taluka headquarters. Keeping into mind these points, it is very important to review the revenue work of employees working at taluka level. It is true that no aspect should be left untouched by reviewing their all work. These points are as follows.

Sr. No.	Detail
(1)	Appendix-A Monthly diary of the Collector
(2)	Appendix-B Tour Programme of the Collector
(3)	RIC Monthly statements No. 1 to 35
1.	Statement of tour and field work of night halt
2.	Statement of inspection of village record (Appendix-A) and field work of general inspection.
3.	A statement showing disposal of cases
4.	Statement of await cases due to lack of information
5.	Statement showing disposal of cases/appeals under various laws.
6(1)	A statement showing detail of disposal of cases of encroachment of government land in urban areas (Agricultural)
6(2)	Statement showing detail of disposal of cases of encroachment of government land in urban areas (non-agricultural)
7(1)	Statement showing detail of disposal of cases of encroachment of government land in rural areas (agricultural)
7(2)	Statement showing detail of disposal of cases of encroachment of government land in rural areas (non-agricultural)
8.	Statement of recovery of government dues.
9.	Statement of recovery of Revenue Recovery Certificates.
10.	Statement of Record of rights notes disposal of
10(1)	Statement of notes to be verified and verified out of notes disposed at Taluka E-Dhara Centre.
10(2)	Statement of notes liable to revision out of disposable verifiable notes at Taluka E-Dhara Centre.
11.	Statement showing details of cases about giving non-agricultural permission (Section-65)
12.	Statement of cases of construction done without non-agricultural permission (Section-66)
13.	Statement showing details of cases of breach of condition of non-agriculture (Section-67)
14.	Statement of disposal of government waste land.

## Collector Manual

Sr. No.	Detail
15.	Statement showing information of resettlement and land transfer of tribal land holders under section-73 AA of Land Revenue Code.
16.	Statement of Inspection of works of Subordinate revenue offices.
17(1)	Statement of disposal of paras of inspection notes of District and subordinate offices by the Government.
17(2)	Statement of disposal of paras of inspection notes of District and subordinate offices by Collector/Prant officers.
18.	Statement of information of settlement of villages.
19.	Statement of information of disposal of pending paras for settlement.
20.	Statement of work of record promulgation.
21(1)	Statement showing field work of Prant officers.
21(2)	Statement showing field work of Mamlatdars
22.	Statement of disposal of Papers entered in work sheet.
23.	Statement of disposal of Government Papers.
24.	Statement classification of Record.
25.	Statement showing details of credited Record.
26.	Statement showing details of destroyed Record eligible to be destroyed.
27.	Statement showing of implementation of Village records of less-surplus statement Record from Survey department.
28.	Statement of information to assign the gametal land.
29.	Statement of information of cases of breach of condition of land allotted at concessional rate, market rate on lease.
30.	Statement of disposal of Cases of land acquisition.
31.	Statement of information of Pending Cases Primary/departmental inquiry.
32.	Statement of details of disposal of A.G. Audit Paras.
33.	Statement of details of Court Cases.
34.	Statement showing details of special work done by the Collector in the District.
35.	Statement showing details of action taken on submission applications received in SIT and pending applications.

With a view of doing the basic revenue work, it should be discussed and reviewed as per points regularly in manner as decided by circular No. MTK-MKM-Vashi-933-2005 at 23/2/2005 of R.I.C.

### **Points to be discussed in the meetings of revenue officers/staff**

#### **Point No.1- Citizen's Charter.**

1(1) The Govt. has fixed time limit of each work under the Citizen's Charter. Whether the different types of applications/cases are disposed of in time limit or not? Review each application record wise.

#### **Point No. 2- Pending papers of work-sheet and await cases**

2(1) Review pending papers of work-sheet record wise and also the pending papers of more than 15 days.

2(2) Whether reminder/ D.O. letters are sent in time or not in await cases?

#### **Point No. 3- Application for reply in Lok Darbar.**

3(1) Review pending applications record wise.

**Point No. 4- Representations in on-line grievance Redressal programme of Hon'ble Chief Minister**

4(1) Whether the applications under on-line programme are disposed of on line or not? Discuss.

**Point No. 5- Govt. letters / D.O. govt. letters**

5 (1) Whether the letters are replied in time or not? Discuss.

5 (2) Due to what reasons the pending letters are not replied? Review this letter wise.

**Point No. 6- Letters of Ministers / M.L.A. and reply of assembly questions**

6(1) Discuss about need of immediate and timely reply on receiving such letters.

6(2) Review of reasons for which the pending letters are not replied.

6(3) Whether the replies are given in time or not in the office of the Minister and M.L.A. & Discuss.

**Point No. 7 Clerk/ Dy. Mamlatdar Record Inspection.**

7(1) Quarterly Programme is being fixed. Whether the concerned employ/officer has conducted inspection of Record or not? Review it.

7(2) Whether the concerned officer complies the points being instructed at the time of record inspection or not? Review it.

**Point No. 8: Compilation of paras of pending inspection notes and inspection of offices.**

8(1) As per programme fixed, whether the inspection of Subordinate offices is being conducted or not? Discuss.

8(2) Whether the timely compilation points missed at the time of inspection of offices is being conducted or not?

8(3) Whether the compilation of pending points to be complied is sent to the concerned officer or not? Review it.

**8(4) Whether the inspection notes have been closed or not in which it is granted under the right or all the paras are granted in those inspection notes? Review it.**

8(5) Review of pending work of compilation of inspection paras about inspection conducted by the office of the Revenue Inspection Commissioner, Gandhinagar.

**Point No. 9 : Inspection Notes of A.G. Rajkot / Ahmedabad.**

9(1) Whether the compilation of paras of pending inspection notes has been sent to the concerned office or not? Discuss.

9(2) Plan for compliance of pending paras and reply should be done in such a way that compliance of not a single para is pending.

**Point No. 10 Census of Cases:**

10(1) Whether the pending cases from each record have been taken into consideration or not? Discuss.

10(2) Whether the procedure for speedy submission of compliance report by the concerned Subordinate officer for disposal of all report by the concerned subordinate officer for disposal of all pending cases reported is being held or not? Discuss.

10(3) Prepare a list of pending cases of more than six months, Review its disposal. Discuss it, and plan so that not a single case is pending.

**Point No. 11: About record of rights and 7/12:**

11(1) Give instructions to the concerned officer/ employee that mutation entries should not be pending. Competent officer should check record of rights and also should ensure that all entries related to hereditary rights are entered regularly. Discuss with Actual figure from e-dhara.

**11(2) Review the pending work of Record computerization.**

**Point No. 12 Disposal of Lands:**

12(1) Review the procedure of disposal of land, which became surplus under the Gujarat Agricultural Land ceiling Act and Urban Land Ceiling Act.

12(2) Review the procedure for disposal of open plots from which the encroachments are removed.

12(3) Review the applications of land to be given on lease for other purpose and quarry lease/mining lease, and other purpose

12(4) Whether the stamp duty is being paid or not before giving possession under the order of sanctioned land? Review it orderwise.

**Point No. 13 Tenancy:**

13(1) Review pending applications for change of land from agriculture purpose to non-agriculture purpose.

13(2) Review pending applications for non-agriculture purpose to be change of new tenure to old tenure.

13(3) Reviews work of pending cases for taking possession of lands declared as government lands under the tenancy Act.

13(4) Review of pending recovery of Tenancy loan.

13(5) Whether proper verification is being done for such survey numbers by the field officers with a view of that no breach of condition in the lands of new tenure.

Point No. 14 pending cases under various Acts. :

14(1) Review such cases which are pending on records in offices.

14(2) Plan for speedy disposal of pending cases of more than six months.

14(3) To be implemented by giving proper guidance by reviewing procedure of admitting Caveat, procedure to grant stay order for doing affidavit, to submit remarks in cases and review progress regarding procedure of pending cases in other courts like civil court, High Court, Supreme Court and to submit in time the cases to be sent in Appeal.

**Point No. 15 Record, Dead Stock, Library:**

15(1) How many files are pending as per record which are to be classified, review in detail.

15(2) Implement procedure of destroying classified record. Check how many files are pending to be destroyed as per record.

15(3) Whether it is marked and a list is prepared and placed in the record room of files classified? Review pending work.

15(4) Whether the records are properly maintained or not? Steps are taken to keep the record room clean and neat? Review it.

15(5) Whether the dead stock register has been maintained and is updated?

15(6) Whether all the items have been credited in the dead stock register purchased for office or not?

15(7) Whether the books of library have been noted in the register or not? And it is maintained or not? Review the above issuer.

**Point No. 16: To submit periodical statements.**

16(1) Whether the monthly and quarterly statement are regularly submitted or not to the Revenue Department and Revenue Inspection Commissioner, Gandhinagar? Review it.

**Point No. 17 : Maintenance of Prescribed Registers :**

17(1) Whether the registers are being maintained or not as prescribed by the GAD/ Revenue Department/ Revenue Inspection Commissioner, Gandhinagar office and, if they are maintained are there in proper manner? Review it.

17(2) Special verification of following register should be carried out at the time of meeting:-

- Tumar census Register
- Control Register of Inspection paras
- Register of Govt. dues
- Register of Govt. await cases
- Cash Book
- Register of Section 65,66, 67
- Register of Pending cases under various Acts.
- Central Register of pending court cases.

**Point No. 18: E-Governance:**

18(1) Review of work about Land Record Computerization.

18(2) Review of use of G-swan network.

18(3) Whether the software provided by GAD and NIC is used or not? Review it.

18(4) Review about giving training of Module-1 and Module-2 to the Employees.

**Point No. 19: Diary**

19(1) Whether the diary is being regularly collected from the subordinate Prant officers / Mamlatdar or not?

19(2) Whether remarks are submitted in time or not about Diary?

19(3) Whether the compliance of submitted remarks is sent or not?

**Point No. 20: Work about Accounts and Employees:**

20(1) Whether verification of cash book and balance is carried out or not regularly by the competent officer? Discuss.

20(2) Review the work of preparing pension case of employees near retirement.

20(3) Review the work of Duplicate service books of employees.

20(4) Instruct the concerned for speedy disposal of Advance application and different types of leave applications of employees.

20(5) Review of cases of preliminary cases and Departmental inquiry.

**Point No. 21: Non-Agriculture:**

21(1) Review of pending applications for disposal as per norms decided by the Government for non-agricultural applications.

21(2) To initiate action so as to avoid delay in all concerned officer for the opinion on applications for non-agriculture (No Objection Certificate)

21(3) Review of work to detect cases of breach of condition if any, in cases which have been given permission of non-agriculture.

21(4) Review so that no case is pending for more than six months, by reviewing pending cases for disposal under section 66, 67 of Land Revenue Code.

21(5) Whether construction has been started or not in all cases, in cases which have completed six months after receiving non-agriculture permission on the date of meeting? Whether information has been asked or not about after conducting Panchnama? And if breach of condition is found, review the work of registering case of breach of condition.

21(6) Whether the construction in all cases has been completed or not in which three years are over after giving non-agriculture permission? Review should be carried out about the work to related cases of breach of condition if it is being done properly and to get real information by conducting on the spot-panchnamas.

21(7) Whether the commercial use have been done with or without getting permission of change in purpose? And it has been verified by spot visit or not?

21(8) Review of work regarding survey and land measurement related to cases of non-agriculture.

21(9) Review of pending cases for giving Sands in non-agriculture cases.

**Point No. 22: Confidential Report**

22(1) Whether the Confidential Reports of all employees/officers have been written or not in a time-limit prescribed by the Government? And whether it is kept in custody after timely review and reporting or not? Review in details.

22(2) If there is an adverse remark in confidential records, then the details of procedure done in this regard has been followed or not.

**Point No. 23: Records of Moveable / Immovable Property and Bail-Bond.**

23(1) Whether the Details, Agreement and Bail-bond of all officers/employees have been obtained or not as per the instruction of the Government? Review it.

**Point No. 24 Other points to be discussed keeping in mind the local situation of other matters not included in above points like:**

24(1) Regular attendance of employees.

24(2) Law and order

24(3) Scarcity, Flood, Earthquake, Disaster Management.

24(4) Small Savings, election etc.

24(5) Other items.

**Common/ Serious errors and solutions****Preface:**

1. To streamline the revenue work, whether it is conducted without delay as per govt. policy and provisions of law, the inspection of revenue offices is conducted by the Commissionerate of revenue inspection as per a prescribed programme. In which, the work of revenue branch of dist. /taluka panchayat and all subordinate offices of the collector is reviewed and short-comings, instructions to comply it are given. The goal of inspection is to make the administration efficient and people-oriented and to remove bottleneck, to stop repetition of mistakes and so that people's grievances are solved systematically and effectively it is the goal of RIC inspection to give guidance to the revenue administrative machinery at district level.
2. By general experience it has been noticed that some general and serious short-comings are usually found in Revenue administration and instructions have been given to remove there general mistakes by circular of revenue inspection commissioner dated No. MTK-VHT-Diary-1515-2005 dt. 6/10/2005.
3. General short-comings of administrative nature which come to notice in inspection by inspection teams should be rectified and instructions are also given to remove such short-comings at the time of inspection of the offices. It has come to the notice of RIC office that the instructions given in the inspection notes are sometimes not completely and properly followed.
4. The basic aim of inspection is to make district administration more efficient, and to remove short-comings. The list of common short-comings is as follows, there mistakes are being repeatedly committed at the district level and been noticed in the inspection carried out by RIC's office. The purpose for pointing out these draw-backs is not fault-finding. But, these have been shown in this list with a view of improving their work and to guide concerned offices. As these mistakes are being repeated very often a lot of time and energy of the govt. is wasted on the issue. The common draw-backs which have come to the notice in the district are.
  - (1) The compilation of pending inspection notes is to be done within two months after the inspection is over. Sometimes gross negligence is being found in this regard and noncompliance of paras is there, some of this pares are pending since many years.
    - (1) The compliance of pending inspection notes should be undertaken on priority basis.
    - (2) To send regular reminders to the subordinate offices for timely compliance of settlement inspection notes.
    - (3) The head of offices should allot one day in a month to get review in the details of situation of pending inspection paras.



- (2) Following procedure should be followed about tumar census to keep control on delay of disposal of pending cases.
  - (1) To prepare monthly summary of pending cases in time.
  - (2) The head of office should sign the summary sheet every fortnight after verifying it.
- (3) Work of tumar cases and its disposal of tumars.
  - (1) To see that tumar census is done regularly and submitted in time by proper counting of the pending cases.
  - (2) To see that registers of tumar cases are maintained properly in a latest format every month in a prescribed form.
  - (3) To ensure immediate disposal of all cases pending for more than two years after entering in personal file and also verifying about the reasons of delay.
  - (4) Collector should see that the proposal is prepared as per indicating provisions of law/rules/circulars and in different check list as prescribed by the Government.
  - (5) To see that all cases are disposed of in time limit as prescribed in the citizen's charter.
- (4) The PRA and PRB registers of periodical statements are not maintained as per schedule 4 and 5 of office procedure (except Sachivalaya)
  - (1) To maintain PRA and PRB registers in proper formats.
  - (2) To note regularly the periodical statements in PRB registers.
  - (3) This issue should be verified by head of office personally.
- (5) The Registers of Government/ Ref D.O. letters are to be maintained as per schedule-19 of the office procedure (except Sachivalaya) and as per schedule -35 of Assembly.
  - (1) These registers should be regularly maintained as per calendar year.
  - (2) Entry should be made for each Government/Semi Government and Assembly questions.
  - (3) Entry should be made for all letters in the register of Government letters submitting by the head of the Department and the State Government.
  - (4) The head of office should sign the summary of statements for Government/ Semi Government letters after verifying it.
  - (5) The register of Assembly questions should be examined twice in a week when the Assembly is in session and once in a week when the Assembly is not in session.
- (6) The head of office should bring out his quarterly programme of inspection of record of employees of his office regularly.
  - (1) He must see the record during inspection instead of filling only the form of record inspection.
  - (2) Record should be actually inspected instead of filling only the form of record inspection.
  - (3) It should be specially verified that the compliance of earlier inspection notes have been completed or not?

- (7) The inspection of subordinate office has to be completed by the Heads of Departments in the concerned years as per the programme fixed.
- (1) Inspection of Records of the subordinate offices should be strictly conducted as per the programme.
  - (2) With a view of maintaining uniformity of inspection, it should be conducted as per form Annexure-34 of the office procedure.
  - (3) Care should be taken that there is immediate compliance of pending paras after the inspection.
  - (4) Reading of inspection notes should be done regularly.
- (8) As per the provision of Rule 98(2)(4) of the Bombay Treasury Rules 1960, the Head of the office has to physically verify the cash and a certificate issued in cash book.
- (1) Attestation certificate in cash-book must be given every month.
  - (2) As per rule 55 of the Financial Rules, cash-book and cash must be casually checked every month regularly.
  - (3) Copy fee and permanent Tasalmat Register should be properly verified by maintaining it in a proper form.
- (9) As per the instructions given by the circular No. LND-3978-CH- dt. 16-12-78 of Revenue Department, regular verification of Government Survey Nos should be conducted as prescribed rules by the tour officers.
- (1) As per this circular, Govt. survey Nos. should be verified during tour.
  - (2) Subordinate officers especially, circle officer/ circle inspector should verify government survey Nos. during tour and it should be mentioned in their tour diary.
- (10) The disposal of applications for Arms permission should be done in proper time-limit.
- (1) Such applications should be disposed of within 75 days.
  - (2) Licenses should be renewed in time.
  - (3) If license Registers are torn out, then rule register should be prepared and maintained.
- (11) In the cases of land acquisition, there is a delay at each stage. Due to delay of working system, Time- schedule of acquisition is disturbed.
- (1) Prescribed time limits as per rules of land acquisition should be adhered.
  - (2) efforts should be undertaken to receive amount of award from the Acquiring body in time.
  - (3) After declaration of Award, the payment should be made in time limit.
  - (4) The disposal of cases should be done at prescribed norms by the Land Acquisition officers.
- (12) Classification of files and destroying the files which had to be destroyed is being done properly.
- (1) Classification of Records should be done in time.
  - (2) Files classified should be deposited in the Record Room.
  - (3) Procedure should be done as per rule by preparing list of to the destroyed files.

- (4) Care should be taken that there should be no difference in figures of direct physical verification and details as shown in RIC statement 12 (a) (b) (c).
  - (5) Maintain cleanliness in record room.
  - (6) Fire extinguishers should be in working condition. Care should be taken that filling is done regularly.
- (13) Physical verification certificate is to be given on 30<sup>th</sup> of June every year in the Library Register and Dead stock Register.
- (1) Such certificate should be given in prescribed time limit.
  - (2) Library Register should be updated regularly.
  - (3) Reconciliation of books should be done with registers properly.
  - (4) In care of transfer of officer/employee, taking and handing over charge should be done by, issuing required certificate.
  - (5) Dead stock register should be updated regularly.
- The price of item should be shown in it in the concerned column.
- (14) It is necessary to maintain files of standing orders in a updated manner for efficient administration.
- (1) Files of standing orders should be updated regularly by getting latest orders/circulars of the Government and should be arranged in proper manner.
  - (2) The index, page nos. and circulars should be properly arranged and compiled in these files.
  - (3) The files of circulars should be maintained subject wise.
- (15) Special attention should be paid to the following issues in the disposed of care:-
- (1) Mainly page Nos. should be given.
  - (2) Daily-worksheet should be written.
  - (3) Complete information should be filled in the prescribed check-list by the Government in all disposed care.
  - (4) Care should be taken that round seal of office is affixed in all orders issued.
  - (5) All papers dated to Issue of Notice with its date and final orders should be kept on files.
  - (6) The maps showing situation of the location with reference to all four directions during Panchkya by the field officer should be made.
  - (7) Only original in copies should be used instead of using photo-copy in can of village form No. 6 and 7/12 in case papers.
  - (8) Care should be taken for disposal of case as per the prescreened time-limit.
- (a) Chapter Case: Six Months (b) Deportation Case: 3 months (c) Revenue Case: Six months.
- (16) Target has been fixed about field-work to be done as per circular No. PTA-1090-270-D dt. 17-1-90 of D Branch of Revenue Department.
- (1) Tour and night halts must be done as per target.
  - (2) Verification of Village Record should be done as per prescribed standards.
  - (3) Khedut Khatavahi should be verified as per prescribed target.

- (17) Revenue officers should submit their monthly diary in time.
- (1) Monthly diary should be submitted by each officer regularly in time.
  - (2) Remarks to be issued on tour diary should be issued in prescribed time-limit.
  - (3) Compliance of remarks submitted should be done immediately.
  - (4) Remarks should be submitted properly about diaries of subordinate Circle Inspector/ Circle Officer.
- (18) Sufficient care should be taken for recovery of Government dues by the Mamlatdar at taluka level.
- (1) On completion of Revenue year, procedure for completing Tharav Bandh should be completed in time.
  - (2) An updated list of defaulters should be prepared and its copy must be kept with Prant officer, Mamlatdar and Circle Officer.
  - (3) Taluka wise updated register for recovery of Government dues should be properly maintained.
  - (4) As per provisions of Land Revenue Code, the procedure for forfeiting should be completed in time after giving due notice etc.
- (19) Work on breach of conditions in non-agricultural cases.
- (1) Updated registers in prescribed form of section 65, 66, 67 of land Revenue code should be maintained.
  - (2) Case of breach of condition should be disposed of immediately by issuing notice. Breach of condition can be decided, by spot verification to decide whether the conditions have been followed or not as shown in for non-agriculture cameraman order.
  - (3) Verification of non-agriculture survey Nos. should be done during the tour of all the field officers.
  - (4) Procedure to give Sanads should be immediately completed.
  - (5) Procedure to update Record of rights should be immediately completed.
- (20) Village Control Register should be maintained as in Annexure-20 as per the instructions given in para 45 of chapter-6 of the book of office procedure.
- (1) Village Control Register should be maintained updated regularly.
  - (2) Proper details should be written in all columns of Register.
  - (3) Confidential Records should be kept in the custody of appropriate authorities.
- (21) Head of Department is responsible for writing CR of all his subordinate staff on time, ensure review and to get all records updated
- (1) To maintain updated register of CR with remarks.
  - (2) It should be ensured that CR of each employee is written every year and its certificate sent to Govt on time.
  - (3) To ensure that all papers to be listed to the Talati are entered in required registers.
- (22) There should be no carelessness in regard to important matters Departmental inquiry.
- (1) Review of cases of Departmental inquiry should be done at frequent intervals and it should be ensured that report should be submitted by the Inquiry Officer in time.

- (23) Verification should be done in prescribed form and should be submitted to the Government after inspecting the monthly tour diary of circle officer/ circle inspector etc. This way, the revenue record would be up dated.
- (24) Inspection is conducted in the revenue offices of the district by this office regarding various administrative works. for good efficient administrative the district level It is important to maintain updated register manner regarding all concerned subjects. Two types of register are to be maintained which care follows.
- (1) In a prescribed form as decided by the Government.
  - (2) In a form as convenient to the administration of the office.

The above register would have to be maintained as per the details of the Annexure enclosed herewith.

- (25) The collector should review every month work of all of Prant officer and Mamlatdars. It should be review that whether proper implementation of Government programs has been done or not what type of approach has been adopted by the Prant officer and Mamlatdar about remarks given every month in such review. After doing such review, if it is found necessary, and any adverse note against a particular officer has to be done, then it should be informed to the concerned officer. If, there is no improvement found in his work, necessary adverse remarks should be entered in his Confidential Record of the concerned year. Moreover, if his work is continuously found very weak, then a report should be submitted to the government. This report should also be submitted to the Commissioner (Revenue Inspection) and the secretary by name.
- (26) For the work of Prant officer, the collector himself should keep a note in their “ephemeral roll” for weak and inefficient work of a particular officer, reviewing his personal work performance in regard to the instructions given above for each quarterly period. At the time of reviewing work for a quarter, details should be kept in mind about RIC statement 222(8) to be submitted to the government. To improve weak performance of the Prant officers, guidance should be given and instructions by letters should also be given to them personally. When such personal instruction letters are submitted to the government in RIC statement 222(8) for information, then its copy should also be submitted to the government. If any particular officer is found neglecting the remarks and instructions continuously, then necessary adverse remarks should be made in their confidential Records of the concerned year and a comprehensive report with facts should be submitted by the collector to the government.
- (27) The declaration of Return of immovable property of an employee should be maintained properly by getting them timely and the register of security deed should be maintained and updated regularly.
- (1) The declaration of immovable property should obtained in time limit.
  - (2) Register of Security deed should be updated regularly.
  - (3) The declaration of all the employees should be obtained at frequent intervals and submitted to the collector and the declarations of the Gazetted Officers should be obtained every year and submitted to the government.
  - (4) Verification must be done on 1<sup>st</sup> August very year about the existence of bail of security bond and rent solvency.
  - (5) The security bond of transferred employee should be submitted to the concerned office.

- (28) The officers should convene the meetings regularly for the employees working under them to improve efficiency of work.
- (1) The meetings of employees should be convened at regular intervals.
  - (2) By taking into consideration the proceedings of previous meetings, the performance of the employees should be reviewed.
  - (3) Discussion should be held in the meetings as per the points fixed by a circular dt. 27-2-2005 of this office.
  - (4) The problems and questions of employees should also be discussed in the meetings.
- (29) Constitution of Employees Welfare Committee at taluka and district level.
- (1) Instructions of Resolution No. SGO-1078-Welfare dt. 16-2-78 of the government should be implemented.
  - (2) Activities of Employees Welfare should be undertaken continuously.
  - (3) Committee for Employees Welfare should be constituted and convened regularly.
- (30) The attendance Register of the office is most important way of keeping a check on employees.
- (1) Each employee should sign regularly in attendance register and time of his arrival in the office should be noted in it.
  - (2) The accounts of casual leave should be updated regularly.
  - (3) The details of "tour-officers" must be shown in the attendance registers.
  - (4) The head of office must verify and check the attendance register regularly.
- (31) The Head of office is responsible to maintain service books of his subordinate employees in updated manner. Care should be taken as follows to remove general problems related to service book.
- (1) Service Books should be updated regularly.
  - (2) Affidavits of employees should be obtained about the allegiance to the constitution of India.
  - (3) Attestation should be made about birth dates.
  - (4) R-Branch should make entry in the service-books of employees very five years.
  - (5) Register of Duplicate service books of employees should be maintained and updated regularly. Duplicate service book after taking signature, should be given to the concerned

Instructions should be given in the monthly meeting of the Revenue Offices that, general problems and mistakes as discussed above should not be repeated again and again. All concerned revenue officer should also be instructed by the Head office to adopt such procedure that assures that such mistakes and problem are not repeated every time.

The concerned head of office should assure that such general lacunae should be corrected before the inspection is to be held in future. The certificate in this regard should be submitted before the inspection. Note of carelessness of the officer failing in removing these general drawbacks will be taken. This Circular should be followed by the subordinate Offices properly.

**Chapter**

**64**

**Questionnaire for Inspection of Revenue Offices**

**Preface:**

1. Conduct inspection of concerned office as per by Revenue Inspection Commissioner prescribed program with aim to bring effectiveness in the work of inspection of revenue offices. Similarly, the collector has to conduct annual inspection of subordinate offices like Mamlatdar Office, Prant office, City Survey office and DILR office. Inspection of these offices is usually conducted by the team under the leadership of Chitnish or Addi. Chitnish. A program is issued from the collector office for inspection of all the offices during the year. Casual inspection is conducted by the collector during the year for one or two revenue offices. The programme as per this schedule is brought out regularly by the collector office very year.

2. Implementation has already started by the Revenue Inspection Commissionerate on a booklet of new formats of Questionnaire by changing years long old inspection system so as to bring effectiveness in the District Collectorates and other revenue offices in the state. The format for inspection of collector, Prant and Mamlatdar offices has been published by a circular No. MTK-VHT-office inspection-242-2005 dt. 13-9-2005. This questionnaire has been calculated to all the offices for its implementation. Thus, it would be easier for administration to undertake inspection work as per new formats and qualitative compilation would also be possible. All the collectors have to see that the inspection of their subordinate Prant and Mamlatdar offices is conducted as per the format issued by this office for inspection of the Prant and Mamlatdar offices. The details of the format for inspection of collector's office are as follows.

**Collector's Office**

**Part-II (For Inspection Team)**

**Para No.1: Attendance Register Roll and Movement Register and Casual Leave Card.**

**(K) Attendance Register Roll and Movement Register:**

1. How the Attendance Register Roll been maintained in the office in prescribed format as per calendar year properly? Examine.
2. Whether the Dy. Collector/ Sirastedar verify the muster roll daily or not?
3. Whether each employee of the office puts his initial and time of arrival in the office or not?
4. Whether the accounts of casual leave of employees are being maintained in the Attendance Register properly and are updated regularly or not? And whether the details of casual leave card are tallied with the details of Attendance Register of casual leave or not?
5. As per the instructions of the Government, the employees in the subordinate offices remain present and reports in time or not on their duties regularly ?
6. Whether the movement registers has been maintained in the office for the movement of the employees or not? Whether it is maintained properly and is updated Regularly ? And whether the Dy. Collector verifies it or not from time to time Examine.

**Para No. 2 Inspection note and A.G. Audit objections:**

**(K) Inspection Note:**

1. How many paras remain to be complied note wise of remaining inspection notes. This should be examined and verify the justification given for the reasons of delay.
2. What actions have been taken by the collector to ensure that same mistakes are not committed again which were generally committed earlier ? Examine.
3. To see that office maintains "Check Register" in a proper format and updated manner in office for inspection notes if summary of pending paras is of prepared wise every month, whether the signature of the Head of office with date is taken or not? And whether the collector instructs or not about serious, important and of long pending paras? Verify it.
4. Whether the collector instructs or not by necessary discussion/consideration about pending paras of inspection notes with the concerned employee/Branch Superintendent in the meeting of employees/ Revenue Officers being held every month? Verify it.

**(KH) A.G. Audit Objections:**

1. To see that office maintains "Check Register" in a proper format and updated manner in office for inspection notes if summary of pending paras is of prepared wise every month, whether the signature of the Head of office with date is taken or not? And whether the collector instructs or not about serious, important and of long pending paras? Verify it.
2. How many paras remain to be complied note-wise of pending A.G. Audit votes, verify it and verify it its justification by getting reasons for delay.
3. Whether necessary instructions are being given or not by discussion/ consideration from the concerned employee/Branch Superintendent in the meeting of the staff employees being held every month? Verify it.
4. What actions have been taken by the collector that commonly repeated mistakes should not be committed again? Examine.

**Para No.3 (1) Grant of Government waste land for the purposes of Educational/ Sports/ Grave Yard (Examine two cases).**

1. Whether the collectors have properly exercised his powers in earnest manner allotted to them or not? Whether the existing provisions of law have been breached or not? And if there is any defect have about procedure in it? Examine.
2. The meeting of District Evaluation Committee is being held or not every month as per the instructions of the government? Procedure is being carried out or not? Its record is properly maintained or not? And its minutes are being properly written or not? Issue instructions regarding this.

**Para No.3 (2) to 3(10) Two cases should be examined for each subject wise out of the disposed cases shown as follows:**

- 3(2) Disposed cars of appeal under section 203 of the Bombay Land Revenue Code, 1979.
- 3(3) Disposed cars taken in revision under section 211 of the Bombay Land Revenue Act, 1979.
- 3(4) Disposed cars taken in revision under section 108(6) of the Gujarat Land Revenue Rules, 1972.



- 3(5) Disposed cases related to giving of government lands on lease for the purpose of salt industry/fisheries etc.
- 3(6) Disposed cars of conversion of new format land to old tenure land.
- 3(7) Disposed cars of giving government land revenue free section 32 of Gujarat Land Revenue Rules, 1972.
- 3(8) Disposed cars relating Work regarding to give Arms Permission.
- 3(9) Disposed cars relating to give No objection certificate” for petroleum storage.
- 3(10) Disposed cars relating to grant of land / allot plot from government waste lands for residences of Government Employees.

**Para No. 3: Work Load:**

- (1) As per instructions in the Resolution dt. 2-1-99 of F.D. of the Government, get the details of per head average disposal of inward-outward papers as per calendar year of each employee working in the office, and if there is more/less work load in any office then did the Head of office maintain a system of distribution of work reviewing from time the distribution to time to distribute the work, Examine it.
- (2) In how much time the cars have been disposed of? If unnecessary delay is found there, then submit remarks regarding the care.

**Para No. 4: Work shat and Monthly Summary.**

Has every office has to maintained properly in updated latest manner the work sheets in a prescribed form? And has every office prepared as per instructions of circular No. PKN-1088-1874-Vasata Pra (2) dt. 22-6-2004 of G.A.D. in each office.

- (1) Monthly Summary of Work-sheet in pending cases.
- (2) Pending papers. (3) Await cases (4) Pending cases are being put up before the office Head for perusal by preparing with Summary statement regularly or not? Examine. Whether the Head of office is regularly instructing or not for speedy disposal of pending cases between one to two years and more than two years and others remaining cars as per such Summary statement? Examine.

**Para No. 5: Periodical Report and RIC Statements:**

- (1) Whether the MP(K) and MP(KH) Registers are properly maintained properly in a prescribed form of suchedule-4 and 6 of Booklet of office procedure by different branches in office (for offices except Sachivalaya)? Examine.
- (2) Whether in the Records have been classified by classifying as per A, B, C, D, list of files of periodical statements for all files of which the annual inspection is completed? Examine.
- (3) Whether the updated compilation of periodical statements being submitted by the various branches of office has been maintained regularly and is available on the table of the Resident Dy. Collector or not? Examine.
- (4) Whether the information submitted in periodical statements is carat or not? Review by verifying it through Records.
- (5) Whether the periodical statements being submitted from the offices are being sent in time, regularly? Examine it.

- (6) Whether the Monthly/Quarterly/ Half yearly/ Annual statement No. 1 to10 are sent in time regularly which are to be submitted to the Revenue Inspection Commissioner, Gandhinagar by Circular no. RIC/ 222/ 89 dt. 7-4-1989 of the Inspection Branch of Revenue Department of the Government or not? And whether the information mentioned in such statements is consistent or not? Verify.

**Para No. 6 Census of cases:**

- (1) As per instruction of the Revenue Inspection Commissioner, Gandhinagar, the census of cases by the end of 30<sup>th</sup> June and 31<sup>st</sup> December every year is been done regularly and properly or not? Whether its primary reports are submitted in time and regularly or not? Examine it.
- (2) The midterm Register in its prescribed form about census of tumar, done every year have been maintained properly and in is regularly updated or not? Examine.
- (3) By getting list of case pending for more than two years, examine at which stage and due to what reasons it has been delayed, whether it is being updated to the Revenue Inspection Commissioner, Gandhinagar, regularly in monthly statement. and diary of fact about disposal by taking on personal file by the Head of office the pending cases for more than two years? Examine.
- (4) Whether are being submitted in time and regularly per month (monthly statement to be submitted to the RIC, Gandhinagar) of calculation of cases? Examine it.

**Para No. 7 : Government letters, Semi Government letters, LAQs etc.**

**(K) Government Letters:**

- (1) Whether the updated Registers are being prepare in presented format and being put up before the Head of office for perusal every week with proper summary statements etc? Examine.
- (2) Whether the Head of office has developed a system to give necessary instructions in the Register for disposal of pending Government letters or not? Examine.
- (3) Whether proper reply in prescribed time limit has been but up or not check by asking for some of the replies to government letters? Examine.
- (4) Whether the government letters have been disposed of in time limit or not? Submit remarks about unnecessary delay if any.

**(KH) Semi Government letters:**

- (1) Whether the updated register as per instructions of the Government is being put up or not for perusal before the Head of office, with summary statements of pending letters? Examine.
- (2) Whether the necessary instructions are being given or not by the Head of office for disposal of pending semi government letters in this register? Examine.
- (3) Whether proper reply in prescribed time-limit has been done or not by please check asking a for replies to government letters? Examine.

**(G) LAQs and LSQs:**

- (1) Whether required register is being put up for perusal of Head of office with summary of pending per week. Whether register is properly updated and kept in prescribed manner in the office or not? Examine.

- (2) Whether the necessary instructions are being given or not by the Head of office for disposal of pending question in this register? Examine.
- (3) Whether proper reply in a prescribed time has been done confirm by checking cases disposed of .Examine.
- (4) Whether the system has been maintained or not to give proper instructions about pending questions by signing with date twice by the Head of office when the Assembly session is on, as per the instructions of the Government.

**(GH) Letters of MP/MLA:**

- (1) Whether the latest register has been maintained and updated properly or not in the office as per instructions of G.A.D.? And whether a system has been implement to maintain it in prescribed 9 Column wise or not? Whether a system to put up the registers for perusal before the Head of office or along with summary statement at the end of every month? Whether the receipt is being sent or not in prescribed time for the letters received? Whether the reply has been properly made or not in prescribed time by checking from letters disposed of? Examine.

**Para No. 8 Inspection of Record:**

- (1) Detailed verification of Talati Records is done?
- (2) Compulsory verification of Revenue Records in Revenue villages situated in the area within 5 kms of Municipality area is done?
- (3) As per instruction of the Government whether the Record verification has been completed or not as per issued quarterly programme for Record inspection? Examine.
- (4) Whether the registers in the office has been maintained or not in a proper format and are updated regularly as per the instructions of the government? Examine.
- (5) Whether the concerned employee carries out the real and proper compliance of inspection paras as raised by collector. Whether the collector himself verifies it or not? Examine.
- (6) Whether the work of office inspection is done properly or not taking into consideration the office instructions No. 1 to 3 as mentioned in circular No.MTK/VHT/Diary/590/2004 dt. 5-8-2004 of the Revenue Inspection Commissioner, Gandhinagar? Examine.

**Para No. 9: Inspection of Subordinate offices/ Land Revenue Settlement Audit:**

- (1) Collect schedule of programmes to carry out inspection of subordinate offices/ Land Revenue Settlement Audit issued by the Collector. Whether the Collector has issued these programme in time or not? Examine.
- (2) Whether the Collector/ Concerned Prant officer has carried out or not the inspection of subordinate offices including Municipalities in the whole district/work of Land Revenue Settlement Audit as per the programme issued by them? Examine.
- (3) If Revenue settlement Audit of any subordinate office has been carried out by the Collector/ Concerned Prant Officer, after delay (Say after 15<sup>th</sup> March) then whether the Collector has taken the sanction of the government and the concerned Prant officer taken the sanction of the collector or not? Examine.

- (4) Whether the Collector has read or not the inspection notes/ Land Revenue settlement Audit notes of the subordinate offices in prescribed time which have been submitted in time to offices? Examine.
- (5) Whether the compliance done in time, limit and in proper and suitable manner by the concerned offices about the inspection paras/Land Revenue settlement Audit paras by the subordinate offices? Examine.
- (6) Whether the latest “control Register” has been maintained or not in proper way in the Collector office for noting details of disposed/pending paras of the inspection/Land Revenue Settlement Audit paras of the subordinate offices? And whether the signature of the Head of office is being taken or not.
- (7) As per the instructions of the Revenue Department of the Government whether proper and adequate supervision by the Collector is done or not for effective and speedy compliance of pending inspection paras/land revenue settlement audit paras during his tour to the talukas? Examine.
- (8) As per the instructions of the Revenue Department of the Government whether the brief note of the serious and important points found at the time of inspection/land revenue settlement audit of the subordinate office is being submitted or not in a prescribed form to the Revenue Inspection Commissioner, Gandhinagar? Examine.
- (9) As resolved by a circular dt. 1-2-74 of the Inspections Branch of the Revenue Department and as per circular dt. 19-8-78, whether the Collector has conducted casual inspection of subordinate two offices or not during each revenue year? Examine.
- (10) Taking into consideration the inspection programmes schedule issued by the Director of Municipalities, Gujarat State, Gandhinagar, whether the inspection of concerned Municipalities has been completed in time or not by the Collector/Concerned Prant officers as per such Program? Examine.

**Para No. 10: Co-ordination Committee and visits other offices of District.**

- (1) Whether the meeting of Co-Ordination committee is being organized or not as per rule, every month during the period of inspection under Chairmanship of the Collector? And after such meetings are held, whether the minutes are sent or not to the concerned within one week? Examine.
- (2) As per instructions of G.A.D. Government of Gujarat’s circular No. TPS/1076/VSTP dt. 13-6-78, whether the collector has visited 12 other offices during financial year? Examine.
- (3) Whether regular meetings have been organized or not of co-ordination Committee every month? Whether the latest register has been maintained or not properly in the office to note details of question raised in such meetings? How many questions/issues asked/represented in the co-ordination Committee at the time of inspection, and due to what reasons they are pending to be disposed of? Review by getting details.

**Part No. 11: Government Dues: This office circular No. MTK-VHT-Diary-575-2004 dt. 24-9-2004.**

- (1) Examine whether it is being reviewed effectively and regularly at the Collector level as per following points(A) to (F)?
  - (A) Accounts are being closed in time?

- (B) Whether All Non-agriculture assessment, of non-agriculture survey Nos. has been entered in the Demand Register or not?
  - (C) Is latest list of defaulters prepared?
  - (D) Is the notice issued to the defaulters?
  - (E) Has the procedure of confiscation been conducted?
  - (F) Whether punitive actions are being taken or not against Talati-cum-Mantri, who are careless in their work of recovery?
- (2) Review by collecting details of (1) Land Revenue (2) Education Cess and Local Fund (3) Non-agriculture assessment (4) Revenue Recovery Certificate (5) Alien Recovery and (6) Percentage of recovery and pending recovery and recovery, Demands of Government dues such as Entertainment Tax year wise during the period of inspection.
  - (3) Out of above, what efforts have been done by the collector to recover Government dues of very large amount?
  - (4) As per the instructions of circular dt. 1-1-98 of the Inspection Branch of Revenue Department of the Government whether the taluka wise latest and proper Registers are maintained or not under the control of this office about the details of recovery of government dues or not? Examine.
  - (5) As per the instructions of circular No. TSHA/PTS-1-14-78 dt.26-12-78 of the Inspection Branch of Revenue Department of Government, whether the subordinate Prant officers have maintained or not the tradition to give guidance and to review and to discuss with the concerned Mamlatdars about effective recovery of all kinds of Government dues at the time of visits of talukas under them?
  - (6) As per circular No.STP-10200-2052-H-1 dt. 1-4-2002 of Revenue Department, Whether the stamp duty is recovered or not before giving possession of land given on lease or grant? Examine.

**Para No. 12 Establishment :**

**(K) Seniority List:**

- (1) As per instructions of Resolution No. S.N. Var/1089/1110/gh dt. 31-3-89 of G.A.D. of the government, whether the seniority list of each category has been published or not, every two years during? Examine.
- (2) Whether any procedure has been initiated or not for making them permanent, those who are senior in seniority list in place of those employees for whom there is no possibility to come back, in future from their post of promotion, under rule 19(b) of Bombay Services Rules during the period of inspection? Examine.
- (3) Whether orders or necessary sanction have been taken from the Government about temporary posts if found necessary to continue on expiry of the term of the posts for more than 5 years District? Examine.
- (4) Whether the proposals have been submitted or not in the concerned Departments of government to convert into permanent posts all posts continued on temporary basis for more than 5 years? Examine.

**(B) Service Book:**

- (1) Whether the service-books of all the employees/officers of the office have been maintained or not in proper manner and updated regularly? Examine and Review.
- (2) As per instructions of Resolution dt. 2-2-78 of F.D. of the Government of preparing second copy (Duplicate copy) of the service book, and giving it to all the employees/officers of the office, and check whether the signatures of the concerned employees/ officers have been taken or not in the 'Duplicate Service Book Register maintained in the office? Examine.

**(G) Confidential Report:**

- (1) As per the instructions of the Resolution No. 1170-2219-N dt. 1-5-74 and circular No. KHHL-1181 of GAD of the Government, has been implemented or not during the period of inspection? Examine and Review.
- (2) Whether the certificates about writing of the confidential report of all the employees during the period of inspection have been submitted to the government or not? Examine.
- (3) As per the instructions of the Resolution dt. 23-5-69 of Revenue Department of Government, whether the 'Confidential Reports' of the employees are being kept in the custody of Collector or Resident Add. Collector? And whether the 'Register of confidential Report' in the office has been maintained or not in a prescribed format? Examine.
- (4) Whether a tradition has been followed or not to make entry regarding submission for review by writing 'confidential Reports' to be written by them in the Handing over 'Charge transfer certificate' on the occasion of transfers of officers, writing confidential Reports? Examine.

**(GH) Increment Register:**

- (1) Whether the "Increment Register" has been maintained or not for the calendar year in a prescribed format as per Resolution No. TJN-1078-286-Z dt. 7-2-78 of F.D. of Government? And whether the entries have been made or not about sanctioned increment in the service books of concerned employees? Examine.

**Para No. 13: Register of immovable property and Register of Security Bond:**

**(K) Register of Immovable Property:**

- (1) As per the instructions of circular No. PRCH-1085-32010-M of G.A.D. of Government and Rule 19 of Gujarat Civil Service Conduct Rules, 1971, whether every year the statements of immovable property in a prescribed form has been obtained from the employees during the period of inspection, not? And whether such declarations made by employees are as per existing orders of Government or not? And whether the declarations of Immovable property are properly maintained or not? Examine.
- (2) Whether the Register of declaration of Immovable property for the period of inspection in the office is maintained in a proper format and updated regularly or not? Examine.
- (3) check during the period of inspection Whether a circular has been issued or not in the month of December every year for getting declaration of immovable property? Examine.
- (4) As per the instructions of circular dt. 18-12-76 of the Revenue Department of Government and the circular of G.A.D. Dt. 23-7-86 and 30-9-86, whether all declarations have been submitted regularly to the government in the month of January, after, getting

such declarations for the immovable properties from all class-I and Class-II officers during the period of inspection?

- (5) Whether it has been implemented or not as per the instructions of circular dt. 30-7-87 of Revenue Department of government and the instruction of rule 19(2)(3) of Rules shown above and as per the instruction of circular dt. 14-2-93? Examine.

**(KH) Security-Bond Register:**

- (1) Whether As per the instructions of Resolution dt. 18-5-66 of Revenue Department of Government and in a prescribed form of schedule 2-B of Administrative order No. 12 of Land Revenue Rules, the Security-Bond has been maintained or not in a latest and proper manner in the office? And during the period of inspection, whether it has been noted or not in this register by assuring about living and endowed with the security of employees as per the position ending July every year? Examine.
- (2) Whether a tradition has been maintained or not for making notes in the Security-Bond register about this and to get Security-Bond of newly appointed employees or to get it from the concerned officer or to submit to the concerned office the Security-Bond of employees who are transferred or leaving this office by transfer? Examine.
- (3) Whether the Security of fixed amount has been taken or not for the employee dealing with the work of financial transaction in the office? Examine.
- (4) The certificates were to be submitted to the Government about this as per the instruction of circular dt. 24-1-85 of Revenue Department of Government by getting it before October 1, the reports about living and endowed with as per the position on 31<sup>st</sup> July every year the security of the employees of the office, in which as per the instruction of circular dt. 17-3-89 of the Revenue Department, whether such certificates are being preserved or not properly by getting from the subordinate offices every year? Examine.
- (5) As per the instruction of Resolution dt. 16-4-87 of Revenue Department of Government, whether the reports are got or not about taking security of fixed amount of the Kasba Talatis by the subordinate offices? Examine.
- (6) Whether the files of Security-bond are kept in custody or not with the Head of office as per rule 181(1) of Gujarat Financial Rules? Examine.

**Para No. 14: Primary and Departmental Inquiry and works of Vigilance Commission.**

**(K) Primary and Departmental Inquiry:**

- (1) Whether the Register of Departmental inquiry and Register of Primary Inquiry have been maintained or not in a proper and latest manner in the office in a form decided by circular No. DPE-1272-M t. 14-8-72 of Revenue Department of Government? Examine.
- (2) In how many and which cases the appointments have been made as the Departmental Inquiry officer? And in how many and which case the appointments have been made as the presenting officer? And at which stage are such cases at present? Examine it and for which reasons are they pending get its details and review it.
- (3) How many, from when, at which stage and for which reasons the cases of primary inquiry are pending? Get its details and review it.
- (4) Whether the payment in all the case of suspension has been made or not for maintenance allowance and without delay? Examine and review it.

**(KH) Works of Vigilance Commission:**

- (1) As per the circular No. CBA/1074/99525/M dt.8-4-75 of Revenue Department of Government, whether the Register in part-I of applications being forwarded by the Vigilance Commission in a prescribed form and a register in part-II of applications directly being forwarded from the Government except Vigilance Commission has been maintained or not in a proper and latest manner? In which, how many applications have been received, how many are disposed of, and for what time they are pending and due to which reasons they are pending, get details of it and review it.
- (2) Whether regular meetings are held or not for review of case of the vigilance Commission? Examine.

**Para No. 15: Pension Cases:**

- (1) As per the instructions from time to time and Resolution No. NVT/5285/3240/M dt. 2-7-86 of F.D. of the Government review by getting details of such cases which are delayed for submitting to the Director, Pension and Provident Fund, Gandhinagar by preparing pension papers of deceased employees within one month and before 12 months by preparing it before 24 months before retirement of employees the pension papers of the employees and make a review of it.
- (2) If they are remaining to be sent to the Director, pension and provident Fund, Gandhinagar by preparing pension cases in case of retired/deceased employees, such cases are pending from when and for what reasons they are pending.
- (3) What actions are taken to prepare retirement cases (pension case) of the employees/officers to be retired within next 18 months? Examine.
- (4) As per the instructions of circular No.NVT/1080/ 2413/M dt. 30-9-80 of F.D. of Government, whether the controlling register of facts of pension cases for block period of five years in the office has been maintained or not in a proper and latest manner? Examine.
- (5) Whether the details are submitted or not for about the employees to be retired with pay-allowances bill in the month of August every year in the statement with Resolution No. PPF/1097/5015 dt. 14-7-98 of F.D. of Government? Examine.

**Para No. 16: Budget:**

- (1) Whether the amounts of allotment and grants sanctioned have been given back in time or not? Examine.
- (2) Examine the grant and the expenditure incurred.
- (3) Examine the reason remedial measures for it.

**Para No. 17: Cash Book:**

- (1) Whether the cash-book in the office has been maintained as per financial year or not in a latest and proper manner? And the certificates are given or not about compilation of pages of cash-book and to carry forward the balance of the previous cash book on the first page of cash book? Examine.
- (2) As per rule 98(2)(K) of Bombay Treasury Rules, 1930, whether the certificates are given or not about the physical verification of closing balance of cash book by the end of every month and the casual verification of closing balance on any working day of every month? And whether any amount as per cash book at the time of inspection is pending without



making payment of it for a period of more than 3 months/without crediting or not? Examine.

- (3) Whether the "Unpaid Register" of the amount unpaid in the office has been maintained or not in a proper and latest manner? Examine.
- (4) Whether it has come to the notice any instance during inspection of any balance which has not been taken into the cash-book? Examine.

**Para No. 18: Copy Fee:**

- (1) Whether the balance sheet is prepared by the end of every month or not by maintaining it in a proper and latest manner, the separate registers in a prescribed and latest manner, and the separate registers in a prescribed form of Form No. RR-9 as per calendar year for criminal applications and as per revenue year for revenue applications in the office? Examine.
- (2) Examine such cases which are delayed in the disposal of criminal applications and Revenue applications disposed of and get the reasons for delay and review it.
- (3) By collecting details of pending applications to be disposed of for more than 10 days in the cases of criminal applications and for more than 15 days in the cases of Revenue applications as per Land Revenue Rules and Circular dt. 6-6-79 of Revenue Department of Government and for how much time and for which reasons they are pending to be disposed of.
- (4) Examine such cases which are delayed in crediting in the government by challan and every month the amount of copy fee, and whether the files of such challan have been maintained or not as per financial year & Examine it.
- (5) Whether it has been maintained in a proper and latest manner or not "the copy fee ledger" in Taluka Form No. 17-B and "Deposit Register" in taluka Form No. 17-A in the office?
- (6) Whether the certificate is given or not about casual verification of balance on any working day of every month and physical verification of balance at the end of every month as per "Copy fee ledger"? Examine.
- (7) Whether the court fee as per rule on applications being submitted to get a copy is properly charged or not? Examine.

**Para No. 19: Court Fee Tickets and Postal Stamps:**

**(K) Court Fee Tickets:**

- (1) Whether the court fee is being charged or not as per rule on the dispute applications being submitted in the office? Verify it from record **(KH) Postal Stamps:**

- (1) Whether the "Dispatch Register" of Postal stamps in a prescribed form as per schedule-7 of booklet of office procedure (for officer except Sachivalaya) and "Stock Register" of accounts of Postal stamps in a prescribed form as per Schedule-8 have been maintained or not in a updated manner? And whether the stock of postal stamps on hand, as per, "Stock Register" of accounts of Postal Stamps, at the time of inspection is tallied or not? Examine.
- (2) Whether there is a system or not about , taking signature of Postal Clerk, noting in the stock register at frequent intervals, daily requirement of the Postal Clerk. Whether the

register is kept in the custody of the superintendent of the Postal tickets stock Branch?  
Examine.

- (3) Whether the postal stamps as per “Stock Register” of postal stamps are really on hand or not? Whether a system has been developed or not of casual verification on any franking day and of physical verification at the end of every month by the Head of office for this?  
Examine.

**Para No. 20: Disposal of Government Waste Land:**

- (1) Gather the details of Government waste land disposed of on permanent basis till date from 1960 and details of government waste land taken on the final list for disposal till-to-day from 1960, Government waste land given on Ek Sali Patta from 1960, Pending applications for Government waste land and Government waste land to be given on Ek Sali Patta on the date of inspection, for how long these have been pending, reasons for delay, and present stage of disposal. Get the details and Review it.
- (2) How much waste land is under “Ban” as per instructions of Revenue Department of Government in Resolution No. JMN-3994-1296(1) Ch. dt. 4-7-98 out of Government waste land to be disposed of? Get details of the Government waste land not under “Ban” and also get the details of such government waste land which is not disposed of and reasons for non-disposal. Also get the details of the land out of the government waste land under “Ban” and reasons as to why procedure has not been initiated to get the exemption from “Ban” and Review it.
- (3) As per compiled Government Resolution No. JMN-3088-3290-1 Adt. 15-2-89 of the Revenue Department; how many beneficiaries have been given Sanads out of the Government waste lands disposed of as per the above G.R. and how many beneficiaries are left. Due to what reasons the Sanad has not been given? Get the details and Review it.
- (4) As per the instructions of the above mentioned government Resolution of Revenue Department of Government, whether one copy has been dispatched to the concerned Prant officer or not for maintaining (1) the register of Part-I about cultivable government waste land and (2) the register of part-II about non-cultivable government waste land in each taluka in a proper and updated manner? And as per the instructions of circular No. JMN-3977-15521-G Dt. 10-3-77 of Revenue Department of Government, whether one copy has been dispatched to the concerned Prant officer for maintaining register in a proper and updated manner showing latest details of gauchar lands in each taluka or not? Get the details and review it.
- (5) As per the instructions of compiled Resolution No. : JMN-392003-545-(1)- A dt. 1-11-2003 of Revenue Department of Government, what type of procedure has been done to dispose of Government waste lands for the purpose of Agriculture and whether the implementation of this Resolution has been done or not? Get the details and Review it.
- (6) It maybe enquired whether R.I.C. statement No. 2 of disposed cultivable Government fallow lands is submitted to Revenue Inspection Commissioner every month by 20<sup>th</sup> of next month regularly as per instruction given in circular No. R.I.C. 222/89 dated 7-4-1989 of Revenue Inspection Commissioner.
- (7) Enquire whether there is breach of conditions in lands allotted/ leased by state government for various purposes and review the position as to what measures have been taken by the concerned officers in this regard.

**Para No. 20 (A): Review of work of conversion of restricted tenure (Restricted tenure type under section 43 of Tenancy Act) lands into unrestricted tenure:**

- (1) Obtain details as to how many cases have been disposed out of total cases during inspection period and how many cases are pending for disposal at the time of inspection and since how much time and the reasons for their non-disposal, Review the matter.
- (2) Obtain details and review as to how many cases have been received for review out of cases disposed of by subordinate Prant Officers according to instructions issued by the State Government vide resolution dated 20-12-1996 of Revenue department and also how many cases are pending for review out of those disposed of by the Prant Officers. How many cases have been returned to the concerned Prant officers out of cases received from Prant officers and disposed of by them after review. Obtain details and review as to how many cases are pending and, from how much time and reasons thereof.

**Para No. 21: Register for non-agricultural use of lands:**

- (1) Enquire whether separate registers have been maintained up to date during inspection period under section 65, 66, and 67 of Bombay Land Revenue Code in the office.
- (2) Obtain details and review as to how many cases have been disposed of in the revenue year under above mentioned three sections how many cases are pending for disposal, and since how much time and reasons thereof.
- (3) Obtain details and review as to how many cases have been disposed within prescribed time-limit out of cases of non-agricultural lands as per instructions issued vide government resolution No. BKP-102001/2685-K dated 16-2-2004 of Revenue department and how many cases have been delayed and for how much time and reasons therefor.

**Para No. 22 : Cases disposed for conversion of agricultural lands into non-agricultural lands under section 65 of Bombay Land Revenue Code, 1879 (Examine five cases).**

Whether the powers vested into collector in the said cases have been properly utilized? Whether there are violations of prevailing provisions of the Act. It may also be enquired whether there is any drawback in procedure.

**Para No. 22 (1) :** To take measures in the disposed cases for non-agricultural use of agricultural lands without permission under section 66 of Bombay Land Revenue Code, 1879 (D.I. letter No. MTK-N.A. Vashi-525-2004 dated 17-7-2004. (Examine five cases).

- (1) Whether review is been done very month to find non-agricultural case without sanction?
- (2) How many cases were brought on record within last two years?
- (3) How many cases have been decided out of those found?
- (4) Whether Collector has used powers vested in him properly in the above cases? Are there any violations of prevailing provisions of the Act? Examine if there is any drawback in the procedure.

**Para No. 22 (2) :** measures taken in disposed of cases of breach of conditions of non-agricultural lands under section 67 of Bombay Land Revenue Code, 1979. (D.O. letter No. MTK-0N.A. Vashi-1192 to 1216/2004 dated 7-10-2004 (Examine two cases)

- (1) Whether time-bound programme has been undertaken as per instructions given in D.O. letter dated 7-10-2004 of this office.
- (2) Whether all the cases under section 66 and 67 have been entered into case register?

- (3) Whether timely hearings are done of the case entered into case register?
- (4) Whether penalty as prescribed in the cases are recovered?
- (5) How much total recovery of the district is outstanding?
- (6) Whether construction has been started within six months of getting sanction for non-agricultural lands? Whether they are checked.
- (7) How many cases have not been checked?
- (8) Whether construction has been completed within three years of the order of non-agricultural lands? How many cases have been checked? How many cases have not been checked?
- (9) How many cases were started about breach of conditions at the end of scrutiny?
- (10) Whether punitive actions have been taken against talatis-cum-mantris, circle officers, maintenance surveyors who have not checked these issues every six months and three years?
- (11) How many cases have been detected of commercial use without getting sanction for change in purpose?
- (12) Whether checking has been done with records of Local Self Government and of municipality?
- (13) Whether scrutiny is done for illegal construction in common plots? How many cases have been scrutinized?
- (14) How many cases have been scrutinized for illegal construction in margin land?
- (15) How many cases are pending for updating of records out of non-agricultural case?
- (16) Whether collector has properly utilized powers vested in him in the said cases? Whether any existing provisions of the law have been infringed? Examine if there is any draw back regarding procedure.

**Para No. 23: Encroachment on Government lands, tanks and reservoirs.**

- (1) How many encroachments cases are pending for disposal in rural and urban areas, year wise, during inspection period, since how much time and reasons for not doing so. Obtain the details of year wise new encroachments done/detected and review them.
- (2) Whether any discussions is done in the meetings of Revenue Officers held every month in the collector office for disposal of cases of encroachments pending beyond one year?
- (3) Obtain details and review what proceeds and penalties have been recovered for encroachments on lands of public places and roads revenue year wise, in checking period as per instructions contained in resolution No. BKP-1076/5589-1(A) of Revenue Department, since how much period the proceeds/ penalties are pending for recovery. Since how much time the proposals are pending for recovery of proceeds –and since how much time the proposals for recovery of proceeds – penalties received from Prant officers are pending for sanction? Obtain details thereof and review.
- (4) Obtain details and review whether all subordinate officers and employees on official tour visit government lands in the district in order to stop encroachments on government lands vide circular/letter dated 6-12-1978 and 20-12-1978 from Revenue Department of Government.

- (5) Obtain details and review whether videography of Government lands has been done and if there is encroachment on the land and if encroachers do not remove encroachments themselves. Whether proceedings under 'PASA' have been done against them under Government circular No. DBN-102001-4177-L dated 5-11-2001 of Revenue Department.
- (6) According to Government circular, Revenue Department No.CTS-1090-3990-H, work to close village records (Daftar Bandh) of lands used for N.A. purposes in some city survey areas. According to G.C., R.D. No. CTS 1090-3990-H dated 20-7-1999, when city survey has been introduced, whether instructions to recover N.A. tax on lands other than agricultural has been implemented? Obtain details and review the matter.

Para No. 24: Promulgation of record of rights and village form No. 7/12 (Tulvari Patrak)

- A.
  - (1) How many mutation entries were pending for disposal in the beginning of enquiry period, how many new mutation entries were done revenue year wise and how many mutation entries were disposed of year wise, How many of them were pending for period less than three months and how many above three months? Obtain details and review the position.
    - (2) According to the instruction issued vide circular No. PRCX-4378/313-T dated 15-11-1978 of Enquiry Branch of Revenue Department entries of inheritance and pot-hissa should be entered immediately, the entries must be disposed by subordinate officers regularly, it should be reviewed in the meetings of Revenue offices held every month . Obtain details and review the position.
    - (3) Obtain details and review the position whether Mamlatdars maintain updated mutation entries register according to instructions issued in G.C., R.D. No. HKP-1088/Recommendation No. 12-J dated 12-1-1989.
    - (4) Obtain papers of five mutation entries sanctioned/ certified by Kasba Talati and check whether these entries have been sanctioned/certified as per existing laws.
- B. Promulgation of village form No. 7/12 (Tulvari Patrak)
  - (1) Whether collectors have timely published ten years programme to write de novo village forms No. 7/12 (Pani Patrak) according to instructions issued under G.C., R.D. No. RAM 1080-12173-L dated 10-6-1987? How much work has been completed for de novo writing and their promulgation of taluka wise villages according to ten years programme? How much work is pending for de novo writing of forms 7/12 and their promulgation? Has time-bound programme been planned to complete such work in prescribed period limit? Please obtain details and review the position.
  - (2) Whether check register has been duly maintained upto date showing taluka wise/ village wise details in the office? Whether detailed discussions are done, work reviewed and of implementation and progress in the meetings of Revenue officers held every month?

Para No. 25: Jurisdiction of section 65 of Tenancy Act.

- (1) How much areas have been taken and how much areas have been leased?
- (2) What are the reasons for not giving on lease such lands?

Para No. 26: Evacuee Properties:

- (1) Are register for evacuee properties maintained?
- (2) Whether immovable properties out of evacuee properties are disposed of?

Para No. 27: Arms Licenses:

- (1) Whether arms licenses registers are properly maintained and updated in prescribed form as laid down in Appendix V(1) of Bombay Arms Act Manual as directed by circular No.HPC-1786/1355-M dated 25-7-1986 of Home Department? Whether such registers are computerized?
- (2) Whether applications register to obtain Arms licenses are properly maintained as per calendar year and updated and signature of the Head of office obtained regularly therein? Whether the register is checked by District Magistrate regularly before 10th day of every month as directed by G.C.,H.D. no. HPC-1088/6694-M dated 29-12-1984?
- (3) How many applications were received to obtain arms licenses during a calendar year during inspection period? How many applications were disposed of? How many applications were pending at the time of inspection, since how long and reasons for their non-disposal? Period prescribed to obtain Arms licenses is 75 days. Whether they are disposed within prescribed time? Please obtain details and review the matter.
- (4) In the cases were applications to obtain arms licenses are rejected. 'license fee' is not to be returned as directed in G.C., H.D. no. HPC-1574-5418-M dated 20-11-1974. Whether these instructions are followed?
- (5) Whether persons obtaining Arms license purchase arms within stipulated time according to rule 52(2) of Arms Rules,1962. Please ensure this from office register. Whether instructions issued under circular dated 11-6-1990 of Home Department are implemented?
- (6) Whether procedure laid down in circulars dated 28-7-1980, 2-1-1988 and 11-3-1990 are followed for renewal of Arms licenses for further period after expiry of prescribed period? Please ascertain on perusal of records.
- (7) How many Arms licenses have been examined by the district Magistrate during his tour during inspection period in a year?
- (8) Whether District Magistrate has inspected the shops of licenses dealing in sales/repairs of arms during inspection period regularly every year ?
- (9) Whether District Magistrate has inspected all police stations and out-posts falling within his jurisdiction at least once in every calendar year during inspection period as directed by Government circulars dated 5-8-1978 and 15-2-1985 of Home Department and circular No.VHT-TPS-Vashi-405/86 dated 6-5-1986 and circular No. TSH-2-TPS-Vashi-189/98 dated 14-9-1988 of Revenue Inspection Commissioner, Gandhinagar.
- (10) How many applications were sanctioned for revolver/pistol licenses during calendar year during inspection period? From how many applications? How many applications were rejected and reasons thereof? Please obtain details and review the position.

Para No. 28: Entertainment Tax and Luxuries Tax:

- (1) Whether recovery of entertainment tax is gradually decreasing every month? Examine reasons thereof.
- (2) Whether sufficient deposit has been taken from all theatres to which permission to pay in cash has been granted under section 4(2) of the Entertainment tax Act.
- (3) Form No. 18 should be checked.

Para No. 29: Licenses for Petroleum explosive substances:

(A) Licenses for Explosive substances:

(1) How many applications have been received during inspection period? How many of them have been disposed of? How many of them are pending for disposal? Since how much time and reasons thereof? Please obtain details and review the matter. Whether record is maintained properly for applications received and disposed of? Whether licenses are issued in prescribed forms?

(2) Whether register showing details of temporary licenses/ permanent licenses for explosive substances are properly maintained in the office upto date during inspection period in the office?

(3) Whether Taluka Magistrate (Mamlatdar) observe provisions of rule 165 of Explosive Rules, 1983 while renewing permanent licenses of explosive substances (fireworks) issued by the District Magistrate in accordance with instructions issued by circular dated 6-10-1990 of Home department? Is there any system to ascertain it?

(B) Petroleum Storage- No-objection certificate:

(1) Please obtain details of applications received year wise during inspection period, applications disposed and pending applications at the time of inspection. Why are they pending and since how much time? Review the position. Whether register showing details of such applications has been maintained properly? Whether certificates has been issued in form No. 11 as directed in the provisions of Petroleum Act, circular dated 4-10-1982 of Food and Civil Supplies Department and Mineral Products Rules, 1976.

(2) Please obtain details of delay in case where more than 2(two) months have lapsed in disposal of applications to obtain 'No-objection Certificates' as directed in Government circular dated 28-6-1970 of Home Department. Also review delay that took place and at what stage. Also review their position.

Para No. 30: Cases- Appeals.

(1) How many cases-appeals were pending in the beginning of the enquiry period under various laws? How many new cases-appeals were added during enquiry period? How many cases/ appeals were disposed of during the enquiry period? How many cases-appeals are pending for disposal, since how much time and on what grounds? Whether parawise remarks are sent to the Government pleader in all court matters? Please obtain details and review the position.

(2) Whether register showing updated details of cases-appeals under various laws is maintained in prescribed form as directed by G.C., R.D. No. IW-INS-Z-1977 dated 9-4-1977.

Para No. 31: Land Acquisition:

(1) Whether Special Land Acquisition Offices have disposed of 10 (ten) cases of Land Acquisition every month and Dy. Collectors/ Asstt. Collectors looking after land acquisition have disposed of 2(two) case every month in accordance with circular dated 29-5-1992 of Revenue Department. Please review in this regard. Also review how many cases have not been disposed of within prescribed time-limit.

(2) How many cases are pending for disposal with Special Land Acquisition Officers and Deputy Collectors/ Asst. Collectors looking after Land acquisition work of the District at the time of inspection, since how much time and at what stage? Whether Collector keeps

adequate watch over the disposal of Land acquisition cases? Please obtain details and review the position.

- (3) Whether Collector has held regular meetings every month during inspection period for discussion and review of disposal of Land Acquisition cases? Whether minutes of the meetings have been submitted by the officers concerned within prescribed period? Whether Acquisition officers remain present in such monthly meetings? Please obtain proceedings of the monthly, check them and review the position.
- (4) Whether offices of such Land Acquisition Officers have been included in enquiry period programmes? Whether inquiries have been made?
- (5) Whether bimonthly statement showing details of Land acquisition cases of the district during inspection period is regularly submitted to the concerned branch of Revenue Department by 5th of every month?
- (6) Points of court reference should be checked under section 18. Whether they are reviewed in time? Whether parawise remarks are submitted to the court in time? Whether representative of the office remains present in the respective court during hearing?

Para No. 32: Annual Administrative Report of Land Revenue:

Please enquire whether annual administrative reports of Land revenue have been submitted to the Government regularly every year by 31st December after completion of revenue year during inspection period in accordance with the circular dated 29-01-1979 of inspection branch of Revenue Department? If any annual administrative report has not been submitted to the government and even if there is delay, please obtain reasons thereof and scrutinize its justifiable grounds.

Para No. 33: Anawari:

Whether Anawari orders are issued in time?

Para No.33 (A) – Grant of permission under section 73-AA of Bombay Land Revenue Code, 1979.

- (1) Whether the collector properly utilized powers vested in him in the said case except scheduled areas according to G.C., R.D.No. RDJ-1098/128-J dated 8-5-2000? Whether there is breach of existing provisions of law? If there is any drawback in procedure, it should be examined.
- (2) How many pending cases have been duly entrusted to District Development officer under the said section as on 1-1-1998 in scheduled areas as laid down in the said circular of Revenue Department? How many cases are pending for entrusting, since when and on what grounds? Please obtain details thereof and review them.
- (3) Whether list of scheduled areas, letter no. ADJ-1099/1491-J dated 9-8-1999 of Revenue Department, a notification in English dated 8-5-1978 of Social Welfare and Tribal Development Department dated: 8-05-1978 and notification of the Central Government dated 31-12-1977 are available in the office?

Para No. 34: Record Room:

- (1) How many files are pending for branch wise classification at the time of inspection? How many files are pending for depositing in record room? How many files are destroyable? Since how much time such work is pending? What are the reasons thereof? Please obtain details and review the position.



- (2) Was there any delay in submitting quarterly statement showing details of classification, incoming and destruction during inspection period to the Revenue Inspection Commissioner, Gandhinagar? Whether such details presented at the time of inspection match with those of quarterly statement?
- (3) At the time of inspection, visit record room and carefully inspect record room place/condition and see whether records are preserved properly. Please examine this and give your opinion and suggestions for drawbacks you notice.
- (4) Whether registers are properly maintained up-to-date in prescribed form laid down in Appendix 15 (1) of the booklet 'Office Procedure' (For offices other than Sachivalaya Departments)
- (5) Whether classification of record is made as laid down in G.C., G.A.D. No. Daftar-1483-1626-ARTD-(5) dated 19-4-1983?
- (6) Out of records deposited into record room, please check a bundle of any class and see whether the files have been maintained? Whether the details of classification have been filled in accurately on classified files?
- (7) Records of how many villages have been deposited to concerned Mamlatdar office out of the total revenue villages in the taluka i? Revenue records of how many villages are pending to be deposited at respective Mamlatdar offices and since how much time? Please obtain details and review as to what measures have been taken by the collector to complete pending work.
- (8) Whether account records have been properly classified as per Appendix-II of Gujarat Financial Rules as laid down in circular dated 9-5-1977 of Inspection Branch of Revenue Department?
- (9) Whether government gazettes have been classified properly and being updated?
- (10) Whether Collector visits record room at the time of visit to subordinate Revenue offices and give necessary instructions and guidance as directed under circular dated 29-7-1991 of Inspection Branch of Revenue Department? Whether the offices have properly implemented them? Whether such system has been adopted by the Collector?
- (11) Whether implementation is being done according to instructions issued vide circular No. MTK-TPS-Vashi-90/2005 dated 2-5-2005 of Revenue Inspection Commissioner, Gandhinagar?

Para No. 35: Dead Stock:

- (1) Whether 'dead stock register' has been maintained and updated in prescribed form 'General 44-G' in printed form in office? Whether index is prepared on the front page of the register? Whether Head of office has issued such certificate that all the entries of old dead stock register have been carried forward into new dead stock a register and whether it has been signed by the Head of office?
- (2) Please check whether dead stock register numbers are given on all the dead stocks of the office and review it.
- (3) Whether all the articles entered into dead stock register are tallied with those in the office and whether yearly certificate has been issued as per the dead stock register at the end of 30th June every year as per instructions laid down in rule 98 of Manual of Contingent Expenditure? Whether employee in charge of dead stock and Head of office has issued certificate and signed at time of transfer of charge in the dead stock register?

- (4) What type of measures has been taken to recover cost of missing articles entered into dead stock register?

Para No. 36: Implementation of important circulars/ resolutions:

- (1) How are the instructions issued by the government for administrative reforms, for recovery of Government dues, for speedy disposal of work etc implemented? Please check them.
- (2) Whether all circulars issued by Government in last two years have been implemented?

Para No. 37: Government vehicles:

Please obtain details of which vehicles are with which officer. Whether history sheet of every vehicle is maintained up-to-date in prescribed Part-I to IV properly.

Para No. 38: Tour of Collectors and checking of diaries of subordinate offices:

- (1) Whether officers have worked/performed duties, for the period of inspection? Please obtain details.
- (2) Whether Collector has made tours as per prescribed days and has done prescribed night halts revenue year wise during inspection period as directed under G.C., R.D. No. PTA-1090/260-D dated 17-1-1990? Please obtain details and review it.
- (3) Whether collector has filled in Appendix- A as per target fixed for revenue year during inspection period as per instructions issued in above circular of Revenue Department? Whether General Inspection has been made of records of the Talati? Whether Farmers' passbook, (Khedut Khatavahi) have been inspected? Has he checked record of circle officers of the district? Whether he has inspected police stations/ out-posts? Has he checked licenses of all types? How many hotel licenses have been checked? Please obtain and check details and review the matter.
- (4) Whether office has maintained upto date files, revenue year wise, of inspection done of circle officers, Appendix- 'A' filled in during inspection period, general inspection forms for record of Talati?
- (5) Whether compliance reports of drawbacks found during inspection of record of circle officers, general inspection forms for records of Talatis, Appendix – A filled in during inspection period? (Examine two forms).
- (6) Whether Collector has published progammes of Appendix-A to be filled, in the first week of August ,that is in the beginning of every revenue year as per instructions laid down in the circular dated 2-5-1987 of Revenue Inspection Commissioner, Gandhinagar?
- (7) Whether register for visits of collector during revenue year has been properly maintained and updated?
- (8) Whether collectors have submitted their monthly diaries during inspection period to the Revenue Inspection Commissioner, Gandhinagar by 10th day of every month? Whether check register has been maintained in the offices properly and updated?
- (9) Whether collectors have obtained monthly diaries from subordinate Prant Officers and subordinate Mamlatdars and offered their remarks thereon in time? Whether compliance of remarks has been received? Whether control register are maintained in the office properly?

- (10) During inspection period, whether collectors have come out with 'Proposed tour Programmes' every month regularly and in time? Whether copies of 'Proposed tour Programmes' is being submitted to Revenue Inspection Commissioner as per instructions of circular dated 6-8-2004 from Revenue Inspection Commissioner, Gandhinagar.

Para No.39: Standing orders file:

- (1) An update list of standing orders files should be prepared as laid down in circular dated 27-4-1978 of Revenue Department. Whether office order has been issued to maintain standing order files? Whether various branches/records have properly maintained standing orders files accordingly, as per subject lists and whether register in that regard has been maintained and updated? Please check and review.
- (2) Please call for some files of standing orders of important records from various branches of the office and ensure whether page numbers have been given upto last and index has also been made to the last. Whether Government circulars/resolutions are inter-linked? Please check and review.

Para No. 40: Departmental Examination Books:

- (1) Whether books prescribed for various departmental examinations are properly maintained?
- (2) Whether any books of departmental examinations are missing? If yes, what measures have been taken to obtain them?
- (3) Whether required books are available to government employees for departmental examinations?

Para No. 41 : Attention to applicants/Implementation of citizen charter/ Meeting of co-ordination committee/ On line "SWAGAT Programme of Hon. Chief Minister/ Problems raised in Gram Sabhas regarding revenue work/ remaining works for on-the-spot disposal programmes.

(A) Attention to applicants:

(1) Whether complaint register has been properly and updated regularly in prescribed form containing (1) applications received from complaint box (2) Complaints presented in person and (3) Complaints received by posts against administration as per instructions laid down in resolutions dated 30-8-1977 and 28-10-1977 and circular dated 22-1-1985 of General Administration Department? Whether acknowledgement is issued to the concerned complainant/ applicant for having received complaint/ application? Whether such complaints are properly disposed of within prescribed time-limit?

(2) Whether complaint box has been kept at conspicuous place near the chamber of Head of office vide circular dated 4-5-1994 of Revenue Department? Whether complaint box is regularly opened at an interval of every fifteen days? Whether complaint box rojkam register is properly maintained in the office for complaints received there from? Whether such complaints / applications are regularly entered into 'Complaints/ Applications register'?

- (B) Implementation of Citizen Charter:  
How many applications have been received under 'Citizen Charter' per year in last three calendar years? How many of them have been disposed of positively and how many of them negatively?
- (C) Review of remaining work of on the spot disposal.  
Whether disposal of problems are made on-the-spot, in time, as per prevailing instructions of the Government.
- (D) On-line 'SWAGAT' Programme of Hon. Chief Minister.  
Whether 'SWAGAT' programmes is held regularly every month during inspection period? Whether updated register is maintained in the office to record details of problems ? At the time of enquiry time how many problems presented/asked in the 'SWAGAT' Programmes, how many of them are pending and since how much time, at which stage and on what grounds? Please obtain details and review the position.
- (E) Problems raised in Gram Sabha regarding revenue work.  
How many Gram Sabhas were held during the year? Whether updated register is maintained of all questions presented in the Gram Sabhas? Please obtain details of issue related to revenue administration presented in the Gram Sabhas, issues disposed of and remaining issues and also obtain details since now much time, at which stage and on what grounds such issues are pending. Whether up-to-date register is properly maintained in the office to record details of problems presented in the on-the-spot disposal programme?

Para No. 42: Roster Register:

- (1) Whether roster contact officer has been maintained in the office as per instructions laid down in the circular dated 24-2-1972 of the Education and Labor Department? Whether the concerned officer scrutiny of roster registers maintained in the office every year as per instructions issued vide said circular and corrigendum letter No. TS-Z-TPS-Questionnaire-82 dated 9-12-1982 of Inspection Branch of Revenue Department?
- (2) Whether roster register for recruitment (Appendix-I) and roster register for promotion (Appendix-II) are properly maintained and updated? Whether Head of office and any officer of Revenue Department have checked these registers and signed?

Para No. 43: Meetings of Revenue Officers:

- (1) Whether instructions issued vide this officer circular No.MTK-MKM-Vashi-3541/ 2004 dated 9-11-2004 have been followed?
- (2) Whether discussions are held as per agenda?
- (3) Whether agenda of meetings of Revenue officers are issued?
- (4) Whether minutes of monthly meetings of revenue officers are issued?

Para No. 44: Holding of staff meetings. This office circular No. MTK-MKM-Vashi- 853/ 2005 dated 16-2-2005.

- (1) Whether discussions are held as per agenda?
- (2) Whether proceedings of the meeting are taken?
- (3) Whether issues taken up in last meeting are discussed?

- (4) Whether staffs meeting have been held regularly every month during inspection period vide G.C., R.D. No. TPS-TSH-313-79 dated 12-1-1979. Whether points 1 to 15 prescribed and other important points are discussed and reviewed in staff meeting?
- (5) Whether register for proceedings of staff meeting is properly maintained? Please check and review.

Para No. 45: Management of Employees' Welfare Scheme.

Whether sincere efforts have been made to undertake employees' welfare schemes as laid down in G.C., G.A.D. No. SGA-1072 -Welfare and G.C., G.A.D. No. SGA-1086- Welfare?

Para No. 46: E – Governance:

- (1) Whether all officers/ employees have obtained training in computer 'Module-1' and 'Module-2'? If such training has not been given to some employees, what is future planning? Whether officers/ employees who have obtained training , use computer in government work? Whether they use E-mails?
- (2) Whether electronic machines viz. computers, printers, fax, Xerox machine are in usable condition whether instructions have been issued to the concerned employees to carefully use such electronic machines by issuing office order?
- (3) Whether G-Swan telephones are used in the office? Whether there is any reduction in telephone bill by doing so?
- (4) Whether various software developed by N.I.C. and General Administration Department are used in office work?

Para No. 47: Various court case registers:

- (1) Whether up-to-date registers are maintained in forms prescribed by circular of Revenue Department , and for various courts. Check Registers of cases in various courts viz. various district courts/Special Secretary (Appeal), Revenue Department/ Gujarat Revenue Tribunal/ Hon. Gujarat High Court/ Hon. Supreme Court?
- (2) Out of cases in various courts, how many cases are pending, since how much time and on what grounds? Please obtain details and review them.

Para No. 48: Review of noteworthy things/works to be observed during inspection:

- (1) Office Management
- (2) Office Sanitation
- (3) Sitting arrangements in the office
- (4) Facilities for employees/ visitors in the office.
- (5) Facilities of toilets
- (6) Facilities for physically challenged applicants.
- (7) Drinking water arrangement.
- (8) Condition of furniture.

Para No. 49: Items noticed during inspection, which are not included in the questionnaire.

Para No. 50: Suggestions of Inspection Team.

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