



GOVERNMENT OF EAST PAKISTAN  
DIRECTORATE OF LAND RECORDS AND SURVEYS  
EAST PAKISTAN

Almirah. No: 47  
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Technical Rules and Instructions  
of the  
Settlement Department  
1957

Issued by the Director of Land Records on  
principles approved by Government

Reprinted in 1957

Officer on Special Duty, (Home Dept.)  
East Pakistan Government Press, Dacca.  
1958

Price—Rs.4.



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#### PREFACE.

This edition is merely a reprint of Technical Rules and Instructions of the Settlement Department 1916 reprinted in 1925, with such additions and alterations as have been introduced through correction slips issued since 1925. It supersedes the Technical Rules and Instructions of the Settlement Department of 1916, reprinted in 1925 and should be referred to as the Technical Rules and Instructions of the Settlement Department, 1957.

2. All errors and omissions should be brought to the notice of the Directorate of Land Records and Surveys, East Pakistan.

M. F. KARIM,

The 29th August, 1957.

Director of Land Records and Surveys,  
East Pakistan.

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## INTRODUCTION.

This volume contains "The Technical Rules and Instructions of the Settlement Department," commonly called the "Director of Land Records' Rules," issued on principles approved by Government. They have been prepared in collaboration with the Director of Surveys, who specially prepared the chapter on Traverse Survey, the Settlement Officers and Mr. G. H. W. Davis, I.C.S., Assistant Settlement Officer, Midnapore, who was placed on special duty for this purpose. The materials on which the instructions are based are taken from the Manuals hitherto in force and from rules framed by past or present Settlement Officers or former Directors of Land Records. The volume has been divided into seven parts, each of which can be obtained separately in paper covers. The forms will be found in Appendix X of the Survey and Settlement Manual, 1917, except in the case of the Traverse and Case-Work Rules, where for the sake of convenience these forms are attached to the different chapters.

M. C. McALPIN,

*Director of Land Records, Bengal.*

CALCUTTA,

*The 29th March 1916.*

PART I,  
CHAPTER I.—TRAVERSE SURVEY.



## CHAPTER I. TRAVERSE SURVEY.

### Rules for the Traverse Survey of small isolated areas by the Settlement Department.

1. **Object of traverse.**—The object of the traverse is to prepare a skeleton plan of each village, or other unit, which will show upon its face in their correct relative positions a sufficient number of marks to enable the Cadastral Surveyor to make an accurate map of all the details inside each unit. Unless the initial basis is tolerably accurate, and unless it provides sufficient marks, all detail survey based upon it will be worthless. Ordinarily speaking, at least 20 marks per square mile will be needed in open country, and as many as 30 where cadastral details are congested. Village sites in which unusual congestion of detail occurs may require a far greater number of marks than 30 to the square mile. These figures refer to the 16-inch scale, which is that usually employed in minor settlement surveys.

2. **Methods of traverse.**—There are several methods by which the necessary basis for a minor cadastral survey can be obtained—

- (a) By theodolite traverse.
- (b) By prismatic compass traverse.
- (c) By plane table traverse.
- (d) By chain triangulation.

Since those who are employed upon minor settlement surveys have had some training as surveyors, the above four methods are only outlined below.

Of the four methods, (a) is the most accurate, if executed by well-trained men, and next to it in order of accuracy comes (d). Method (b) should be used only in emergency, and method (c) with caution, and only when the staff is unusually efficient.

3. **Theodolite traverse.**—For a theodolite traverse, having first examined the boundary of the unit to be surveyed, stout bamboos are placed on the boundary or within 2½ Gunter's chains of it, one mark being placed at each major bend in the boundary. Where bends are further apart than 40 chains, intermediate marks must be introduced. The lines between intermediate marks are then cleared to admit of successive marks being intervisible. Thus a closed polygon of straight lines, with marks at each of the corners, is formed on the ground, roughly approximating to the boundary of the unit, and, if properly executed, there will be no point on the boundary that is more distant than 2½ chains from some point on the traverse.

Having dealt with the boundary, the surveyor will consider what marks, if any, are required inside the unit, to give the Cadastral Surveyor sufficient points for his detail survey work. Interior lines and marks are required in the following cases:—

- (a) Sub-traverses are to be run at distances not exceeding 40 chains apart in all open country.
- (b) Where an isolated block of cultivation occurs over 50 acres in area, a sub-traverse must be run round the block.
- (c) Where a cultivated isolated block smaller in area than 50 acres occurs, two or three sub-traverse stations must be fixed within, or close to, the cultivation.



- (d) All large *bhis* and broad or unfordable rivers should have sub-traverses round them or along both banks.
- (e) All large and all congested village sites should have sub-traverses round and through the sites.
- (f) Where a hill stands alone in a village it will have a sub-traverse round its base; but if there is jungle around the base, the sub-traverse will follow the outside limits of the jungle.
- (g) Where rivers are broad but fordable a sub-traverse along one bank will generally suffice, and the orders of the officer in charge should be obtained before a second traverse is run. If any doubt exists, the second traverse must be run.
- (h) Azimuths on main and sub-circuits should be observed once in every twenty or thirty stations, or at distances four to five miles apart, and at junctions of all main and sub-circuits. Two stars, one east and the other west of the meridian, if possible, should always be observed, but never solely to Polaris at elongation or to the sun. If owing to clouds, two stars on either side of the meridian cannot be observed, then two stars, either on the east or on the west may be observed.
- (i) Marks should only be embedded at junctions of field corners.

The surveyor can now erect his theodolite at a convenient station on the boundary, observe and record the magnetic bearing of a line he has laid out, and he can then survey the polygon by observing each successive angle three times, and measuring each line twice. Ordinarily the circuit will be made with the left hand towards the unit under survey.

The results recorded in the surveyor's field book must agree within the following limits:—

**Angles.**—Single angle, its double and its supplement. The initial angle and its check values deduced from the two other observations must agree within one minute.

**Distances.**—Differences in the changing exceeding one link in five chains necessitate a remeasurement. The field book will show all details necessary to permit of its being set up and computed by Gale's Traverse System.

The traverse plot will be plotted from the *co-ordinates* obtained in the computation form, the first station of observation being taken as the origin of survey. If the plots are on squared paper, actual measurements will be taken only from the nearest square corner, assuming the squares to be correct. The length of lines will then be checked from the computations, and, if correct, the plot will be linked up in Cobalt blue. The area of the plot will be extracted with a planimeter and if it does not agree to within 5 per cent. of the computed areas the plot will be rejected.

The plot is then given over to the Cadastral Surveyor.

When minor surveys of this type are undertaken by the settlement staff, each surveyor will be supplied with a copy of the rules issued by the Director of Surveys to his field staff for major traverse operations.

**Computation.**—The following maximum corrections may be applied:—

In angular work for main and sub-circuits, one minute in ten angles and for village circuits, including *parda* and sub-traverse lines, one minute in five angles.

In chaining work, *i.e.*, northings, southings, eastings and westings, for main and sub-circuits one link in twenty chains, and for village circuits including *parda* and sub-traverse lines one link in ten chains.

In Azimuth work, the computed results of the same faces (left or right) of two different stars should agree within 1 minute and 30 seconds.

**4. Prismatic Compass traverse.**—The prismatic Compass form of traverse is very similar to that with the theodolite, but as a magnetic needle is subject to several types of errors, and its circle less accurately graduated than theodolites, the same standard of accuracy cannot be attained. If a true north and south line has been laid down at the district headquarters, the correction of the needle should be observed and recorded before work is commenced. The ground for survey should be laid out as for a theodolite traverse, and the procedure laid down in the last paragraph adopted as far as the computing stage, except that the bearings need only be observed twice (once at each station at the ends of the line observed, making four readings for each line) and they should agree to within two minutes.

It is best to compute by Gale's Traverse System and to plot from co-ordinates. This is not always possible. When Gale's Traverse System is used the angular corrections permissible may be raised to 1 degree in five angles. The linear corrections may be increased to 1 link in 1 chain.

If Gale's method cannot be used, the traverse plot can be made by successively plotting observed angles and distances. Usually, however, the terminal line will not fall exactly on the initial point of observation. The modern system of cadastral survey necessitates that the plotted polygon should close accurately, and it will generally be found that it is quicker in the end to use Gale's system, even if it is necessary to send the field books to the Director of Surveys to be computed and plotted.

**5. Plane table traverse.**—In the hands of a really good surveyor, so long as the plotted lines are not short, very good results can be obtained by a plane table traverse. It is essential that the lines used should be as long as possible, but with a maximum length of 40 Gunter's chains.

After the polygon has been prepared on the ground as for a theodolite survey, the following operations will be carried out:—

- (a) The paper on which the plot is to be made will be carefully fixed by its edges to the plane table board.
- (b) The table will be set up accurately over the first station of observation.
- (c) That the table top is level will be tested by placing a pencil on it. If the pencil does not roll about, the table will be sufficiently level.
- (d) A suitable spot on the paper will be selected to represent the first station, and it will be marked with a pencil dot and circle. The initial point must be so chosen that all, or as much as possible of the plot, will fall upon the paper.
- (e) Flags will be placed on the back and forward stations. The former, which should be about 25 chains distant, will be intersected by the sight-vane and the table clamped and a line ruled in its direction from the starting point. The magnetic compass (if used) will be laid on one side of the paper and turned till it reads zero; its limits will then be marked on the paper by fine pencil lines.
- (f) The left edge of the vane will be placed at the first station and the forward station intersected, a line being ruled in its direction. At each subsequent point the back station will be again intersected as a check.
- (g) The distance between the initial station and the forward station will be measured twice with the chain. Errors greater than 1 link in 5 chains in the two measurements will require re-measurement.



The forward station will be plotted on the table, which will have been brought up to this point.

- (h) The operation will be continued until the station referred to as the back station is reached. Its position will be derived in two ways—first, by the intersection of two rays on the paper, and secondly, by measurement up to the back station from the station before it, along the last ray laid down on the paper.

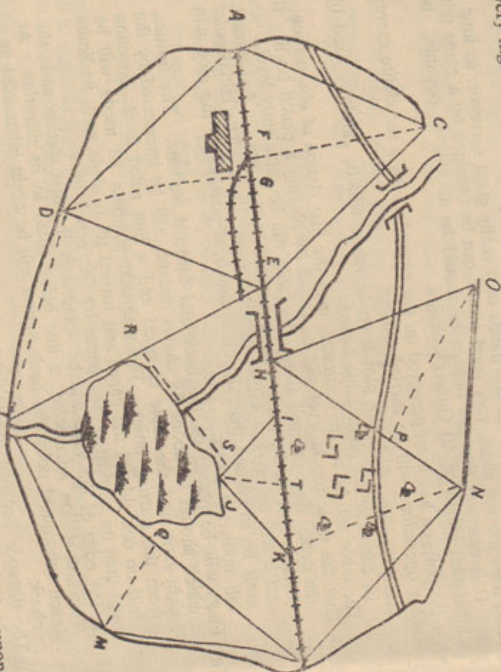
Finally, the distance between the back and the initial stations will be measured and checked against the plot.

The magnetic compass is to be used merely as a rough check in the course of the operations; it must not be used for setting the table in azimuth.

- (i) From time to time by intersection from 3 points, salient points inside the polygon will be fixed. If suitably chosen, these will serve as sub-traverse stations in open country. Otherwise special sub-traverse traverse stations for such traverses prescribed for theodolite traverse must be put down with the same care as the outside polygon.

If a polygon does not close, it can be checked backwards. If that does not disclose the error, the survey must be done again. The warning against the use of short rays is repeated. It will be best never to employ a line shorter than 15 Gunter's chains, except in emergency.

6. **Chain triangulation.**—The system of chain triangulation is not actually a traverse, but it gives similar results, and, if used with care, can be made to give a very high standard of accuracy.



The sketch above shows a village which it is required to survey upon a chain triangulation.

The railway A B obviously serves as a suitable base from which points can be fixed, and it will be necessary to measure it carefully several times and then to plot it to scale on the paper on which the cadastral survey will be made.

Whilst proceeding from A to B the surveyor will place white flags at the points P, Q, E, H, I, J, O and K; he will also place flags at D, L, M, N, O, C.

To obtain C he will measure A C, C E, and the check line C F (F is a point about half-way A and E). If when plotted these meet at a point, that point will represent the flag C on the ground.

By such means, as many points as are required for the cadastral survey will be fixed, and a brief inspection of the diagram will show how what is to all intents and purposes a traverse can be laid down on the ground by means of triangles, the apices of which are all fixed by three independent measurements. If these points are suitably selected there will be no difficulty to the Cadastral Surveyor in supplementing them. For instance, to offset the side of the hill adjoining R S it is easy to fix the positions of R and S by measurement, and so obtain what is practically a traverse line.

The example given is an easy one, but there are few cases in which an experienced surveyor cannot use chain triangulation if he will carefully study the ground before he lays out his initial base.

The following points must always be remembered:—

- (a) That the object of the net work is to help and not to confuse the Cadastral Surveyor.
- (b) That the starting base should be as long as possible.
- (c) That the main triangles should be as large as possible.
- (d) That unnecessary building of triangles one upon another is inadvisable.
- (e) That the more nearly equilateral the triangles are the better.

Plane table triangulation can be plotted directly on to the cadastral sheet, or it can be plotted from a field book. The field book is merely a sketch of the ground, supported by lines which indicate the base and the sides of triangles, each having its measured length recorded against it. The advantage of plotting in the field is that any errors that are made in measurements are at once detected, and can be corrected with a minimum amount of trouble to the surveyor.

(Checks to be imposed by Assistant Settlement Officers in charge.)

7. **Dangers of fudging.**—If the Officer in charge of the Survey is not careful, he will find that, although the traverse or triangulation basis for a Cadastral survey looks excellent, it may not be really accurate. There are numerous ways of fudging work; these it is necessary to understand, so that sufficient check may be imposed to make certain that fudging has not been resorted to.

8. **Check of theodolite traverse.**—To save time an angle is only observed if it is made in any recorded observation, it will not be apparent until the traverse is set up by Gale's Traverse System. The surveyor then has the option of admitting a mistake and revising his work in the field or correcting his field



book and perhaps other records. Apart from such inspection in the field as is possible, the following precautions should be taken by the supervising officer:—

- (i) To see if angles, doubles and supplements give absolute coincidences for the true angle in all cases. If they do, all three angles are unlikely to have been observed.
  - (ii) To look carefully for corrections or erasures, and examine such cases rigidly for evidences of fudging. The use of a pencil should be forbidden.
  - (iii) To see that differences for the main angle, as obtained from the field book records of doubles and supplements, do not exceed 1 minute.
  - (iv) In the set-up form to compare the angles used with those given in the field book; to see that corrections in excess of those allowed are not used, and that they are applied in the most likely places; and to see that the angles total what they should total.
  - (v) To examine the North and South and East and West columns of the set-up form to see that the entries are in the appropriate columns, considering the bearings used; to see that over-correction is not used, and that corrections are applied to the most likely traverses; and to examine the totals and see if they are correct.
  - (vi) To check the plotted lengths of each line on the traverse plot and compare it, to scale, with the lengths entered in the field book.
  - (vii) To take out the planimeter area of each polygon himself, or by independent agency, and compare it with the area computed by Gale's Traverse System. It is a sound rule to take charge of the plot as soon as it is made, and before the area is computed by Gale's system. This will destroy all chance of the staff getting into collusion to make the computed and extracted areas of polygon agree closely.
  - (viii) To check carefully every item in the set-up form which shows signs of corrections or erasure. It is true that these checks will not give absolute confidence in the results, but they will keep the staff straight in nearly every case.
  - (ix) To trace back mistakes in traverse discovered at a later stage to the person responsible and to find out whether it is an accidental error or a deliberate fudge.
9. **Check of Prismatic compass survey.**—(a) *When plots are made after computation by Gale's Traverse System.*—The general tenor of the precautions used for Theodolite surveys should be adopted:—
- (b) *When plots are made by plotting directly from bearings and distances.*—The following checks should be applied:—
    - (i) Examine the field books for corrections and erasures and try to find the actual causes of these.
    - (ii) Check each bearing and the length of each line, to scale, on the plot.
    - (iii) If possible, for each plot, run two chain lines on the ground, across the plot, between traverse stations, and check the distances measured with those shown on the plot. The basis selected will give the best results if they are approximately at right angles to each other. This check can be prepared in advance during field inspections.

- (iv) Examine particularly the bearing and length of the closing line of the polygon.

10. **Check of Plane table Traverse.**—These can only be checked in the field, where at least 10 per cent. of the lines should be checked both in distance and direction. Special attention should be paid to the following points:—

- (i) The closing line of the traverse.
- (ii) Points fixed by lines which converge rapidly.
- (iii) Where rubbing out has been resorted to on the board, special scrutiny is necessary.
- (iv) Partials across the polygon should be done in the field.

11. **Check of chain triangulation.**—(a) *Without field books.*—When plotting is done directly on to the sheet, the only checking that is possible must be done in the field, and unless mistakes are courted, a very close system of inspection is necessary. The main points in such inspection will be obvious from the rules for working given above.

- (b) *With field books.*—In this case less field inspection is less necessary, but it cannot be dispensed with.

The following points are important:—

- (i) Erasures and corrections must be looked at with suspicion.
- (ii) The lines must be used sufficiently.
- (iii) The positions of points fixed by very oblique intersections must be carefully checked.
- (iv) Independent partials between corners not already joined should be made in the field.

12. **General remarks upon inspection work.**—In every case the following points must be remembered:—

- (i) That the object of the survey is never lost sight of, viz., to give the Cadastral Surveyor sufficient accurately fixed points to admit of his making an accurate detail survey with the least possible delay.
- (ii) That all instruments are in adjustment and that chains are of the correct length.
- (iii) That the rules prescribed are being closely followed.

General.

13. **Outturn and rates.**—The following outturn may be expected from experienced workers:—

Survey by angles with theodolite prismatic compass or plane table.	Per diem per man. 12 to 26 angles.
Survey by chain lines	200 to 300 Gunter's chains.
Plotting on the 16" scale	150 to 200 stations, including inking up.
Planimetering	20 to 40 sheets.



Roughly one worker should be able to compute and enter finally the whole of Form 2 for 10 to 20 angles per diem.

Contract rates should be avoided. Comparison and examination work must always be done by a staff on fixed pay.

14. Staff.—The staffs below should suffice in all cases in which the area for survey is tolerably flat and not intersected by large waterways.

(I) Theodolite and Prismatic Compass Surveyors:—

One surveyor at	Rs.	Rs.
Chairman at	20	to 35
Assistant Chairman	11	....
	10	....

With coolies for flagmen at local rates.

(II) Plane table Surveyors:—

One Surveyor	Rs.	Rs.
Chairman	20	to 35
Assistant Chairman	11	....
	10	....

Two or three coolies at local rates.

15. Equipment.—The ordinary theodolite traverser will be supplied with the following articles in addition to forms and stationery:—

- (1) A theodolite with stand.
- (2) Two chains, 100 links.
- (3) A pair of Dividers.
- (4) A 4" scale.
- (5) Pins : 22 small and 2 large.

He will provide his own flags. Axes, dials, etc., where required, can be procured from the villagers.

A plane table traverser will require a plane table and a sightvane in place of a theodolite, and a prismatic surveyor a prismatic compass.

16. Forms.—The forms needed by the District Staff for computing by Gale's Traverse System are five in number:—

- (1) Field book.
- (2) Village circuit traverse table.
- (3) Computation of distances on the meridian and perpendicular.
- (4) Multiplication table.
- (5) Offset *muphili*.

An example of the entire computations for a village of which the traverse polygon contains ten sides is given at the end of the chapter. This chapter is not intended to give full instructions but as merely a sample to the surveyor, which will always be ready to his hand. For further detail reference must be made to a text-book on surveying.

FORM I.

Field book for Village Traverse.

(Based on trifunction of villages Manoharpur, Narainpur and Bhawanipur.)

18-47			
Stone	⊥	296-06-00 127-49-00 63-54-30	
		6-35 155-48-00 48-23-30	
Cylinder	⊙	204-12-00 12-98 272-55-00 174-10-00	
Cylinder	⊙	87-05-00 19-54 197-57-00 324-06-30	
Cylinder	⊙	162-03-00 11-62 181-36-00 356-48-00 178-24-30	
Stone	⊥	23-94 257-03-30 205-52-00	
		102-56-00 11-40 241-38-30 236-42-00	
Cylinder	⊙	118-21-30 19-16 216-12-00 287-35-00	
Stone	⊥	143-48-00 18-36 259-06-00 201-48-00	
Cylinder	⊙	100-54-30 8-15 81-37-00 196-46-30	
Cylinder	⊙	278-23-00	
Survey of Manoharpur No. 68.			
Magnetic Bearing a to j 3-28-00° cylinder at	⊙		

FORM No. 2.

Village Circuit Traverse Table.

Mauza Manohorpur No. 68, District 24-Parganas, Surveyed in 1914-15.

ORIGIN OF SURVEY.—TRIJUNCTION OF VILLAGE.					DISTANCES ON THE												PRODUCTS.									
Names of adjoining villages.	Station letters.	Observed angles.			Bearings.		Distances.		Meridian			Perpendicular.			Meridian.		Perpendicular.		Sum of Successive Pairs of Co-ordinates	North.	South.	Offsets.				
		Degrees.	Min.	Cor.	Degrees.	Min.	Chains.	Lks.	North.	South.	East.	West.	Of each station from the Origin of Survey.	Chains.	Lks.	Chains.	Lks.	Chains.				Lks.	N. on E. and S. on W.	S. on E. N. on W.	+	—
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15												
Narainpur, 72	J																									
⊙ a		278	23		183	28	18	47					1	12	S. 18	44	W. 1	12	W. 1	12	2	07			6-10	
Bhowanipur, 67.	⊙ b	100	54		281	51	8	15	1	67			7	98	— 1	16	77	9	09	10	21		1	71		6-75
⊙ c		143	47		202	45	18	36			16	93		7	10	1	33	70	16	18	25	27	42	78	8-05	
⊙ d		118	21		166	32	19	16			18	63	4	46			52	33	11	72	27	90	51	98		8-20
Isripur, 70	⊙ e	102	56		104	53	11	40		2	93	11	02	+ 1			55	26	0	69	12	41	3	64	8-20	
⊙ f		178	24		27	49	23	94	21	17			11	17	1		34	09	E. 10	49	E. 9	80	20	75		

10

Narayanpur, 71	⊙ a	142	04		26	18	11	67	80	42			5	13			23	67	15	62	26	11	17	21	0-10	
	⊙ b	87	05		8	16	19	54	19	34	1		2	81			4	34	18	43	34	05	65	82		
	⊙ c	204	12		275	21	12	98	1	21			12	92	1		3	13	5	52	23	95	2	90	0-40	
	⊙ d	63	55		299	33	6	35	3	13			5	52			0	00	0	00	5	52	1	73		
																									8-95	
		10	1440	00	183	28	149	97	56	94	1	56	93	34	59	+ 2	34	64	3							
																									12-50	
																									108 58	
																									+ 12 50	
																									08	

11



FORM No. 3.

Computation of Distances on Meridian and Perpendicular by Traverse Tables.

By GURDEN'S TABLES.										By BOILEAU'S TABLES.										By LOGARITHMS.						
Names of vil- lages.	Stations.	Bear- ings.		Distan- ces.		Meridian		Perpen- dicular.		Names of vil- lages.	Stations.	Bear- ings.		Distan- ces.		Meridian		Perpendi- cular.		Names of vil- lages.	Stations.	Bearings and distances.	Logarithms.		Co-ordinates.	
		Degrs.	Min.	Chs.	Lks.	Chs.	Lks.	Chs.	Lks.			Degrs.	Min.	Chs.	Lks.	Chs.	Lks.	Chs.	Lks.							
						1796	71	108	84							0998	17	0060	46			183°-28'	Sum of (1) & (2)	1° 265'-6715	M.	48-44
						46	91	2	84							798	54	048	37			Bg. 3°-28'	Log. Cos. Bg.(1)	9° 9992046		
																39	93	02	42			Dist. 18°-47'	Log. Dist. (2)	1° 2664669		
																6	99	0	42				Log. Sin. Bg.(3)	8° 7815244		
	183	28									183	28											Sum of (2) & (3)	0° 0479913	P.	1° 12
	3		18	47		18-43	62	1-11	68		3		18	47	18-43	63	1-11	67								
																164	28	782	95			281°-51'	Sum of (1) & (2)	0° 2236527	M.	1° 67
						164	28	782	95							02	05	09	79			Bg. 78°-09'	Log. Cos. Bg.(1)	9° 3124951		
						3	08	14	68							1	02	4	89			Dist. 8°-15'	Log. Dist. (2)	0° 9111576		
	281	51									281	51											Log. Sin. Bg.(3)	9° 9906445		
	78	09	8	15		1-67	36	7-97	63		78	09	8	15	1-67	35	7-97	63				Sum of (2) & (3)	0° 9018021	P.	7° 98	
						1659	96	696	08							0922	20	0386	71			202°-45'	Sum of (1) & (2)	1° 2286983	M.	16° 93
						33	20	13	92							737	76	309	37			Bg. 22°-45'	Log. Cos. Bg.(1)	9° 9648256		
																27	67	11	60			Dist. 18°-36'	Log. Dist. (2)	1° 2638727		
	2	02	45								202	45				5	53	2	32				Log. Sin. Bg.(3)	9° 5873865		
	22		18	36	16-93	16	7° 10	00			22		18	36	16-93	16	7° 10	00				Sum of (2) & (3)	0° 8512592	P.	7° 10	

						1847	76	442	47							0972	50	0232	88			166°-32'	Sum of (1) &(2)	1°-2702876	M.	18°-63
						15	56	3	73							875	26	209	59			Bg. 13°-28'	Log. Cos. Bg. (1)	9°-9878921		
																09	73	02	33			Dist. 19°-16'	Log. Dist. (2)	1°-2823955		
																5	84	1	40				Log. Sin. Bg. (3)	9°-3671315		
166	32										166	32											Sum of (2) &(3)	0°-6495270	P.	4°-46
13	28	19	16	18°-63	32	4°-46	20				13	28	19	16	18°-63	33	4°-46	20								
						282	54	1063	10							0256	85	0966	45			104°-53'	Sum of (1) &(2)	0°-4665873	M.	2°-93
						10	27	38	66							025	69	096	65			Bg. 75°-07'	Log. Cos. Bg. (1)	9°-4096824		
																10	27	38	66			Dist. 11°-40'	Log. Dist. (2)	1°-0569049		
104	53										104	53											Log. Sin. Bg. (3)	9°-9851798		
75	07	11	40	2°-92	81	11°-01	76				75	07	11	40	2°-92	81	11°-01	76				Sum of (2) &(3)	1°-0420847	P.	11°-02	
																1768	89	0933	28							
						2034	22	1073	28							265	33	139	99			Bg. 27°-49'	Log. Cos. Bg. (1)	9°-9466710		
						83	14	43	86							79	60	42	00			Dist. 23°-94'	Log. Dist. (2)	1°-3791241		
																3	54	1	87				Log. Sin. Bg. (3)	9°-6689656		
27	49	23	94	21°-17	36	11°-17	14				27	49	23	94	21°-17	36	11°-17	14				Sum of (2) &(3)	1°-0481097	P.	11°-17	
						986	84	485	94							0897	13	0441	76							
						53	62	27	39							089	71	044	18			Bg. 26°-13'	Log. Cos. Bg. (1)	9°-9528553		
																53	83	26	51			Dist. 11°-62'	Log. Dist. (2)	1°-0652061		
																1	79	0	88				Log. Sin. Bg. (3)	9°-6451931		
26	13	11	62	10°-42	46	5°-13	33				26	13	11	62	10°-42	46	5°-13	33				Sum of (2) &(3)	0°-7103992	P.	5°-13	
																0989	61	01443	78							
						1880	26	273	18							890	65	129	40			Bg. 8°-16'	Log. Cos. Bg. (1)	9°-9954639		
						53	44	7	76							49	48	07	19			Dist. 19°-54'	Log. Dist. (2)	1°-2909246		
																3	96	0	58				Log. Sin. Bg. (3)	9°-1577000		
8	16	19	54	19°-33	70	2°-80	94				8	16	19	54	19°-33	70	2°-80	95				Sum of (2) &(3)	0°-4486246	P.	2°-81	



By GURDEN'S TABLES.								By BOILEAU'S TABLES.								By LOGARITHMS.										
Name of village.	Stations.	Bearings.		Distances.		Meridian.		Perpendicular.		Name of village.	Stations.	Bearings.		Distances.		Meridian.		Perpendicular.		Name of village.	Stations.	Bearings and distances.	Logarithms.		Co-ordinates.	
		Degrs.	Min.	Chs.	Lks.	Chs.	Lks.	Chs.	Lks.			Chs.	Lks.	Chs.	Lks.	Chs.	Lks.									
						111	89	1194	77							0093	24	0995	64			275° 21'	Sum of (1) & (2)	0° 0828746	M.	1° 21
						9	14	97	57							018	65	199	13			Bg. 85° 39'	Log. Cos. Bg. (1	8° 9695999		
																08	39	89	61			Dist. 12° 98	Log. Dist. (2)	1° 1132747		
		275	21									275	21			0	75	7	97			..	Log. Sin. Bg. (3)	9° 9981040		
		84	39	12	98	1° 21	03	12° 92	24			84	39	12	98	1° 21	03	12° 93	35			..	Sum of (2) & (3)	1° 1113787	P.	12° 92
						295	91	521	96							295	91	521	96			299° 3'	Sum of (1) & (2)	0° 4957817	M.	3° 13
						17	26	30	45							14	80	26	09			Bg. 60° 27'	Log. Cos. Bg. (1	9° 6930080		
																2	47	4	35			Dist. 6° 35	Log. Dist. (2)	0° 8027737		
		299	33									299	33									..	Log. Sin. Bg. (3)	9° 9394821		
		60	27	6	35	3° 13	17	5° 52	41			60	27	6	35	3° 13	18	5° 52	40			.	Sum of (2) & (3)	0° 7422558	P.	5° 52

NOTE.—This form should be hand-ruled by the Surveyor.

The computations by different methods should be made on separate forms before comparison of results.

Two different methods of computation should always be used.

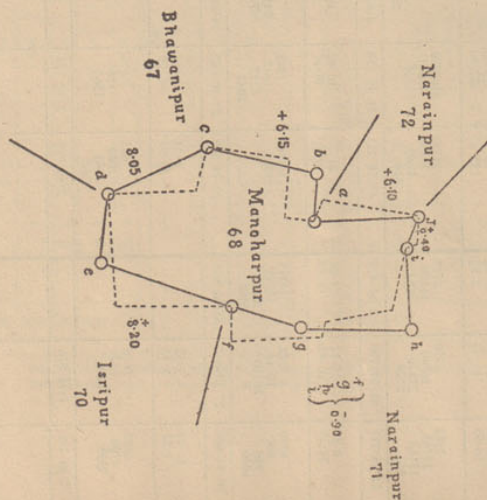
**Multiplication.**  
(1st working.)

## FORM No.4.

**Multiplication.**  
(2nd working.)

[illegible]





## PART II.

## CHAPTER II—CADASTRAL SURVEY.

- " III—KHANAPURI.
- " IV—INSPECTION OF CADASTRAL SURVEY AND KHANAPURI.
- " V—FIELD BUIHARAT.

## CHAPTER II.

## CADASTRAL SURVEY.

1. **Purpose of cadastral survey.**—The purpose of cadastral survey is to make an accurate plan of the fields in the village or area under survey on the required scale, which is ordinarily 16 inches to the mile.

2. **Notice to villagers.**—When the cadastral amin arrives at a village, his first duty will be, unless this has already been done by the Kanungo or Inspector, to serve the notice supplied to him on the landlord or headmen of the village, taking their signatures or thumb impression on the back of the notice. He returns the notice, when served, to the Kanungo who will keep it until it is filed with the record after completion of *khanapuri*. He will also post another copy of notice in some conspicuous place in the village.

3. **Attendance of parties.**—When field survey is in progress the amin should give notice to the occupants of the lands in that part of the village in which survey is in progress, but should not cause the attendance of persons until their lands are under survey. The presence of the landlord's agent or other village officer is required during field survey. In case the parties do not attend, the amin should report to the Kanungo or Inspector.

4. **Amin's equipment.**—The amin will be supplied with a rough sketch showing the traverse points in relative position which is called the *khaka*. His equipment will include:—

- (1) 1 plate-table, with tripod.
- (2) 1 plane-table cover.
- (3) 1 Gunter's chain.
- (4) 10 pins.
- (5) 1 optical square.
- (6) 1 ivory offset scale.
- (7) 1 16-inch to a mile metal scale.
- (8) 1 pair dividers.
- (9) 1 flat ruler.
- (10) 1 pencil H. H. H. and 1 soft pencil.
- (11) 1 laggi or nal 20 links (to be made by the amin).
- (12) 1 spade (generally supplied by the villagers).
- (13) 1 table of conventional signs.
- (14) Stationery, forms, ink, etc. (supplied according to requirements by the Circle Officer).
- (15) A notice to the landlords and tenants.
- (16) 1 copy of the rules.

The amin will himself provide as many flags as he requires.

5. **Testing the chain.**—The chains usually employed for measuring distances in cadastral surveys measure 22 yards in length. They are called Gunter's chain. They are divided into 100 links, each tenth division being marked with a special mark or pendant. These chains are liable to slight variations in length, and should therefore be tested constantly while in work.

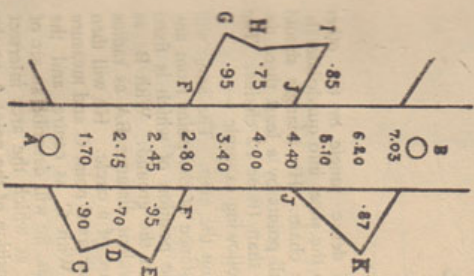
Every chain should be tested before issue at the head-quarters of the cadastral camp against a special measuring standard. If the chain is of incorrect length it must be adjusted accordingly. In all cases care should be taken that the distances from the 50th link to both ends of the chain are equal.

6. **Standard line.**—A standard line should be pegged out on level ground in each village the amin begins his survey. He should compare his chain daily with it before going out to work. Inspecting officers should test the amin's chain and see that he is observing this rule.

7. **Use of the optical square-offsets.**—The optical square is an instrument by which can be ascertained the point in the straight line of advance from which any selected point off that line is exactly perpendicular. The length of the perpendicular which is called the "offset" is measured, and by means of the scale and compasses the position of the point is shown on the sheet, as in the marginal figure. If AB is the line of advance and ACDEFG, etc., the configuration of the fields adjoining that line then CX, DY, etc., are "offsets," and F and J are the points of intersection of the line of advance with the field-boundaries called *kattans*. In taking offsets from AB flags are placed at A and B, a man with a pole is placed at, say, C the point from which the offset is to be taken. Another man, usually the amin, takes the optical square, and moves backward and forward on the line AB, until the reflection of the pole held by the first man as seen in the glass is in a direct line with the flag B. This gives the point X and the distances AX and CX are then measured and shown on the map or in the field book, which is prepared in accordance with the instructions in the following rule:—

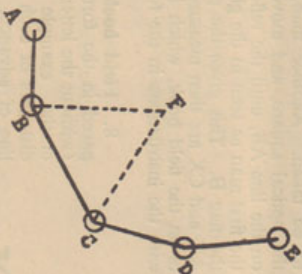
8. **Field book.**—A field book is prepared in the form given in the margin (without the lettering) which is a field book of the example given in rule 7. The distances of each offset or *kattan* along the line of advance, are written in the centre column, and the offsets on either side of line of advance on the proper side of that column, together with a pictorial representation of the configuration of the field boundaries.

9. **The use of the sight vane.**—In rough or jungle country, where correct chaining is difficult, it will be sometimes necessary to use the sight vane to establish new stations. The method in which the sight vane will be used is explained in the following illustration:—

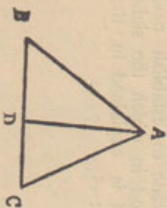




Suppose it is required to fix on the map below, the position of a point F. The points A, B, C, D, E are traverse stations. Place a flag at F, and also flags at A and C, and the plane table at B, taking care that it is in horizontal position. Place the sight vane along the edge of the traverse line BC on the sheet, and move the table until the sight vane intersects the flag at C. When this is done, clamp the table and place the sight vane similarly along the edge of the line BA. If the table has been correctly set, the sight vane will intersect the flag at A. The reason why the line BC is used first is that it is longer than AB. The process should be continued till it is found that the sight vane aligned along the same sides of the traverse lines BA and BC exactly intersects the flags at A and C. When this is secured, place the sight vane on the sheet at the point B, keeping it in position by means of a pin, align it along the direction B F, moving it about until it intersects the flag at F. Draw a line along the sight rule in the direction of BF. Then proceed to the point C and repeat the same process showing the direction of the line CF also on the sheet. The point at which the two lines cut is the required point F. The table should be brought to D and set up as before. The sight vane aligned along the line DF on the sheet should intersect the flag at F, if the point F has been fixed correctly. Another test consists in measuring a line from the point F to any known point in the traverse line. Its length measured on the ground should exactly agree with its length taken by scale from the sheet, if the work is correct. The sight vane is not part of the ordinary equipment of an amin, but can be obtained from his superior officers, when really necessary. He should not be allowed to use the sight vane for making new stations. This will be done by the Kanungo or Inspector.



10. **Triangulation.** Owing to the existence of dense jungle or for other reasons, it may not be possible in all cases to cut up the sheet into quadrilaterals. In such cases the amin should triangulate with the chain. His triangle should always be as equilateral as possible and he will fix all points by a least three the lines. The sides of the triangle should not be more than 10 or 12 chains. The correct method of triangulation is explained in the following example:—

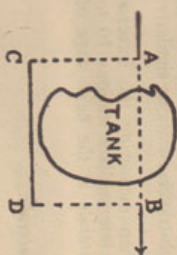


It is required to fix the position of the point A on the map. The amin will first measure the distance of the point from any selected point B, the position of which is fixed on the map, and on the ground. With B as centre and the equivalent distance BA as radius he will describe an arc of a circle. He will then select similarly another fixed point C and measure the distance CA. With C as centre and the distance CA as radius, he will describe an arc of a circle. The point at which the arcs intersect will be the correct position of the point A on the

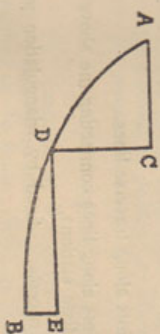
map. To test the accuracy of the work the amin will measure the distance of a line AD, and compare the distance as measured on the ground with the distance taken by scale from the map. If they agree the plotting has been done correctly.

All triangulation lines should be shown on the *khaka* with their measurements.

11. **Prolongation of traverse lines.**—In certain circumstances, when the traverse lines do not closely conform to the village boundary, it is permitted to extend one or more traverse lines to obtain fixed points upon which to base exterior detailed survey. But such cases do not occur very often, and it must be understood that any undue tendency to use extensions must be checked by the supervising agency. Extensions of traverse lines should only be used when they give as good a basis, with a smaller expenditure of time, than building up by triangulation. The limit points of extended traverse lines should be checked by one traverse line, instead of two as in building up by the ordinary method. Short traverse lines must never be extended, and 3 to 4 chains is the limit to which extension is permitted. The extensions with their measurements must be shown on the *khaka*.



12. **Obstacles.**—When the amin is confronted by houses, unfordable tanks or streams, the distance along the line of advance may be obtained by taking offsets with the optical square as in the marginal figure—from the points A and B, the length of the line AC being made equal to the length of the line BD. The length of the line CD is then equal to the distance from A to B, including the inaccessible portion.



13. **Horizontal chaining.**—When chaining over inclines, the chain must always be held horizontal, thus if (vide the marginal figure) the amin wishes to determine the distance along the incline, he will first measure from A to C horizontally with the chain. A pebble will be dropped at C through the handle of the chain, giving the point D when it falls vertically below C. The distance DE will then be measured and the point B ascertained in the same manner. The distance AC and DE is the required distance along the line of advance A to B.

14. **Stages of survey.**—There are five stages of cadastral survey:—

- I. The finding of traverse stations.
- II. The preparation of quadrilaterals.
- III. The plotting of village boundaries.
- IV. The plotting of fields.
- V. Blue-inking of the map.

#### I.—The Finding of Traverse Stations.

15. **Location of traverse stations.**—The amin will start work from one of the junction marks embedded by the traverse-surveyor, and will proceed with his *khaka* to locate on the ground the traverse-stations shown on the *khaka*.



If during this operation the amin cannot find the mark of a traverse-station, he will first see whether the work can proceed without the missing mark. If this can be done he will omit the station in question. If this cannot be done he will obtain the help of his superior officer to locate the station by one or more of the following means:—

- (a) He will take a point which coincides with the probable position of the missing mark and will chain the distances from that point to three marks which have been found. If all three distances coincide with the distances on the traverse sheet, the conjectural point may be taken as the position of the missing mark, or
  - (b) He will take an offset with an optical square from the line which connects two marks which have been found and are intervisible. This process should not be used when the offset is more than one chain.
  - (c) The Kanungo or Inspector will use the sight-vane as directed in rule 9.
16. **Check of distances between traverse stations.**—The amin will test by actual chaining the distance between each pair of marks which he finds on the ground or locates under Rule 15. *Katons* are marked on the ground by straight cuttings in the field boundaries. He will enter the lengths of the lines and of all *katons* on the *khaka*. The amin will then check the sub-traverse stations similarly.
17. **Intermediate or quadrilateral stations.**—When measuring the traverse lines the amin will take the opportunity to establish intermediate stations 10 to 14 chains apart which will help in forming quadrilaterals at the next stage of work.

## II.—The Preparation of Quadrilaterals.

18. **Quadrilateral stations.**—The following points are recognised as quadrilateral stations:—

- (a) theodolite stations,
  - (b) intermediate stations at chained points along traverse lines.
  - (c) intermediate stations at chained points along lines connecting the above-mentioned stations and intermediate stations,
  - (d) intermediate stations, if absolutely necessary, fixed by triangulation in the interior of the village.
- The amin will cut up the entire village into quadrilaterals of which the aforesaid points are corners. The sides of the quadrilaterals should be from 10 to 14 chains in length.

19. **Arrangement of quadrilateral lines.**—The amin should begin to make his quadrilaterals from the narrowest end of the village to minimise the chance of error and should run the sides of his quadrilaterals close to and in the direction of the short ends of fields. Triangles should seldom be used in the place of quadrilaterals. It must be remembered that the quality and ease of the survey depend very largely upon the intelligence with which quadrilaterals are made. The country should be examined by the amin before the lines are selected so that advantage may be taken of the general arrangement of the fields.

20. **Demarcation and position of quadrilateral stations.**—Quadrilateral stations should be marked on the ground by circles 2 to 4 feet in diameter. They should never be made in cultivated fields.

21. **Entry of quadrilaterals on the "khaka".**—The quadrilaterals and the points where the quadrilateral line cuts field boundaries (*katons*) with their measurements will be shown on the *khaka* by the amin.

22. **Plotting of quadrilaterals by Kanungo or Inspector.**—When the sheet is completely cut up into quadrilaterals, the amin will bring his *khaka* to the Kanungo or Inspector who will with his own hand plot the quadrilaterals and *katons* on the sheet, checking all distances between traverse points and in the quadrilaterals. In the case of discrepancies greater than one link into two chains or, in very undulating country, one link in one chain, the Kanungo or Inspector will order the amin to remeasure. When errors within the prescribed limit are found the Kanungo or Inspector should distribute them along the line. In measuring lengths of over 10 chains the Kanungo should use the length of the nearest squares on the sheet measured parallel to the line he is checking in preference to the metal scale.

23. **Method of distribution of errors.**—The method of distributing errors is as follows:—

- (a) In a line of 33.50 chains, an error of 15 links is found. As the total length is nearer to 30 than 40 chains, measure off 3.50 chains backwards from the closing point, divide the remainder of the line into three equal parts, each of which will be considered to be 10 chains. The error is distributed along the line of 30 chains. All subsequent measurements for offsets or *katons* should be taken from the nearest nominal 10 chains distance.
- (b) In a line of 38.50 chains, an error of 15 links is found. As the total length is nearer to 40 than 30 chains, produce the line on the map to a further distance 1.50 chains. Divide the total length of line into four equal parts and proceed as in (a).

If the error is considerable, but is allowed to pass, it is advisable still further to divide the nominal 10-chain lengths into halves, so that each five-chain length will receive its due proportion of the error. Even when there is no discrepancy, the lines should be divided into 10-chain lengths, so that in all subsequent plotting the compasses will never be stretched beyond 10 chains.

## III.—The Plotting of Village Boundaries.

24. **Omission of this stage.**—This stage may be omitted with the sanction of the Settlement Officer, and the village boundary plotted along with the internal plotting of the fields. Whether this stage is omitted or not, if at any point the village boundary is disputed, the amin will leave that portion unplotted and will inform his superior officer.

25. **Village boundary.**—If this stage is not omitted the amin will plot the entire village boundary upon the sheet, taking offsets from the traverse lines which run along that boundary. In doing so he may plot one field all the way round, but at this stage he should not go further inland. If the village boundary is more than one chain outside the traverse line he will make one or more subsidiary stations by means of triangulation or prolongation of traverse lines. Points on the boundary at a similar distance inside the traverse lines will be plotted by means of *shikri* lines (see rule 27).

26. **Survey of stream on the boundary.**—When two villages are separated by a stream the following rules will be followed:—

- (a) When the stream is 3 chains or less in width each amin will show both banks. It is immaterial whether the stream has been included in the traverse sheet of this village or that.



- (b) When the stream is more than 3 chains in width both banks will be taken up by the amir in whose traverse sheet the stream has been included. The other amir will take up only the near bank.
- (c) When the stream is so wide that it has been impossible to include both banks on one traverse sheet each amir will take up only the bank of his own side.

#### IV.—The Internal Plotting of Fields.

27. "Shikmi" lines.—At this stage the amir will use neither field-book nor *khaka*, but will plot the fields directly on the traverse sheet in fine pencil. He will locate the corners of fields and the bends in the sides of fields by running sublimes or *shikmi* lines and by taking offsets therefrom with the optical square. Each quadrilateral will be plotted separately. He will first of all go along its boundaries, plotting the adjacent fields. At the same time he will select suitable points as *shikmi* terminal points, marking them on the ground with small circles and if possible with flags. *Katans* on *shikmi* lines should also be marked on the ground. The *shikmi* lines will run between these points, but they must not run to or from supplementary points which have been located by offsets. Great importance is to be attached to the proper placing of *shikmi* lines which should follow the general direction of field-boundaries and should be close to them in order to minimise the length of offsets. Plotting should only be commenced when all the necessary sublimes in a quadrilateral have been selected.

28. Limit of offset.—Offsets must not exceed one chain.

29. Definition of a field.—The following is the definition of a "Field":—

A field is a piece of land within one periphery which is possessed by one person or set of joint persons, which is held under one title and which consists of one class of land. The Settlement Officer will prepare lists showing the "classes" of land which will be recognised in each district or part of a district. Some explanations and examples are given below.

- (a) A man holds the northern portion of a piece of land under one landlord and the southern portion under another landlord. This must be plotted as two fields even though the land be within one periphery and be of one class. In this case if the northern and southern portion be under the same landlord but be covered by separate rent-receipts, then the land will be plotted as two fields.
- (b) If two brothers hold a piece of land under a single rent-receipt, then if the two brothers have made a permanent partition of the land between themselves, it will be plotted as two fields.
- (c) A piece of land which is within one periphery, is of uniform class, and is held by the same man under the same rent-receipt will be plotted as one field even though the man has made divisions within the field for the convenience of cultivation. In plotting fields "classes" of land and not crops are the criterion.
- (d) Land which is waste from natural causes will constitute a separate "class" of land known as "unculturable waste". Such land will therefore be plotted as a separate field. On the other hand, land which has remained uncropped for the profit or convenience of the occupant, or for the temporary purposes of agriculture, will not constitute a separate "class" of land but will be placed in the same class as similar land which bears a crop. When therefore a man holds under one rent-receipt a piece of land which is within one periphery and of one class, but which is partly cropped and partly uncropped, the whole land will be plotted as one field.

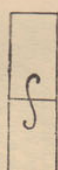
- (e) Unless the occupants of a homestead have made a permanent partition among themselves, the entire homestead (including plumb, courtyards, gardens, orchards, avenues, etc.) will be held under the same rent-receipt, be plotted as a single field.
- (f) A tank which is part of a homestead should not be plotted separately from the rest of the homestead unless it is more than 3 chains in length. Even then the bank of the tank should be plotted along with the homestead. On the other hand a tank in the open country should always be plotted separately from the surrounding fields and the bank of the tank should be plotted separately, from the bed.
- (g) Boundary ditches which do not exceed 15 links in breadth will be treated as boundary lines and will not be plotted separately. Boundary ditches which exceed 15 links in breadth will be plotted separately unless they divide a man's homestead from the rest of his land, in which case they will be included in the same field as the homestead.

- (h) Small water channels not exceeding 15 links in diameter should not be surveyed separately, but the middle of the channel should be taken as if it were an "ail", and on the line on the map a small arrowhead in the direction of the water flow should be marked between each field corner. Such channels must be taken up even where the fields on both sides would otherwise be mapped as one plot. The line on which the arrowheads are placed should start from some wider channel, and not begin independently in the middle of cultivated fields.

- (i) In the case of demarcated district and Local Board or Public Works Department roads, the following procedure should be adopted. All demarcation-stones must be mapped in position and a line drawn from stone to stone; where such a line cuts through fields it should be broken thus: ..... and the portion of the field lying within the broken line be given a separate plot number. The line to be drawn from stone to stone will not necessarily be straight, but will ordinarily be parallel to the centre of the road. Where, however, the width of the road between two stones on opposite sides varies, as it generally does, e.g., when the road goes through a bazar, these lines will be drawn so that the breadth of the whole road and roadside lands decreases or increases uniformly.

Encroachments in the above case will be separately plotted.

- (j) In the case of embankment roads, the crest and the embankment will be mapped together while the roadside lands will be mapped separately.



If two or more plots which have been separately surveyed are found to constitute one "field" they will be bracketed thus. The use of India rubber is forbidden.

30. Survey of particular objects "in situ".—The following items should be carefully surveyed in position:—

Railway lines, masonry pillars, large footpaths, milestones, telegraph posts, pucca bridges, irrigation channels, embankments, temples, tombs, wells, pucca buildings, large isolated trees, and other conspicuous objects. The amir should



show all these items, with their appropriate *alamas* or conventional signs in pencil. *Kucha* houses will not be surveyed *in situ* but must be shown by *alamas*.

The G.T. Survey Bench marks should be surveyed in 16" maps showing the level in feet by an *alamat* as these should also be shown later, on 4" and 1" maps. In situ G.T.S.  
O 106 B. M.

31. Use of Red flags.—Red flags should never be placed on or near the railway or its embankments.

32. Survey of village sites.—If the amin thinks that a village-site should be surveyed on the 32-inch or 64-inch scale, he will bring the matter to the notice of the Kanungo who will refer to the Circle Officer for orders. The 64-inch scale should only be used in extraordinary circumstances.

33. "Thoka" lines.—The amin will show the direction of the adjacent village boundaries on the map by a *thoka* line starting at a distance of one chain from the true trijunction and prolonged to a distance of five chains. He will enter in pencil both on the sheet and on the *khaika* the correct names of all adjoining villages.

#### V.—The Inking of the Map.

34. Inking up of map and boundaries.—After the pencil map of the amin has been fully checked and passed by the superior officer, it will be inked in blue cobalt by a competent draughtsman. The boundary and sheet margin will not, however, be inked up without a specific order from the Kanungo.

35. Certain items shall remain in pencil.—The name and number of the village, the names of surrounding villages and of rivers, etc., the north point, *thoka* lines, quadrilateral and *shikini* lines, and conventional signs will still remain in pencil. The history of the sheet, the name of the amin, date of commencement of cadastral survey, etc., will be shown in their places at the top of the sheet.

#### General.

36. Survey of margins of sheets.—When the village map falls on more than one sheet, it is necessary to decide upon a common margin between two sheets. It is a mistake to make the margin an artificial line straight along the squares. The margin should run from traverse station to traverse station. If there are traverse stations near enough to the edge of the sheets for the lines between them to appear in their whole length in both sheets. If not the Kanungo or Inspector will decide upon quadrilateral lines the plotting of which he considers accurate, to be shown on both sheets and taken as their margin by both the amins. If for this purpose it is necessary to utilize traverse points on adjoining sheets, their relative position will be accurately plotted by the Kanungo or Inspector from the co-ordinates shown on the sheets on one of the sheets or on a blank sheet, and the relative position of any point between them accurately determined by its relative position to the squares on the sheet. The position of this point can then be immediately plotted relative to the original traverse points on the two sheets and utilized for the purposes of the margin. The point will be a corner of a quadrilateral, and its position should be checked with reference to a distant corner of that quadrilateral to ensure there being no lateral shift in the position of the point. Only integral fields should be surveyed on each sheet. A field should be surveyed in the sheet in which the larger portion lies within the margin. Where this is not possible the fields will be divided into two plots by a dotted line on the margin.

37. Care of maps.—(a) The amin must keep his maps clean and neat. To ensure this he will, when working, take care that his hand does not come in direct contact with the map. He will also place a large sheet of paper on the table under the map and pieces of clean paper or linen over the map excepting the portion on which he is working. Maps should not be folded or creased.

(b) Erasures with the knife are strictly prohibited.

(c) Ink spots and grease stains are particularly injurious whether in the front or back of the map. When they are found the amin will be fined. The amin will initial (in pencil) all ink spots and stains caused by him. He will be responsible for ink spots and stains found on the map during the time when it is in his possession. The Assistant Settlement Officer's clerk will examine the maps, when they are returned after inking up. In case he finds any spots or stains not initialed he will report to the Assistant Settlement Officer. If he fails to do so, he will himself be held responsible. The *khanapuri* amin will initial all stains caused by himself, and will be held similarly responsible for all such spots and stains found on the map which have not been initialed by anybody, when it is received back by the Assistant Settlement Officer after *khanapuri*. In case an inspection officer is responsible for any stains, he will initial them.

(d) The amin when engaged in *khanapuri* will not be permitted to carry the map about in his hand. It will be left on the plane table.

(e) A strip of cloth will be pasted on to the edges of the sheets, to a depth of one inch, to enable them to be mounted on to the plane table. But nothing else will be pasted on the back or the face of sheets.

(f) No entries except in pencil will be made either on the front or back of the sheets by the amin.

38. Avoidance of damage by amin.—During the course of the operations care must be taken to avoid damage to crops, houses, gardens and other property.

39. Payment.—Amins will ordinarily be paid at contract rates inclusive of the pay of chainmen and of coolies. The ordinary rate in Rs. 11-4 per 100 acres but a lower rate will be adopted for districts where living is cheaper or for easy areas and a higher rate for survey on a scale larger than the ordinary 16-inch scale. For inking up, amins who are competent draughtsmen can be paid at contract rates, the amount to be deducted from the amin who did the survey. An outturn of 450 acres is ordinarily expected in the month.

40. Diaries.—The amin will keep a diary in the prescribed form (Form 49).

41. Rivers.—The Director of Surveys will not provide 16-inch sheets (plots) for large river blocks with no chars or bank areas where the water would cover the whole sheet. When therefore a river plot extends outside the 16-inch sheets provided for the land area, the Circle Officer should direct the entry of a note on the 16-inch map to the effect that the river plot (No. so and so) extends to the midstream or the other bank, as the case may be. The area will be extracted from the 4-inch map and entered in a *khanan* "outside the record" (*vide* Khanapuri Rule 29). There is a general legal presumption in the absence of anything definitely to the contrary, that, when a river forms a boundary, the midstream, *i.e.*, the middle of the mainstream for the time being, is the boundary.



### CHAPTER III. KHANAPURI.

#### I.—General.

1. **Duties of amin.**—In addition to the village-map the amin will have the following documents:—

- (1) The *Khazra*, with which will be bound some pages of blank paper to be used as note-inspection sheets. (Form 61.)
- (2) A volume of working *khatauns*. (Form 59.)
- (3) The dispute list. (Form 62.)
- (4) The agricultural stock list. (Form 63.)
- (5) Diary. (Form 55.)
- (6) Two volumes of landlord's and tenant's copies of the working *khatauns* called *parchnas*, and marked accordingly.
- (7) The Reference List of Notable Objects. (Form 64.)

The amin will write up the entries in the above in accordance with the following instructions. If a *muharrir* is employed by the amin, the *muharrir* may write any of the entries, except those in the original volume of *khatauns* which must be written by the amin.

2. **Numbering of plots.**—The amin will number the plots in each village in one serial from north-west to south-east. When there are several sheets in one village and two or more amins have to be employed simultaneously, the approximate number of fields within the sheet of each amin will first be ascertained by means of grains of rice. Each amin should then begin *khanaupuri* with a number, which leaves an ample margin between himself and the amin of the previous sheet. If some numbers remain unused, no harm is done. The fact will be noted in the *Khazra* at the proper place. As an alternative method, each sheet may be numbered independently of the other sheets; special arrangements must then be made to prevent confusion in the records. The amin must not give a number to a field on the map until he has completed the *khanaupuri* of the preceding field. Plot numbers for the day will be inked up in blue by the amin carefully before he goes to the field the following day.

3. **Check of fields.**—The *khanaupuri* of each field will be carried out in that field and nowhere else. The occupant should be asked to walk round the boundary in order that the amin may see whether the cadastral map is correct. The definition of true "field" will be found in the Cadastral Rules. When the amin sees that a field as mapped by the cadastral surveyor is in reality two true fields, he will make the necessary survey and will divide the cadastral field by a pencil line. Conversely, when the amin sees that two cadastral fields can be amalgamated, he will "link" them by a pencil sign. These pencil alterations will afterwards be blue-inked in the same manner as the original survey. If the amin finds that he has omitted any field, he will promptly mention this in his note-sheet and will, on the completion of *khanaupuri*, number the field on the map with a single number immediately consecutive to the last number in the *Khazra*. In the *Khazra* itself, and also in the *khataun*, a fractional number will be given, the denominator being the number of this field and the numerator the number of a neighbouring field. This fractional number will also be noted in pencil at the side of the sheet.

3A. When two or more revenue survey villages have been amalgamated to form one settlement village the boundaries of component revenue survey villages according to possession will be shown on the map in thick lines. Until the map is finally inked up they may be indicated by dotted lines alongside the actual field boundaries. Each separate revenue survey unit will be indicated on the map by letters "a," "b," etc., and a reference to these should be noted on the margin, thus—

"Rampur, revenue survey No. 251.

"Shyamapur, revenue survey No. 252.

Similar procedure will be followed in case of isolated blocks of different revenue survey villages situated within the periphery of another, provided that such blocks are recognised in the papers of landlords and tenants. For this purpose copies of the revenue survey maps of amalgamated villages should be supplied to the *bupharat* *Kanungos*.

4. **Indefinite cross references forbidden.**—In no paper may be word "ditto" or any similar sign or expression be entered.

5. **Copies of the record.**—Interested parties may take notes for themselves, but they will not at this stage be supplied with copies of any paper.

6. **Corrections.**—No erasures are allowed in any of the papers. If any correction has to be made, the words to be cut out will be scored through and the necessary correction made and initialled.

7. **Initialling and dating of records.**—The amin will initial and date in the vernacular every *khazra* page and each leaf of the *khatauns*, and *parchnas* and every dispute list and will write his initials daily in the left hand margin of the *Khazra* opposite the last plot *khanaupuri* by him during the day.

#### II.—The *Khazra*, *Khatauns* and *Parchnas*.

8. **Blank entries.**—Area, rent and status are not entered at *khanaupuri*, nor are lists prepared showing the *shifit* of the landlord. The following columns will, therefore, for the present, remain blank:—

*Khazra*—Columns 4, 6, 11, 13, 15, 17, 18, 20.

*Khataun*—Column 11, 15-18, 24, 26 and 27.

The *manza* name, etc., need not be filled up at the top of every page of the *Khazra*.

In amalgamated villages or villages with blocks of different revenues survey numbers, at the top of the *Khataun* should be recorded the number or numbers of the particular revenue survey village or villages or blocks to which the plots in the tenancy appertain.

9. **Method of opening "khatauns."**—The same form of *khataun* has been prescribed for all classes of occupants, agricultural or non-agricultural. One *khataun* will be opened for each estate or tenancy, whether such estate or tenancy *khataun* has been divided into aliquot parts or not, provided that if one of the co-shares within it has made a specific division of the greater part of the land of his share in the village from that of the other share or shares, separate *khatauns* may be opened for that share and the other share or shares similarly constituted in that village. The tenancy or specific portion of a tenancy covered by a single *khataun* is called an "interest."



10. **Method of showing separate collections.**—When there is only one *Khatian*, each sharer or set of co-sharers having collections separate from the remaining co-sharers will be given an alphabetical letter in column 12 below the number of the *Khatian*, e.g., A, B, etc., opposite each co-sharer or set of co-sharers with separate collections. In the tenants' *Khatians* the names of those landlords or co-sharers only under whom the tenancy is held will be entered in column 2, and their *Khatian* number and alphabetical letter of any in column 1. The *Khatian* number and alphabetical letter of any co-sharer or set of co-sharers with separate collections will be referred to as a "collection number".

*Example.*—If Rajendra, Jogendra and Mahendra Nath Roy three brothers, hold a tenure, and most of the land of the tenure in the village under *Khatanpuri* has not been partitioned between the shares but the three brothers collect rents separately, the tenure will have one *Khatian* with its number, say 6, in column 12; and underneath the three brothers will be distinguished by the letters A, B and C. In columns 1 and 2 of the *Khatians* of most of the rayats there will be three "compartments" numbered 6A, 6B, 6C. But it may be that the three brothers have a few individual tenants. For such a tenant under Rajendra, columns 1 and 2 will show one compartment numbered 6A. Similarly a tenant may hold under two or more collection numbers 6A, 7B, etc.

If most of the land of the tenure has not been partitioned, but the three brothers are joint and collect their rents together they will not be distinguished by "collection numbers." In that case, if a few plots have been separated as before, the *Khatian* of a tenant under Rajendra will show one "compartment" with the number 6 in column 1 and at the side the words "within it," and in column 2 Rajendra. A similar procedure will be adopted where several of the co-sharers in a separate collection have a few individual tenants.

11. **Separate accounts.**—Separate *Khatians* will not be opened for proprietors merely because the Collector has assigned to them a separate account number in the Tawzi Roll, unless there has been specific division of the property, but the Settlement Officer may direct that such separate account numbers should be noted against the names in column 13 of their *Khatians*.

12. **Khatian for Government as proprietor.**—When Government owns land as a proprietor or tenure-holder, a *Khatian* will be opened for Government in that capacity.

13. **Khatians for interests subtlet.**—*Khatians* should be made out for interests, the land of which has all been subtlet. The Kanungo will assist the amin in preparing the *Khatians* for these interests, and, when necessary, the Kanungo will make an explanatory diagram or tenure tree in the amin's note-sheet.

14. **Numbering of Khatians.**—The *Khatians* at this stage will only have page numbers. These numbers with the alphabetical letters for separate collections, and the collection numbers will, however, be entered in columns 12 and 1, respectively, clearly in pencil at this stage.

15. **Description of estates.**—In the case of estates, the name of the estate, mahal or zamindari so and so, distinguished further, if necessary, by the name of the proprietor or other term in local usage, will be entered at the top of column 13 of the original *Khatian* of the estate above the names of the possessors. When the estate is divided into aliquot parts with separate collections, the description will be completed by showing the shares so held above the names of the possessors. When the estate has been divided into specific blocks, the name of the block should be given, i.e., *parit* so and so, parent block, block Shamsar, etc. This

description will be carried forward in brief to column 2 of the tenant's *Khatian*, e.g., zamindari Narail, hissh 4 annas, *dakhal* Ram Chandra Roy, unless and except in cases when the Settlement Officer directs that the description need not be carried forward.

16. **Description of tenancies.**—Description will similarly be entered in the case of all tenancies for which a description is locally used; the description will consist of the word by which the class of tenancy is locally known, together with the name (place, person, etc.) by which it is distinguished from similar tenancies, e.g., Jote Kamrudin, Jimba Amirabad, Chukani Rameswar Das, Taluk Ram Chandra Roy, etc., with the details regarding shares and specific blocks. The name of the founder or early possessor of the tenancy should be entered if the tenancy is locally known by his name, otherwise the name should be omitted and only the local description of the tenancy entered. The description will be carried forward in brief to column 2 of the tenant's *Khatian* except when the Settlement Officer directs that the description need not be carried forward.

17. **Entry of possessors' names.**—Where, however, a rayat has been forcibly dispossessed by his landlord within two years of the time of attestation, his name will be entered in column 13 as a tenant, and where the lands have in addition been settled by the landlord with another person, the latter, though strictly a trespasser, will be recorded in the remarks column. The name and percentage of each individual possessor of the interest immediately concerned will be entered in column 13 of the *Khatian*. A separate line will be allotted to each possessor. Separate possession will be entered in column 7 of the *Khasra* and column 23 of the *Khatian*. The name of the principal possessor of the particular collection will be entered in column 2 of his tenant's *Khatian*, with "etc." when there is more than one possessor, except when only one or a few co-sharers in the collection concerned, when his name or their names alone will be entered (*vide rule 10*). The landlord's *jamdandi* number, if any, should be noted in pencil on the reverse of every *Khatian*. A copy of the *jamdandi* will be obtained if required.

17A. **Entry of caste or tribe of selected castes or tribes.**—The caste or tribe of persons belonging to the selected castes or tribes mentioned below (*vide* section 49A of the Bengal Tenancy Act) should be entered along with the names of those persons in column 13 of the *Khatian*:—

Santhals, Bhuiyās, Bhumijs, Dalus, Garos, Gonds, Hadis, Hajangs, Hos, Khatris Kharwars, Kochs (in the Dacca Division), Koras, Maids (in the district of Bakarganj), Mal and Sauria Paharias, Meches, Mundas, Mundas Oraons and Turis.

The particular designation given in the above list, and not any local variation of the same, should be entered.

18. **Entry of shares.**—The share of each possessor or group, whether possessing separate collections or not, will be entered opposite their names in column 14. Lines should be drawn through columns 12, 13 and 14 to separate different collections from each other. The total of these shares will come to 16 annas or to the share in the description in column 13. When there are several collection numbers of *Khatians* in the superior interests the "respective shares" of these *Khatians* or collections must be entered in column 3 and the total of the respective shares must always come to 16 annas. The Settlement Officer will pass orders regarding the system of notation to be adopted in recording the shares of proprietors.

19. **Females.**—In the case of married females and widows, the name of the husband, in place of the name of the father, should be entered in column 13 of the *Khatian*.



20. **Address of possessors.**—When a possessor resides in the village under *khunapuri*, no address will be entered against his name in column 13; when he resides in another village of the same thana the name of his village will be entered; when he resides in another thana of the same district the name of his village and thana will be entered; when he resides in another district the name of his village, thana and district will be entered. For proprietors and tenure-holders the postal address should be given in addition to the above particulars.

21. **Usufructuary mortgages and sales.**—Usufructuary mortgages will be entered in the record, but not simple mortgages. When a person has given a usufructuary mortgage of his entire interest in a *khaitan*, the name of the mortgagee will be entered in column 13 along with the name of the mortgagor and the period. When the usufructuary mortgage extends to some fields only, the name of the mortgagee will only appear in column 23 of the *khaitan* with the period to run and column 8 of the *khazra*.

A similar procedure will be adopted in the case of sales not binding on the landlord.

**Note.**—The expression 'complete usufructuary mortgage' is defined in section 3 (3) of the Bengal Tenancy Act. Under section 26(G) of the Act an occupancy riyat is not competent to enter into a complete usufructuary mortgage of his holding or any share or part thereof for a period exceeding 15 years. The fact that a mortgage exceeding 15 years is not legal does not, however, affect the fact that the possession therein is with the mortgagee by virtue of the mortgage. The mortgage should, therefore, be recorded to show the fact of possession, though the mortgage itself is repugnant to the provision of section 26G. The fact of the mortgage being contrary to the provisions in section 26G, will be self-evident from the period and terms recorded and need not therefore be specifically stated.

22. **Benami transactions.**—It is not necessary to enquire at this stage whether an interest is or is not held benami. The person in whose name business is transacted will for the present be shown as the possessor of the interest.

23. **Produce tenancies.**—No field will be entered both in the *khaitan* of the superior interest and in the *khaitan* of the inferior interest. Each field will be entered in the *khaitan* of the immediate occupant and in no other *khaitan*. If, however, the immediate occupant holds the field on a produce rent such as bhaḡ, barga, etc., and has not been admitted by his landlord, or in a competent court, or recorded in a previous settlement proceeding as a tenant, he will receive no separate *khaitan*. The field will be entered in the *khaitan* of the superior interest and the possession and the mode in which the rent is paid, e.g., barga, of the produce-paying occupant will be entered in column 23 of that *khaitan* and in column 8 of the *khazra*. Occupants paying a fixed amount, not share of produce, as rent, and occupants paying a share of produce who have been admitted to be tenants as above in this rule will on the contrary receive *khaitans*.

23A. **Utbandi.**—(1) In the case of land let on any system called Utbandi the word 'Utbandi' will be entered by the amīn in the description of the tenancy in column 13 of the *Khaitan*. He will also enter in ink opposite each plot in column 23 the year in which the tenant entered in the field as follows:—1317 haite dakhal. If continuous possession is not shown for more than the year of survey, the year of survey will be entered.

(2) In the case of 'char' or 'diara' lands, if the application of section 180 of the Bengal Tenancy Act is claimed, the Settlement Officer may direct that the word 'char' or 'diara' in addition to the local description of the tenancy and the date of entry on the land shall be entered in a similar manner.

24. **Fields appertaining to several interests.**—When a field appertains jointly to several *khaitans*, the *khaitans* will be entered one below the other in separate lines of the *khazra*. The share of each *khaitan* will be entered in annas in column 5 of the *khazra* and column 25 of the *khaitan*. When a field appertains entirely to one *khaitan* the symbol for an integer will be entered in these columns.

25. **Bils.**—Portions of *bils* or other swamps, which owing to the depth of the water it is impossible to survey, but which contain lands let out to tenants, should be entered in a separate *khaitan* containing the word *bil* in column 13 with a reference to each *khaitan*-holder in the remarks column, and a cross reference in his *khaitan* to the *bil khaitan* and the area held in the *bil*. The Settlement Officer should insist on every effort being made to make a detailed survey of as much of the *bil* as possible up to the end of field *bujharat*, or of *khunapuri*, where there is no field *bujharat*.

26. **Railways, roads, etc.**—Railways, roads, cattle-paths, grazing-grounds and other uncultivated lands, tanks, waterways, etc., and streams less than 3 chains in width will be entered in the *khaitan* of the interest within which they fall. Where, however, a road, cattle-path, tank, waterway or stream less than 3 chains in width passes through or comprises so many estates, tenures, or other interests that the subdivision according to estates, tenure or interest cannot conveniently be shown on the map, the proportionate area of the whole plot appertaining to any interest will be entered in the *khaitan* of the interest concerned. If they belong to Government, they will be entered in the Government *khaitan*.

27. **Right of user in roads, etc.**—Where the general public or the villagers or any particular section of the public or villagers habitually use the road, tank, grazing-ground or other uncultivated land, waterway or stream less than 3 chains in width, the words "used by the public" with such further explanations as the circumstances may require, will be entered in column 8 of the *khazra* and column 23 of the *khaitan*. Over the pathways within Railway acquired lands, no such right should be recorded. Where the management of the road, uncultivated land, tank or waterways is exercised by the District Board, Local Board or a Municipality, the fact will also be mentioned in these columns of the *khazra* and the *khaitan*.

28. **List of lands in which the public have common rights.**—There will be a list, to be published with the record, of lands, including waterways, in which the villagers have common rights. This list which should be bound with the record, will be called the "List of lands in which the public have common rights or easements" and will be prepared by the amīn in the prescribed form. (Form 65.)

29. **Large rivers or streams.**—Streams which are more than 3 chains in width, but which have been mapped in a particular sheet in accordance with the cadastral rules will receive a number in the map and *khazra*, but will be considered as "outside the record" and will be placed in a special *khaitan* in which no rights are recorded.

30. **Boundaries.**—Field-boundaries are not entered in the *khazra*, but the northern boundary of each field is entered in columns 20-21 of the *khaitan*. No boundary need be entered in the case of roads, streams, etc. When the northern boundary is the land of another village, the name of that village will alone be entered. In other cases, the serial number of the field on the immediate north will appear in column 20 and the possessor of that field in column 21. When



the field on the north is in the same *khatian* and in the same specific possession, the entry in column 21 will be "his own homestead," "his own high land," etc. When the field on the north is in the same *khatian*, but in different specific possession, the name of the specific possessor will be entered in column 21.

31. *Wells, trees, tanks, etc.*—In all cases the number and nature of wells and in the case of homesteads the number and kind of houses and the number of tanks will be entered in column 8 of the *khazra* and column 23 of the *khatian*. The names of the chief kinds of trees will be entered in column 8 of the *khazra* for the use of the drawing section subsequently. Their number and rights in them will only be recorded under the special orders of the Director of Land Records. The conventional signs for the trees in question and for all other no able objects will be entered in pencil on the map, if this has not already been done.

32. *Disputes and note-sheets.*—When a dispute arises about any entry, the amir will write up so much of the *khazra* as he can, but will not make any entry in a *khatian* and will write up the dispute in the Dispute-List. He will encircle the plot number in the *khazra* in ink. When the amir is unable from any other reason to complete the *khazra* of any field, he will make a note in his note-sheet and will take up the next field. The note-sheet should be kept in half-margin in order that inspecting officers may write instructions regarding each difficulty of the amir. The notes in the note-sheet should not be crowded and a line should be drawn below each note.

33. *Classification of land.*—The main "class" of land, according to the list prepared by the Settlement Officer at the time of cadastral survey will be entered in column 2 of the *khazra* and column 22 of the *khatian*. The list will generally consist of local words for "high arable land," "low arable land," "homestead," "swamp," "unculturable waste," "sand," "bed of tank," "bank of tank," "road," "embankment," "river," "railway," "temple," "mosque," "shop," and a few others. The amir is not allowed to invent new classes for entry in column 2 of the *khazra* and column 22 of the *khatian*.

In this column of the *khatian* the amir will also note the number of subdivisions of the fields, if ordered by the Settlement Officer.

34. *Statistics.*—Columns 10-21 of the *khazra* are purely for statistical purposes. There are no corresponding columns in the *khatian*. Columns 10, 12, 14 and 16 of the *khazra* are for the entry of crops, and column 19 is for the entry of uncropped land. The statistics should be for areas actually sown whether the crop comes to maturity or not except when the fields, owing to the failure of first sowings, have been devoted to other crops, in which case the areas first sown should be omitted.

35. *Crop statistics.*—The crops which should be entered in columns 10 to 16 are the entire crops sown or transplanted or to be sown or transplanted in the settlement year. Column 10 is for the autumn crop (*aus*, jute, *metka*, etc.), column 12 for the winter crop (*aman*, sugarcane, etc.), column 14 for the spring crop (linseed, mustard, pulse, etc.), column 16 is for crops which do not fall within any specific crop. Fruit orchards and be-elm-trees will be the most common entries in column 16. When a crop has not been sown in the entire area of the field, an estimate of the proportion covered will be entered in annex after the name of the crop. When two or more crops are sown mixed, the ingredients should be separately entered just as if each crop had been sown by itself in a separate portion of the field. A crop, whether mixed or unmixed, which covers less than one anna of the field may generally be amalgamated with a larger crop of the same harvest which were sown in the same field.

36. *Statistics of other products.*—In recording crops it should be noted that bamboos, reeds, fire-woods and similar products are not crops. The land on which they grow will be entered in column 2 of the *khazra* and column 22 of the *khatian* as "high arable-land," "low-arable-land," "swamp" and so on, according to the list of lands adopted for the district by the Settlement Officer. In column 19 of the *khazra* the entry will be "bamboo clump," "reeds," etc. In the case of "hatching-grass," which is a source of considerable income to the tenant, the land on which it is grown will be classified as "Chhan Khola" while the entry in column 19 of the *khazra* will be "Chhan".

37. *Fallow land (natural causes).*—Where land which is at present lying fallow is unfit from natural causes to bear a crop, the entry in column 2 of the *khazra* and column 22 of the *khatian* will be "unculturable waste," and this entry will be repeated in column 19 of the *khazra*.

38. *Fallow land (artificial causes).*—On the other hand, where land is at present lying fallow not from natural causes, but for reasons connected with agriculture or for the convenience or profit of the occupant, then the entry in column 2 will be "high arable-land" or "low arable-land" according to the list of main classes prepared by the Settlement Officer. The entry in column 19 of the *khazra* will vary with circumstances. If the land has not been cultivated for three years (inclusive of the year of *khazra*) the entry in column 19 will be "old culturable fallow." If the land has been cultivated within these three years, the entry in column 19 will be "current fallow." If the land, although culturable, be covered with jungle, the entry in column 19 will be "culturable jungle."

39. *Land partly cropped and partly fallow.*—In the case of arable land which is partly cropped and partly uncropped the cropped portion will be entered in columns 10 to 16 in accordance with Rule 35 and the uncropped portion will be entered in column 19 in accordance with Rules 36-38.

40. *Miscellaneous classes of uncropped land.*—As regards the miscellaneous classes of uncropped land which have been included in the Settlement Officer's list, such as sand, bed-of-tank, bank-of-tank, road, embankment, river, railway, temple, mosque, shop, etc., the entry in column 19 of the *khazra* will coincide with the entry in column 2 of the *khazra* and column 22 of the *khatian*.

41. *Homesteads.*—The case of homesteads requires particular attention. In column 14 of the *khazra* will be entered the portion of the homestead which grows tobacco or other spring crops; in column 16 will be entered the orchard; in column 19 the plinths, courtyards and avenues will be grouped together as house site (*bazai*), the tanks, ditches and hollows will be grouped together as tanks, and the bamboo clumps will be separately entered as such. A typical entry for a homestead would be—

Column 14	Tobacco, 2 annas.
Column 16	Orchard, 4 annas.
Column 19	{ House site, 4 annas. Tanks, 4 annas. Bamboo-clumps, 2 annas.

42. *Encroachments on Government Roads.*—(a) In case of lands which are recorded in the last settlement in the *khazra* of Government, if such lands are now in possession of squatters whose possession does not exceed 12 years such lands should remain in the *khazra* of Government, with a note of the



name of the actual occupier in column 23 of the of more than 12 years' duration a 'band' to have been created and a *khata* should be created. In this case if the actual occupier is should also have a *khata*.

(b) Where the encroachment is on 'K' of the encroacher is adjacent, the tenant as he possesses in the holding to which it

42A. Encroachments on road.—When paths acquired by or the property of Gov Rule 42(c) should be applied. The road and the encroached portion defined as a

43. Irrigation.—In districts where method of irrigation whether from (i) Gov (iii) tanks, (iv) wells, or (v) other source *khasta*. The *khasta* number of the source

44. Easements.—The amir will make easements, rights of way and irrigation are instructions of the Settlement Officer.

45. *Parchas*.—As the *khata* are into the *parchas*. The *parchas* are distributed Kanungo or by the Circle Officer after there is no field *bulharai*. In the alternate after *khata* provided that they are before field *bulharai* begins.

### III.—The Dispute

46. Entry of dispute.—The nature of briefest possible manner, if possible by a etc. Further particulars may be shown in

47. Note of disputes in record.—When *khata*, this fact will be noted on the will contain a marginal reference to the

48. Correction according to decision has been decided the amir will carry out and date the column for 'compliance' in

Where it is necessary, as the result of open a new *khata*, he will make a cross

### IV.—Agricultural Stock List and Record

49. Agricultural stock list.—The amir list when he carries out the *khata* of animals which have no particular owner will

50. Reference list of notable objects.—reference list of notable objects.

51. Reference list of notable objects.—reference list of notable objects.



## INSPECTION OF CADASTRAL SURVEY AND KHANAPURI

- (1) checking and plotting quadrilaterals on the sheets;
- (2) paralling detailed and boundary survey;

- (3) comparison of village boundaries and sheet margins;
- (4) preparation of boundary dispute traces and records with the check and comparison of boundaries, and
- (5) check and erection of trijunction or special marks.

2. **inspection by superior officers.**—During cadastral survey, superior officers will constantly move about inspecting the area under survey. They will carry out original parcella and will in particular repart parcella lines run by Kintungos or Inspectors or other officers whose work they are entitled to inspect.

3. **Issue notices and enforcing attendance.**—The Circle Officer will arrange for the issue of the necessary notices for the commencement of survey, and will engage the Karamungs, inspectors or anims. Where it is necessary to arrange for the location of the boundary, a notice in Form 53 should be issued in continuation of the proclamation. Where this is not necessary, a notice in Form 54 will be sufficient. Where of particular necessity, a notice for any special purpose, a notice similar to Form 54 should be issued under section 74 of the Survey Act or a summons under the Civil Procedure Code under Form 247.

4. **Check and plotting of quadrilaterals.**—The rules for the check and plotting of quadrilaterals on the sheet will be found in the detailed rules for cadastral survey.

5. **Part**—The measurement of the amins is tested by check lines run across the map as plotted during the progress of the survey. The test consists in observing whether the field boundaries intersected by the lines, and the field corners to which offsets are taken agree with those shown in the plotted map. This process is called *partal*, and when run along a boundary traverse line, *boundary partal*.

6. **Minimum partial of Kanungo and Inspectors.**—The Kanungo or Inspector will partial at least one boundary traverse line in each sheet. The minimum amount of Partial for Kanungos and Inspectors of the detailed survey is 2 linear miles in one square mile. All partial must be done on the ground and by means of a field-book.

7. **General rules regarding partial.**—All parailing officers will keep a field-book of partial forms. The necessary particulars regarding name of village, amini, Inspector or Kanungo, quality of work will be entered in the field-book. The partial line will be—

(a) prolonged in pencil on the amin's sheet beyond the boundary and a note made there in pencil of the length of the line and the date of partalling with initials,

- (i) Kanungo or Inspector's partial (-----),  
 (ii) Assistant Settlement Officer or Circle Officer's partial (---),  
 (iii) superior officer's partial (---.---.---), and  
 (c) similarly marked on the *khoka* in red ink.

8. Choosing lines for "partial."—The value of partial depends greatly upon its proper distribution over a cadastral area.

Ordinarily in choosing a patrol line, the patrolling officer should remember the following things:—

(b) That the worst survey is likely to occur in village sites, homestead lands amongst the most irregular fields and where water lies. Such places should be paralled as frequently as possible.

(c) That it is not possible except at great waste of time to check a congested area, a new survey of a small portion of it should be made by the amin, whose map would be taken away from him temporarily.

(d) That if *Stiklini* lines are well distributed partial will reveal few errors. The *stiklini* lines should therefore be examined and the partial lines chosen where they look badly distributed. Long offsets are usually a certain indication of indifferent distribution of *stiklini* lines.

(e) That a long line which picks up few points is not a good line. It is best to choose a line that will give plenty of points to check. Ordinarily partial line will be between 8 and 25 chains in length; a length of 15 and 20 chains is usually suitable, but the kind of land through which the line runs should be taken into account.

(f) That patal should not run along, or very close to a quadrilateral line, or along sub-line. Errors will not usually lie there, but just away from such places.

(g) A partial line should never start from or end with a point obtained by an offset. The partial line need not be contained within one quadrilateral, and there is no objection to partial lines crossing each other; but it is sometimes a waste of energy to partial doubly one block and to leave another without partial.

(h) The value of partial does not lie in its amount so much as in its thoroughness and distribution. Therefore in partialling over an old check line, choose one that is most likely to give valuable results.

(i) It should be remembered that the real use of a partial line is not to correct a map but to see whether it is already correct or not.

9. **Procedure in making partial.**—(a) The partialing officer will enter in his field-book the conventional, signs for *nadas*, roads, isolated trees and other conspicuous objects occurring in the partial.

(7) In comparing the field-book with the map, the total length of the line will first be checked and then the *Khatams* and offsets. If the length of total distance does not correspond exactly with the length of the line on the map, but is correct within the permissible limit of error, the error will be distributed.



(d) The thrilling offer should be careful to take up all corners, all corners and important bends within a reasonable distance from the line. Officers over the chain should be avoided, but if taken they must be measured by the use of the chain. He should question the villagers present about the boundaries and classification of fields in order to find out whether all fields have been taken and classified. He should also be careful not to accept the annis separately. All officers should be careful to accept the annis separately. Guidance about the points from which officers should be taken. All officers points are marked on the ground and in case an annis has omitted any in his job he, of course, will not point them out to the parriller. It may thus occur that while the parat shows the work to be good, it may really be defective, or carelessly done.

(i) That quadriateral and *shikuni* lines have been well placed, so that the amin can take short offsets. In this connection he must carefully note the origin of the *shikuni* line. Sometimes, in order to show short offsets on their sheet amins put in *shikuni* lines, which are no actually used in survey.

(iii) That the amin is using a properly pointed pencil

(v) That the amin has been taking up offsets on the sides of long straight fields and not merely joining up the corners.

(f) It is extremely important that partial should be done before the survey sheet is far advanced, when faulty construction can be easily rectified, and that partial and survey should keep pace.

### 11. Comparison of village boundaries and sheet margins

A register should be started during Buphara of common boundary plots in the standard form (Appendix H). Kanungos are responsible for all commissions of such plots within their Halkas and with adjoining Halkas in the same Block. Where comparison has to be made with a block already completed, the Kanungo will send a reference to Sadar in the form of a trace and copy to the entry in the register. When the comparison is to be made with a block still to be traced up, a separate copy register will be prepared containing the necessary extracts only and sent to Sadar for subsequent comparison.

13. **Treatment of boundary disputes.**—On receipt of report of the amni that

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14. *Thoka lines*.—All *thoka* lines must be checked by the Inspector or Kanungo.

15. *Check of chains*.—The Kanungo or Inspector will regularly check the length of the amin's chains and will periodically have his own chains compared with the standard chain kept at the circle headquarters.

#### (B) Khanapuri.

16. *Inspection by superior officers*.—When the record writing is in progress it must be tested by the Kanungo or Inspector, the Assistant Settlement Officers and Settlement Officer. The Kanungo or Inspector will always be present on the first day of khanapuri in each village.

17. *Inspection by Kanungo or Inspector*.—At Khanapuri the Inspector or Kanungo will move about all day among the amins of his *halka* and will see that they understand and carry out the Khanapuri Rules.

18. The Kanungo or Inspector will test the entries both on the front and on the back of the *khutians* and will see that they are correct in all particulars. When he has tested the front of a *khutian* he will initial and date it, and when he has tested the entries of individual plots he will initial and date the plot in the *khasta*.

19. The Kanungo or Inspector will particularly see that all the share-holders in actual possession are duly entered in column 13 of the *khutian* and that the total of the share in column 14 comes to 16 annas or to the fraction which is embodied in the description of the interest. He will also see that all the superior interests are correctly recorded in column 2 and that the total of the respective shares in column 3 comes to 16 annas.

20. *Fields in several khutians*.—The Kanungo or Inspector will pay special attention to fields which have been entered in several *khutians*.

21. *Treatment of disputes by Kanungo*.—When he visits each amin the Kanungo will take up and decide the pending disputes. In the dispute-list he will record the names of the principal witnesses whom he examines and will give a brief reason for his decision. The reasons may be written either in English or in Bengali, but the order must be written in Bengali. Both in the reasons and in the order the parties should be mentioned by name and should not be referred to as "first party," "second party," etc. All disputes relating to ownership must be decided on the basis of possession. Whenever a genealogical tree will tend to elucidate the matter, the Kanungo should draw one in the dispute-list. The Kanungo will leave for the decision of the Circle Officer any dispute regarding the ownership of an estate or share of an estate. He will also leave for the decision of the Circle Officer any dispute which is particularly important or complicated, or which has already been the subject of proceedings under section 145 of the Criminal Procedure Code.

22. *Inspection by Circle Officer*.—During Khanapuri the Circle Officer will continue to move about his circle. He will make original inspections of *khutians* and of *khasta* entries and he will also test the inspections which have been made by Kanungos or Inspectors.

23. *Standard of inspection when no field-bujharat*.—When there is no *field-bujharat*, a minimum of 12 per cent. of the total number of plots should be tested by all agencies.

24. *Tenure trees*.—If ordered by the Settlement Officer, the Circle Officer should prepare a standard diagram (tenure-tree, Form 66) for all the principal estate and tenures of his circle. After the diagram has been approved by the Settlement Officer or Charge Officer, the Circle Officer should supply copies to all the Kanungos or Inspectors in order that they may carry out the Khanapuri Rules. It is very important that the superior interests should be recorded in a clear and simple manner and that a uniform system should be adopted in all villages.

24(a) When a sole proprietor has leased out a share of his interest to a tenant-holder, then in column 2 of the tenure-holder's *khutian* beneath the name of the landlord will be entered the share leased out, e.g.,  $\frac{5}{16}$  *madhye*  $\frac{1}{2511} = \frac{1}{2511}$  or  $\frac{1}{2511}$  *samagra* if the entire interest has been leased out. If the proprietor owns only a fractional share in the estate the entry will be, e.g.,  $\frac{1}{10}$  *hissar* *madhye*  $\frac{1}{2511} = \frac{1}{2511}$  or  $\frac{1}{10}$  *hissar samagra*. In the village-tenure-tree the share thus leased out will be shown alongside the line connecting the proprietor's compartment with that of the tenure-holder.

If the lease is for a specific block of land and not for a share, no share will be calculated or entered, but the local name of the block, if any, should be given in column 13 of the tenure-holder's *khutian*.

In the Standard Tenure-Tree (Form 67), the share as above, should be shown only if the lease covers every village in the estate. If it is for a share in only some of the villages, then from the point of view of the estate as a whole, it is for a block of land and not for a share.

The same rules will apply *mutatis mutandis* to lease by tenure-holders to sub-tenure-holders.

25. *Decision of disputes by Circle Officers*.—The Circle Officer should personally decide all disputes which relate to the ownership of an estate or a share of an estate. He should not, however, entertain any dispute in which the person recorded in the Collector's register is still alive and claims to be in possession. In such cases the unrecorded claimant should be referred to the Collector. If the person recorded in the Collector's register is dead or is admittedly out of possession, the Circle Officer should decide the dispute between rival claimants for the vacant place.

26. *Disputes regarding land the subject of proceedings under section 145, Criminal Procedure Code*.—The Circle Officer will personally take up disputes in which the land has been the subject of proceedings under section 145, Criminal Procedure Code. The Magistrate's order regarding possession must be maintained. If the land has been finally attached by the Magistrate, the dispute will be decided in the ordinary way, the fact of attachment and the name of the receivers being entered in the remarks column of the *khutian*.

27. *Conversion tables*.—During cadastral survey and Khanapuri the Circle Officer will prepare with the assistance of his Kanungos, a statement of all the local land measures (Form 59C) which are used in his circle, together with lists of villages in which each land measure is used. After the Settlement Officer has approved of the local measures proposed by the Circle Officer, tables will be prepared for the conversion of acres and decimal into these local measures. These tables must be ready before the opening of the preliminary recess office.

When a dispute exists regarding the length of the *nal*, the Circle Officer will decide it summarily at as early a stage as possible.



28. **Correct record of village names.**—The Circle Officer will similarly prepare a list of correct names in English and the vernacular, with Revenue Survey or other names and numbers, for all the villages in his circle in the form prescribed by the Settlement Officer, as a basis for the map headings and jurisdiction list. For this purpose, he should consult the landlord's papers and pay due attention to the local pronunciation.

In transliteration from the Vernacular into English the table given in Form 69, Appendix X, to the Survey and Settlement Manual, 1935, should be strictly adhered to.

29. **Settlement Register of discrepancies.**—The Circle Officer will also supervise the writing up of the Settlement register of discrepancies between the Collector's Land Registration registers and the Settlement Record (Form 43). The details may be collected by the Kanungo or inspector but the responsibility for the correctness and completeness of the whole will rest with the Circle Officer. Notices should issue to all recorded proprietors of to their heirs to be present at the enquiry.

30. **Verification of public lands.**—Instructions for the verification of Government or public lands and for thak comparison are given in Rule 22 of the *field-buhalat* rules. In Settlements where *field-buhalat* is not made the Inspectors will carry out those rules at Khanapuri and will report to the Circle Officer.

31. **Check of trijunction marks, etc.**—At the close of the cadastral season, all Circle Officers will certify that all trijunction and special marks have been properly erected and checked. Where there is no *field-buhalat*, the Inspector will prepare the prescribed 4-inch mark *mujnili* and the mark register (Form 56) during *Khanapuri*.

#### General.

32. **Diaries and Progress Registers, etc.**—Circle Officers, Kanungos and Inspectors will keep diaries in accordance with the orders of the Settlement Officer (*vide* Form 70). They will also maintain the prescribed Progress Registers (Form 71 and 72) which will be totalled and submitted fortnightly to the Charge or Settlement Officer, copies of the totals being sent direct to the Assistant Settlement Officer headquarters, and will keep their *mujnilis* up to date by colouring them, to show the progress of the work at different stages. *Mujnilis* should be prepared for each *halka* and for each circle. The circle *mujnilis* will show all railways, roads and rivers with their names, dak bungalows, thanas, post-offices and such other details as the Settlement Officer may direct.

33. **Payments to Amins.**—Payments will be made by the Kanungo or Circle Officer who will take the amin's receipt in the acquaintance roll (Form 75). When Inspectors are employed, payments will be made by the Circle Officer. The Kanungo or Inspector will estimate the amount of work done by each amin during the month and will write up the counterfoil of the amin's diary. He will prepare a consolidated list of payments due which will be submitted through the Circle Officer with the counterfoil of the amin's diary.

He will be responsible for making good excess payments made to amins, if the same cannot be recovered from the latter.

34. **Registers.**—The following registers will ordinarily be maintained at the Circle Office:—

- (1) Daily Cash book.
- (2) Court and Process-fee Register (Form 77).
- (3) Petition Register (Form 78).
- (4) Stock Register or file of duplicate chaldans of article received.
- (5) Process Register (Form 76).
- (6) Register of fines (Form 82).

No other register may be opened without the sanction of the Settlement Officer.

35. **Equipment.**—The following is the equipment of a Kanungo or Inspector:—

- (1) Two chains (one standard).
- (2) Ten pins.
- (3) One optical square.
- (4) One offset square.
- (5) One slight vane.
- (6) Two diagonal scales—  
16"=1 mile.  
32"=1 mile.
- (7) One pair of brass compasses.
- (8) One drawing pen.
- (9) One flat ebonite 12" ruler.
- (10) One peon's badge.
- (11) Two tin *chongas*.
- (12) Stationery.

36. **Forms.**—The Kanungo or Inspector will also be supplied with the following forms:—

- (1) Amin's Diary (fortnightly return of work).
- (2) Kanungo or Inspector's Progress Return.
- (3) Boundary dispute Case *Khasra* forms (Form 80).
- (4) One table of conventional signs.

37. **Camp Staff.**—Each Circle Officer is allowed a *peshkar*, one orderly and two peons; each Inspector or Kanungo one orderly and one field peon.

#### Notes for Inspecting Officers.

- (1) Examine the map carefully to see, in particular, if the quadrilateral and *shikni* lines have been properly placed, long offsets avoided, and the map kept carefully. Partial or repartal a line.
- (2) Examine the map to see if partial has been adequate and is properly distributed and to see if boundary comparison has been properly done.
- (3) Examine the record and other papers, including dispute list, partial or repartal a few plots in the presence of the parties.
- (4) Ascertain whether the *parchas* are distributed by a superior officer and not by the Amin.
- (5) Ascertain whether the maps, record and partial have been prepared or done in the presence of the parties in the field.
- (6) Examine the boundary mark register and *mujnilis*.



# CHAPTER V. FIELD BUKHARAT.

1. **Receipt of papers by Kanungo.**—As soon as the area of a village is passed, the sheet, the final field area statement, the *nai* memorandum and the conversion table will be returned to the Circle Officer or to the Kanungo.

2. **"Khasra" Section work.**—The Kanungo will then arrange for—  
(1) entry of areas in *khasra*, *khatains* and *parchas*;  
(2) check of areas by totals.

This work will be completed before the Kanungo starts the field *bujharat* of the village. With the sanction of the Settlement Officer if it is more convenient that this work should be done at the Circle Officer's headquarters, it may be done by contract under the supervision of the Circle Officer.

3. **Entry of areas.**—Areas will be entered from the final field area statement in acres and decimals in columns 4 and 6 of the *khasra*. The final field area statement will then be removed and the *muharrir* will enter the areas from the *khasra* into the *khatain*. Local area should be entered at this stage in the working *khatain* which should be explained to the parties as far as possible at field *bujharat*.

(4) **Check of areas.**—The *khasra* will be totalled page by page; page totals will be written down and added together at the end of the *khasra*. The areas of plots in each *khatain* will be totalled and the totals entered therein and in the *Khatain Totals Form* (Form 83) and a grand total struck for the village. The Kanungo will then compare the totals in the final field area statement, the *Khatain Totals Form*, and the *khasra* and will pass the village if all these agree.

5. **Distribution of "parchas."**—As long before *bujharat* as possible, the Kanungo will personally distribute to all concerned the *parchas*. The landlord or tenant is entitled to the *parcha* of his own interest, and the *parchas* of the interests, if any, immediately subordinate to him. The largest co-sharer present will receive a *parcha* of the interest. Each co-sharer or set of co-sharers with separate collections will similarly receive *parchas* of interest immediately subordinate to him or them. If co-sharers are equal they must draw lots.

6. **Procedure of Kanungo.**—The Kanungo will work from the north-west to the south-east corner of the village in the serial order of the plots. He will take with him the original map of the village, the volume of *khatains*, the *khasra*, a conversion table, a set of survey instruments and the mistake list, if any, prepared during area extraction. The Kanungo will work at the plane table with the volume of *khatains* in front of him. A *budat* *amin* will carry the *khasra*. A cooly peon will be employed as *chahman*, &c.

7. **Check of possession of field in "khasra" and "khatain."**—As the Kanungo comes to each field the *budat* *amin* will read out from the *khasra* the page number of the *khatain* concerned. The Kanungo will then turn to the *khatain*, read out the names of the landlord and tenants and ascertain whether they are present. He will note their presence over his initial and date at the side of the *khatain*. Having satisfied himself that the field has been entered in the proper *khatain* he will test the entries in column 2 and 3 and in columns 12, 13 and 14, and see that they are correct in all particulars, including shares. He will see that the plot, if the public has common rights or easements in it, has also been entered in the special list of such lands.

The boundaries of component revenue villages or blocks should be carefully verified to see if rule 3A of the *Khanpurat* rules has been observed.

8. **Check of field on the map.**—As regards the field itself the Kanungo will first see whether it has been correctly mapped. He will read aloud the local area to the persons concerned. In all cases where the local area as recorded differs widely from the local area as known to the landlord or occupant, and in all cases in which the landlord or occupant objects to the local area as recorded, the Kanungo will first re-extract the area by his acre comb, and, if this discloses no error, he will cause the field, and as many adjoining fields as may be necessary, to be remeasured in his presence by the *budat* *amin*. If any change of survey is necessary the Kanungo will at once make the change in pencil upon the original map and will correct the areas in the *khatain*. The *budat* *amin* will make similar corrections in the *khasra*.

9. **Register of corrections of maps.**—The Kanungo will enter in a register of corrections of maps in the field at the time of correction all cases in which corrections have been made in the map or an alteration made in the area. (Form 85).

10. **Check of "khatain" entries of field.**—While he is in each field the Kanungo will test the *khatain* entries of northern boundary classification, producing tenants, etc. At the same time he will bring to the notice of the Kanungo any error which he discovers. Whenever the Kanungo changes the specific possession of any plot or when the specific possession is judged owing to a decision on a dispute or other cause, he must in all cases, check or recheck the northern boundary entered in the record of all plots to the south of such plot. This rule must be rigidly observed.

11. **Signature in token of check.**—When he has finished the testing of each field the Kanungo will affix his initials against that field in the margin on the back of the *khatain*. The *budat* *amin* will also affix his initial and date against that field in the margin of the *khasra*.

1. **Preliminary rent entries.**—At the time of testing the first field in each *khatain* the Kanungo will make preliminary entries of the existing rent in columns 4-5 of the *khatain*. The individual amounts paid to co-sharer landlords with separate collections should be entered separately. The Kanungo will make no entry in column 6, even though the parties are both present and agree as to the rent.

12A. **Utharat.**—In the case of land let on any system called *utharat* the Kanungo will make no entry in columns 4 and 5, but he will carefully test the *amin*'s entries in column 23 regarding the year in which the tenant entered into possession.

13. **Rent cross-references.**—When a tenancy has been recorded in two or more *khatains*, the full rent, as stated, should be entered in one *khatain* only and cross-references should be made in all the *khatains*. A similar procedure should be followed when a tenancy has been recorded in two or more *khatains* owing to the fact that it is spread over two or more villages. List of such cross-references will be prepared in accordance with the orders of the Settlement Officer (Form 86). All cross-references made under this rule will be entered in column.

14. **Distribution of rent.**—When a tenant is paying a lump rent for two or more tenancies which have separate lands, the parties should be asked to split up



the lump rent. If they are unable to do so at the time of *bulharat*, a pencil memorandum of the full rent, as stated, should be made on all the *khatian* concerned together with a note "to be split up at attestation among *khatians* Nos. x, y and z."

15. **Cess**—No entry—Cess will not be entered during *bulharat*, nor will any entry be made regarding status, incidents of tenancy, or the mode in which rent was fixed.

16. **Entries in the "parchas."**—All the entries and all the corrections which are made by the Kanungo in the *khatian* will be made by the *hukar* amin in the tenant's *parcha*. This will be done in the field in presence of the Kanungo. The landlord will arrange to correct his own copies of the tenant's *parchas*.

17. **Re-check of "khatian" totals.**—On the completion of each *khatian* in the field the Kanungo will write the number of plots in the *khatian* immediately below the last plot, e.g., six plots only. All corrections must be initialled. He will also re-total the area of the *khatian* and note the revised total, when correction is made, in the *khatian* and the "Khatian Totals Form."

18. **New "khatians" and "parchas."**—The Kanungo will open new *khatians*, and cause new *parchas* to be prepared, wherever this is necessary. This must be done in the field.

19. **Disputes.**—The Kanungo will not allow the parties to re-open disputes which have once been decided at *khatanpuri*. The aggrieved party should be directed to wait until attestation. The Kanungo will, however, record and, if possible, decide any new disputes which arise during *bulharat* excepting disputes regarding the existing rent and status which will all stand over until attestation.

20. **Miscellaneous.**—In the evening after returning from the field and in the morning before going to the field the Kanungo will test the work of the previous day and see that all the papers are consistent. He will also ink up in blue the pencil correction which he had made in the map, and the *atomats*, which should be made in pencil in the field.

21. **Economical statistics. Halka notes.**—The Kanungo will collect for each village such economic information as the Settlement Officer may direct and will prepare a *halka* note which will be utilised for the circle note of the Attestation Officer. He will also correct the tenure-trees, where such are prepared, in accordance with the instructions of the Settlement Officer.

22. **"Thak" comparison.**—Before taking up the *bulharat* of a village the Kanungo should compare the *thak* trace or the trace of any other map, as directed by the Settlement Officer, with the village map, noting the plots which correspond to the *thak* chaks, etc. At the time of field *bulharat* he should enquire into discrepancies and should subsequently prepare a discrepancy statement in form 87. No action will be taken except in accordance with rule 392 of the Settlement Manual. He should also check all Government or public lands with the registers, traces and plans which have been supplied to him, and should refer the case of encroachments for the orders of the Circle Officer.

Under rule 350 of the Survey and Settlement Manual lands owned by Government and public bodies ought to have been demarcated on the spot. The Kanungo will ascertain if this has been done; if not, he should immediately submit a report through his Circle Officer to the Settlement Officer, who will take such steps as are necessary to have the land properly demarcated, or to have the map compared with the land acquisition or other authoritative maps.

23. **"Atomats" reference-list.**—During field *bulharat* the Kanungo will check and complete the *atomats* on the map, and the Reference-List of Notable Objects.

24. **Trifurcation and other marks.**—He will check the position of all traverse trifurcation or special marks on the ground and on the map, and will replace lost or damaged marks. He will also prepare the 4-inch mark *mupmili* and the mark list or register (Form 57).

25. **Complete check of areas after "bulharat."**—On the completion of *bulharat* the Kanungo will re-total the corrected "Khatian Totals Form," while the amin re-totals the *khatra*. The Kanungo then compares these two totals with the total of the final field area statement as modified by the Register of Corrections of maps. If the three agree, he passes the village area. If discrepancy exists, the areas must be re-checked.

26. **Despatch of map to headquarters.**—As soon as the village area is passed the Kanungo should send the sheet with the Register of Corrections to the Drawing Section at headquarters for the purpose of boundary comparison.

27. **Arrangement of the record and despatch thereof.**—The rest of the record is retained in camp for arrangement and completion. *Khatians* should be arranged (*muzi*) by *muzi*, and the record examined and put in due order.

28. **Diary and progress Register of Kanungo.**—The Kanungo will prepare a diary in which he shows daily the amount of *bulharat* completed and a Progress Register in form 89. These will be forwarded to the Circle Officer, who will send them to the Charge or Settlement Officer in Form 90.

29. **Amount of inspection.**—Circle Officers will constantly inspect *bulharat* in the field and will test the quality of the work and assist in solving difficulties. They will be responsible for seeing that the Kanungos work up to the prescribed standard, 100 plots per day in a normal area, and that no delay occurs in completing the record and despatching it to headquarters after field *bulharat*.

#### Notes for Inspecting Officers.

- (1) Visit similar notes, Chapter IV.
- (2) Paria a few plots and *khatians*.
- (3) Watch the Kanungo as he does field *bulharat*.
- (4) Ascertain if the *thak* comparison has been properly done.
- (5) Examine the completion of a record.



PART III.

- CHAPTER VI—AREA EXTRACTION.
- " VII—KHASRA SECTION.
- " VIII—DRAWING SECTION.



## CHAPTER VI.

## AREA EXTRACTION.

1. **First extraction.**—On receipt of the sheets of a village the village map name is entered in the general register of the section, and the sheets are handed over to an estimator for first area extraction. The estimator then extracts the area of the village entering the area of each field separately in the first working form of the field area statement. (Form No. 91.)

The areas of fields are extracted by means of acre combs, (or tale squares, or computing scales), the planimeter, or by counting the squares on the paper and taking out the areas of fractions of squares on the edge of the field with an acre comb.

The planimeter may be used, with the sanction of the Settlement Officer, only for fields, the areas of which exceeds 20 acres, but the method of counting squares will ordinarily be resorted to.

2. **Second extraction.**—The first areas being extracted, the estimator returns the map, with his field area statement, to the officer-in-charge of the section, who keeps the first statement under lock and key, and then hands the map over to a second estimator, for a second extraction of the village area on the second working form.

3. **Means.**—This being done, the two area statements are given to a third estimator, who compares them and extracts the mean area of each field. The areas of fields as taken out by the two estimators, must agree within the limit noted below:—

Differences either plus or minus:—

in fields under .05	cannot be passed.
of .01 in fields from .05 up to .10	may be passed.
of .02 ditto from .11 up to .50	ditto.
of .03 ditto from .50 up to 1.0	ditto.
of .04 ditto from 1.01 up to 2	ditto.
Thereafter .05 and no more.	

4. **Badars.**—The mean areas of those fields, the means of which have been passed, are entered in the final field area statement, the remaining field numbers are written on a badar list, (*vide* form No. 92), and the two area statements are locked up. The badar list is handed over to a fourth estimator, who after extracting the areas of those fields over again, hands it with the area entered therein back to the estimator who extracted the means.

5. The means estimator compares the last statement with the two former, and enters in the final field area statement the mean areas of those fields which pass within the prescribed limits with either of the two statements. The fields that still fail to pass (if any) are entered on another badar list and handed over to a fifth estimator, who, after extracting their areas, returns his final statement for comparison, with the three former statements, to the means estimator. The means estimator, if he finds that any two of the areas agree within the prescribed limits of error, will pass the mean area, and enter it in the final statement. In case any fields still remain, which cannot be passed a muharrir on fixed pay must extract their areas twice over with the comb, and, after passing the mean, enter it in the final settlement.

Only estimators who have had considerable experience in area extraction should be trusted to work out means and badars.

6. **The planimeter.**—When extraction by the planimeter is allowed the final field area statement and map are then handed over to a planimeter estimator, who extracts field areas of over 20 acres, which have not been computed by the former estimators. The tracer of the planimeter is moved carefully round the plot, the area of which is to be extracted, care being taken to move the tracer straight along the boundaries of the plot from left to right. Each planimeter working must be done by the operator twice over, the results must agree closely, and the means must be extracted to preclude any chance of error.

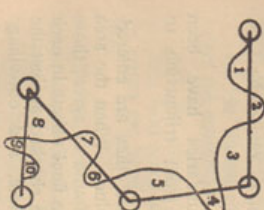
7. **Totalling and checking.**—The statement is then handed over to a muharrir, who totals the field areas by tens on a separate form (Form No. 93). When this is finished and locked up the statement is handed over to a second muharrir, who totals the field areas by fifteens on another form (Form No. 94). Both muharrirs show the total of the village area in their respective forms.

As soon as they complete a village total, they should hand their statements over to the officer in charge of the section, who will give the two sets to a checker for comparison. The checker first examines the separate totals for the village. If they agree, he merely signs the totals on both forms. If discrepancies are found he will make a detailed examination of the total slips, and make necessary corrections when he has discovered the mistake.

The final field area statement and correct total slips are then handed over to the head estimator, who enters the correct total in the pass-book.

8. **Preliminary offsets.**—While the totals are being done the map should be given to an estimator, who calculates the offsets on adjoining villages. The procedure is as follows:—

Where the cadastral boundary runs outside the traverse line, the space enclosed between the two boundary lines is regarded as *plus* quantity with regard to the village; and where the cadastral boundary runs inside the traverse boundary, the space enclosed is regarded as a *minus* quantity, with regard to the village. Offsets are calculated block by block of overlap or undercut as in the figure in the margin.



The areas of 1, 2, 3, 4, ..... 10 and similar plots all round the village are extracted and all the *plus* and *minus* areas are separately totalled, and entered in the first working offset form (Form No. 95), the total difference, either *plus* or *minus*, being the offset on the adjoining villages. The first working form is locked up and the map is handed to a second offset estimator, who fills up the second working offset form *Badars* will be employed to reconcile the differences.

9. **Passing the area.**—The offsets being calculated on all the adjoining villages, the whole difference is obtained; and the result is entered in the pass-book (Form 100). The head estimator then brings his statement to the Officer-in-charge of the section for the purpose of passing the village area.



The "Universal Theorem" area (previously supplied by the Director of Surveys), plus or minus the offsets of the village is compared with the area of the village as obtained by the totaling of fields described in rule 7. If the results agree within one per cent, or, in the case of villages of over 500 acres, within 1 per cent for each additional 100 acres or part thereof the village area entered in the final field area statement can be passed and signed.

In the case of large villages with more than one sheet, the Settlement Officer may order that the areas of sheets should be passed against the area extracted by counting squares and taking offsets on the village boundary and the area of the whole village passed against the U.T. area after the last sheet has come in.

The U.T. areas must be kept under lock and key by the Officer-in-charge personally, in order to prevent all chance of the totals being got at by the estimator.

10. "Our" villages.—If the area by summation, and the U.T. area do not agree within the prescribed limit of error, the areas must be re-checked until the village passes. The procedure is as follows:—

The head estimator takes the map, and by counting the squares, computes the area of the village. He will compare this area with the area given in the total slips.

(a) If the areas agree, he may ordinarily infer that the mistake has been committed in offset computation. To test this, he will extract the areas of the village included within the traverse boundary in the same way. The difference between the two areas thus found will be the area of the offsets of the village. He will compare this difference with the offset area, obtained by the offset worker, when it may be found that mistake has been committed by the latter. A common source of error is the substitution of a *minus* for a *plus* sign and *vice versa*.

(b) If the area within the cadastral boundary is found to differ materially from the area as found by the summation of fields, the areas of large plots should first be checked by counting squares as above, when probably the error will be detected. All these tests failing, the area of the village must be re-extracted plot by plot by a good estimator. Cases may occur in which the U.T. area supplied by the Traverse Party is inaccurate. These should be referred with details to the Officer-in-charge of the Party, to enable him to revise the U.T. area.

11. Final offsets.—After attestation, when the boundaries have been re-checked, final offsets will be calculated on each village from trifunction to trifunction and entered in a final offset form (Form 96).

When the final offsets in each village have been extracted, they are entered line by line on a 4-inch *millimill* kept for this purpose in blue. When the area of the offsets in adjoining villages has been extracted, and found to agree, those lines should be inked up in black. On verification of all the final offsets in each village, the village area by summation of plots will again be checked against the area according to U.T. theorem as modified by the final offsets, and out-village carefully checked.

12. Mistake list.—A mistake list should be maintained of errors, mistakes or discrepancies in the map for examination by the Kamungo at field *buhirani* or by the Revenue Officer at attestation.

13. Examination of areas when no field *buhirani*.—The above rules have been framed on the assumption that field *buhirani* followed area extraction. Where there is no field *buhirani*, the map will pass through the drawing section

before area extraction. In such cases an extra examination of the map and areas is necessary. After the final field area statement has been prepared it is handed over with the map to an examiner, who compares them by eye, plot by plot, to see that no errors have arisen in inking up the area statement, or otherwise. The examiner will generally be an Inspector or man of experience who ought to be able to tell, at a glance, the approximate area of any field. Whenever he entertains any doubt about the correctness of a field area, he will re-extract the area of the field and make corrections if necessary. The area examiner should also bring to the notice of the Officer-in-charge of the section mistakes or incomplete work such as unnumbered plots, incomplete or incorrect comparison of sheet margin, imperfect boundary comparison, inkstains on the map, which have not been inked, etc. He will be held responsible for doing so. The Officer-in-charge of the section will, when such defects are discovered, send the map back to the drawing section, with a note specifying the defects if it has been through that section. Necessary corrections will promptly be made in the drawing section. After correction, the map will be sent back to the area section, where necessary corrections will be made in the area statement.

In this case the check by final offsets laid down in rule 11 takes the place of the check by preliminary offsets and is done before attestation. All the sheets of adjoining villages are available at the same time for this purpose, and therefore no further check by offsets subsequent to attestation is required.

14. Accounts to be prepared from the registers.—Only finally passed villages should be taken into account in making up the accounts for the month. The accounts will be prepared from the registers. The Officer in charge will check a proportion of the payments entered and will always check the total payment for the month against the total work done in passed villages. When the work of the section is completed, the cost of the area extraction of the total number of fields in the season's area, including extraction of means, *budors*, etc., will be calculated, and compared with the total actual expenditure, as obtained from the monthly bills. The result will be communicated to the Settlement Officer.

15. Supervision of the staff.—The Officer-in-charge of the section should move about freely among the men working in the section.

(a) He should distribute the work among the estimators himself and should select the estimators for means and *budors*.

(b) He should test the work of the means estimators frequently, in order to see that field areas are not being improperly passed and that the prescribed limits of errors are being adhered to. He should initial each plot number checked by him.

(c) He should pay particular attention to the men employed on fixed pay, examining their diaries and checking their work, to see that a fair standard is being maintained. He should initial and date the diaries, in token of having done so. He should, however, be careful not to demand an excessive outturn of work as, if this is insisted upon, the quality of the work is certain to deteriorate.

(d) He should himself re-extract the areas of as many large plots as possible with the planimeter, in order to test the work of the planimeter workers who should be taken to task for carelessness when necessary. The offset work should also be examined frequently. Gross breaches of the rules should be reported to the Settlement Officer. Actual falsification should be treated with much greater severity than mere carelessness.



16. **Rates of payment.**—Area extraction, calculation of means, and totalling of areas should be paid for at contract rates; offsets, *badars*, planimetry and checking totals should be done by *muharrirs* on fixed pay.

17. **Registers.**—As many of the following registers as may be necessary should be kept:—

- (1) Attendance Register.
- (2) General Register, I.
- (3) Register of Individual Return of Work, II.
- (4) Progress Register, III.
- (5) Pass-book Register, IV.
- (6) Account Register, V (also consolidated for the month), and
- (7) Diaries.

Samples are given (Forms 97 to 101) which can be varied according to circumstances and requirements. See also Rule 332 of the Manual.

18. **Outturn.**—The following outturn has been obtained per diem:—

Area extraction	1,500 plots.
Means	2,000
Badars	1,000
Totalling areas	8,000
Offsets	15 sheets.
Planimeter	60 plots.
Checking totals	1,000
Examination	1,600 plots.

#### Notes for Inspecting Officers.

Examine the forms employed in the different stages in detail for one or two villages, nothing in particular the methods adopted (1) to prevent collusion at different stages and (2) to secure the strict adherence to the prescribed standards of error.

## CHAPTER VII. KHASRA SECTION.

1. **Work of Khasra section.**—The work of the khasra section consists of:—

- (1) entry of areas in *khasra* and *khatians* and check of areas,
- (2) examination and arrangement of the record, and
- (3) preparation of statistical statements.

Where there has been *field-bujharat*, items (1) and (2) have been completed. These rules, therefore, apply where there has been no *field-bujharat*, except so far as (3) the preparation of statistical statements is concerned.

2. **Staff.**—Items of work (1) and (3) will be prepared by *amins* or *muharrirs*, called *tarib* *muharrirs*, who will be paid at contract rates; item (2) by *amins* called *mukabilla* *amins* or inspectors employed on fixed pay. The work of the above will be checked by *janch* inspectors on fixed pay. They will work under the supervision of an Assistant Settlement Officer assisted, if necessary, by *Kanungos* according to the extent of the work.

3. **Entry of areas.**—Areas will be entered from the "final field area statement" in acres and decimals into the columns (other than the statistical columns) provided therefor in the *khasra*. This statement will then be removed and the *muharrir* will enter the area from the *khasra* into the *khatian*. He will also convert the area into local measure and enter it in the *khatian*. The *khasra* will then be totalled, page by page; page totals will be written down on each page and added together at the end of the *khasra*. The areas of the plots in each *khatian* will be totalled and entered in the *khatian* in pencil, and a *khatian* Totals form and a grand total struck for the village. The Officer-in-charge will then compute the final field area statement, the *khatian* totals from and the *khasra*. He will check a proportion of the *khasra* page and *khatian* totals and when he is satisfied that the work has been correctly done, and, that all the totals agree, he will pass the village.

4. **Alternative method of entering of areas.**—The entry of areas in acres and decimals in the *khasra* may be made separately and specially checked against the final field area statement. In such cases the entry of both local and standard measures in the *khatians* can be made by the *muharrir*, who enters the new *khatian* number in the *khasra*.

5. **Preliminary examination of records.**—An inspector will examine the record to see that all orders passed in *codastal* and *khatnapuri* have been carried out and that the results of disputes have been properly entered in the record. Discrepancies must be submitted for orders and, if necessary, a *badar* entered up for enquiry at attestation.

6. **Arrangement of khatians.**—The record will then be arranged in accordance with such orders as the Settlement Officer may direct, *tauzi* by *tauzi*, by an inspector assisted by *muharrir*. At this stage page numbers will be ignored and each complete *khatian* numbered serially and the appropriate *khatian* and collection numbers entered throughout the record in place of the original page numbers. A *muharrir* will enter the new *khatian* numbers in the *khasra*.



7. **Statistical statements.**—The following statistical statements will be prepared:—

- (i) A statement showing the classification of cultivated and uncultivated areas (the *milan khasra*).
- (ii) A statement showing the areas under different kinds of crops (the crop statement).
- (iii) The Agricultural Stock List.

These statements will first be prepared, village by village. The totals for each village will then be added, and thanawar statements compiled. These statements as now prepared will ordinarily be regarded as final. Corrections will only be made—

- (a) Whenever any changes are subsequently made in village boundaries, and
- (b) if any unnumbered plots are discovered at attestation or subsequent stages.

8. **Preparation of milan khasra and crop statement.**—When the areas have been distributed in the statistical columns of the *khasra*, the *milan khasra* and crop statement can be prepared from it plot by plot, or page by page, with the help of a *chitra* statement (Form 81) in which the name of the class of land or name of crop can be entered for each column according to necessity. The totals for each *khasra* page will then be carried forward to the prescribed final forms of mauzawar *milan khasra* and crop statement (*vide* Forms Nos. 79-80.) The page totals for each column will be checked against the page totals of the *khasra*, as the statements are prepared. The net area sown with crop in the crop statement must agree with the total of net area sown with crop as shown in the *milan khasra*, and the total village area according to the *milan khasra* must be compared with the village area as passed. An Inspector will check at least 10 per cent of the pages of the *khasra* against the *milan khasra* and crop statement, and the grand totals throughout the *khasra milan khasra* and crop statement. After this check the *milan khasra* and crop statement totals for the village will be entered in thanawar registers kept for this purpose in the prescribed form. The totals of the Agricultural Stock List will be similarly carried forward to a thanawar register in the prescribed form.

9. **Area slips.**—In large operations where there has been no field *bulharai*, arrangements may be made for the preparation of duplicate area slips for distribution to landlords and tenants.

10. **List of tenants.**—No list of tenants, *terji* or *sithi* will be prepared at this stage. The *sithi* will be entered up in the *Khatians* at attestation *janch*.

11. **Examination of record (mukabla).**—The record will, after the above stages have been completed, be thoroughly examined by experienced amins or muharrirs, who are responsible for the detection of every failure to observe the *Khatian* rules. Each *mukabla* amin assisted by a muharrir will compare each entry in the *khasra* with the *Khatian* and will see that they agree. In particular he will also see that the total areas in each *Khatian* (page by page) are correct, and that the *Khatian* and collection number of the superior landlord are correct, and that the *Khatian* and collection number of the superior landlord are correct, and that the *Khatian* and collection number of the superior landlord are correct, and that the *Khatian* and collection number of the superior landlord are correct. He will ink up the total areas in the *Khatians* in ink. The Settlement Officer will issue rules regarding the points which require particular attention in the record. The amin may be authorised by the Settlement Officer to correct trifling and obvious errors or omissions in the record, such as omitted north boundaries. All other errors will be entered in a *badar* list, which will be put up for orders.

12. **Check of inspectors.**—An inspector will then check at least ten per cent. of the *Khatians* comparing each entry in the *Khatia* with the corresponding entry in the *Khatians* and checking it and the *Khatian* completely from the commencement. Where any mistake is discovered all areas involved must be rechecked. He will also make a general check of the whole record in accordance with such orders as the Settlement Officer may issue. A *badar* list will be kept in which all discrepancies or mistakes found will be noted. This will be put up for orders to the Assistant Settlement Officer.

13. **Disposal of badars.**—*Badars* which cannot be disposed of during recess will be specially marked for enquiry by the Attestation Officer. All corrections made during recess will be initialed by the person who makes them.

14. **Final janch of the records in the khasra section.**—Two per cent. of the *Khatians* in each record will be completely re-examined by a kamungo or selected inspector, and a general check made of the record.

15. **Accounts of the section.**—The accounts will be made up monthly and the Assistant Settlement Officer will certify that they have been properly made up and the pay has been properly distributed satisfying himself that this has been done. At the end of the season the total expenditure on the contract work of the section will be calculated and compared with the cost of all the operations for the total number of plots at the fixed rates. The result will be reported to the Settlement Officer.

16. **Supervision of the staff.**—The Officer-in-charge of the section will be responsible for the progress and quality of the work. In addition to the duties prescribed in the foregoing rules:—

- (1) He will examine kamungos' and inspectors' diaries frequently, to see whether they are working up to the standard. He will initial all diaries so checked.
- (2) He will thoroughly examine the completed record of at least one village every week and satisfy himself that the work has been done correctly, and that the comparison and the final *janch* have been properly carried out. In case he finds serious defects he will send a report to the Settlement Officer.
- (3) Before returning the village record to the record-keeper, he will put his initials opposite the last plot number entered in the *Khatia*.

17. **Standard of work.**—The standard outturns of each branch of work and the rates of contract will depend largely on the difficulties of the record. An Inspector's outturn should ordinarily reach 500 plots per diem, whilst the outturn of the *milan khasra* and crop statement should not be less than 1,000 plots in each per diem per muharrir. The rates should be based on the expected outturn.

18. **Registers, etc.**—Registers or so many of them as may be required in forms similar to those given in Forms 106 to 109 should be used in addition to an Attendance Register. Each muharrir or Inspector should keep a diary. See also Rule 332 of the Manual.

#### Note for Inspecting Officers.

- (1) the work done in one or two villages by detailed examination of the record and the statistics compiled therefrom, and
- (2) the arrangements for check.



## CHAPTER VIII. DRAWING SECTION.

### Comparison of village boundaries and margins.

1. **Traces for margin or boundary comparison and thoka lines.**—On receipt of the map from the field after *khanapuri* or *bujariat* the first process to be undertaken at head-quarters is the comparison of village boundaries and sheet margins.

The procedure is as follows:—

A trace is taken on tracing paper of the boundary of one village or sheet margin and this trace is compared with the boundary of the adjoining village or the adjoining sheet margin. If discrepancies are discovered, a reference is made to the Technical Adviser or the Assistant Settlement Officer in charge of the section for orders. These traces should also be used for checking *thoka* lines; and for this purpose, each trace containing a *thoka* line should include one traverse station on each side of it. An Index *mujilli* (*halakawar*) will be prepared and the progress of boundary comparison will be shown on it daily, by colour washing the *halaka* under comparison or completed. After check the draughtsman will ink the *thoka* lines in blue, the same thickness as village boundaries.

2. **Treatment of errors.**—The Technical Adviser or the Assistant Settlement Officer of the section may pass errors up to 10 links selecting as final one or other of the boundaries as he thinks best. In the case of banks of rivers or ravines the limit may be increased to 20 links; when the point at which the discrepancy occurs is situated in very jungly country, errors of 50 links may be passed.

In case the errors exceeds these limits, boundary *badar* traces should be prepared; in each case showing the two boundaries, one in black the other in red, and notes added on the traces drawing the Kanungo's or Assistant Settlement Officer's attention to the discrepancy. The officer concerned will, after local enquiry, return the *badar* showing on it the correct boundary. The Attestation Officer, if the enquiry is made at attestation, will correct the maps himself.

3. **Further boundary check.**—The draughtsman will also—

- (a) check the conventional signs on the boundary, showing whether a river or road running along the boundary is common to the two adjoining villages, or whether such river or road appertains to one village only;
- (b) check the boundaries against the final orders, if already passed, in the case of boundary disputes.

4. **Boundary "badar" Register.**—A register called a "Boundary Badar Register" will be opened in which every *badar*, both under rule 2 and rule 3, will be entered and given a serial number. After its correction, the *badar* will be examined by the Technical Adviser, who will initial the register when the *badars* are disposed of.

**Non-comparison of boundaries or margins in the field.**—In case the Technical Adviser or the Assistant Settlement Officer is of opinion that an Inspector or a

Kanungo has failed to do the comparison in the field, and has falsified his traces to conceal the fact, he will report the case specially to the Settlement Officer.

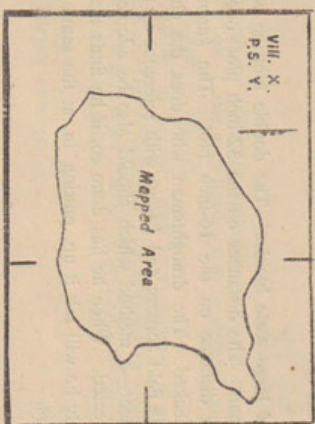
5. **Entry of name of thana and thana number.**—At the end of the field season the officer-in-charge of the Drawing Section will have *mujillis* of the past season's work prepared. These *mujillis* will show all the villages contained in one thana jurisdiction, with their correct names taken from the list of correct village names prepared during the field season. These villages will be numbered from north-west to south-east on the *mujilli*, the numbers also being shown in the list. These numbers, called "thana numbers," will then be entered on the map in blue. The map inked in blue is then ready for attestation.

### Final Preparation of Map.

6. **Re-check of boundaries and margins.**—After final *janch*, arrangements must again be made for a complete re-check of the boundaries and sheet margins and of the decision of boundary disputes as in rules 1-5.

7. **Inking up of map.**—The map, including the numbers, will be inked up in black Indian ink, village boundaries, or in the case of minor operations estate boundaries, and in the case of amalgamated villages the boundaries of the component revenue survey units, etc., being inked up with lines appreciably thicker than the field boundary lines. The lines should be firm, continuous, and unbroken. They should be of uniform thickness and drawn with freshly made black ink. The ink in use should be rubbed constantly with cork or some similar substance.

Frequently difficulties are experienced in relaying old stations on 16-inch sheets owing to the fact that on earlier vandyked sheets the squares (and hence the origin for co-ordinates) are not shown. To obviate this difficulty the ends of the N.S. and E.W. lines that intersect nearest the middle of the mapped area in the sheet should be inked up for  $\frac{1}{2}$ -inch at each end near the margin of the sheet thus:—



The square and origin can then be relied on the sheet at any time by means of a parallel ruler. The corners of the squares on the extremity of the sheets will also be inked up.

8. **Check and entry of conventional signs.**—The map will be compared with the *khara* plot by plot and with the Reference List of Notable Objects. The *muharrir* takes the *khara*, reads out serially the number of each plot, the entries



in column 2 according to which the field is classified and the entries in column 8. The draughtsman enters the appropriate conventional signs, if any, in black Indian ink in the corresponding plot on the map. He must account for each plot and note the current serial number. He will also ink up all other conventional signs, including traverse trifunctions, traverse points and all other signs shown on the table of conventional signs, which may occur.

9. **Missing plot numbers.**—Missing plot numbers will be carefully examined and entered at the side of the map, with the last plot number in the sheet.

10. **Large scale for house-sites.**—In cases in which the plot numbers of village sites, which have been surveyed on the 16-inch scale, are indistinct or illegible owing to the smallness of fields, the site or part of it should be plotted outside the village boundary on the 32 or 64-inch scale. Ordinarily the 32-inch scale will suffice.

A quadrilateral should be drawn around the village site or part of it. The quadrilateral should then be plotted outside the village boundary in pencil, its sides being made twice as long as the sides of the quadrilateral described round the site itself. The respective sides of the two quadrilaterals should be parallel, the corners of the outer quadrilateral being fixed in position with reference to the corners of the interior quadrilateral by means of co-ordinates from the squares on the paper. From the corners of the outer quadrilateral the external field corners are determined by the intersection of the arcs of circles or radii or double the similar distances in the small quadrilateral. The internal field corners should be similarly determined with respect to the external field corners.

11. **Check of large scale blocks.**—The double plotting will be checked by another draughtsman. The distances on the 32-inch plot ought to be double the corresponding distance on the 16-inch plot. The *kans* should also be compared and checked. The draughtsman who does the check will compare 10 per cent. of the field corners and *kans* with reference to the corners of the squares on the sheet—a method which should also be adopted if errors in the distances are suspected. When he has done so, if he finds that the plotting has been done correctly he will ink it up, putting in, at the same time, the correct *khanpuri* numbers.

12. **Examination of maps for double plotting.**—The officer in charge of the section should examine the maps, to see if any double plotting is necessary. He will give orders as soon as possible, and appoint a small squad of selected draughtsmen to do the plotting. During the progress of the work he will examine daily the plotting of one site, selected at random. He should also see that the double plotting is not done within two inches of the extreme edges of sheets.

13. Reference-slip writing.—From the Reference List of Notable Objects, the *khusta* or plot index and the map a vernacular writer notes

## REFERENCE SLIP (SAHNKETIC.)

Plot No.	Plot description	Plot No.	Plot description
31,257	Pakka building	191,248	Khal
35,69	Trijunction		
75,164	Other Permanent Mark		
132,358	Iron Pillar		
	Traverse Station		
	G. T. Station		
	Isolated tree		
	Pakka well		
	Ring well		
	Tube well		
	Village path		
	Road metalled		
	Do. unmetalled		
	Halt or cattle track		
	Plots included in this sheet from plot		
	No.....to Plot No.....		
	Missing plot numbers		

—From the Reference List of Notable Objects, the *Kiayava* or plot index and the map a vernacular writer notes on the sheet in the vernacular in pencil particulars regarding the sixteen items (which will ordinarily be sufficient) in the specimen marginal table. If any of these do not appear in the sheet they will be omitted. This list will then be written very carefully and neatly in black Indian ink. A hand press or block can be used for the stereotyped entries. Other notable objects, e.g., tanks, mosques, etc., which may appear need not be explained by any reference.

In Land Revenue Settlements, the Index List as proposed above should be followed. The entire periphery of the maaza in the sheet dealt with should be shown, and the area covered by other Tauzis not dealt with should be indicated by letters with the following description :— "A" आ

आदि

14. **Map headings.**—A skilled draughtsman will print on the map, the map headings and North Point. The map headings to be entered on each sheet are—

- (1) Name of village, in English.
  - (2) Name of village, in Bengali, with sheet number if necessary.
  - (3) Thana number (or Jurisdiction List number or Collectorate Register number in the case of Minor Operations where Jurisdiction List numbers are not available).
  - (4) Thana.
  - (5) Revenue Survey number.
  - (6) District.
  - (7) Scale of Survey.
- In Land Revenue Settlements in addition to those indicated above should be added the—

Any other variation proposed or considered necessary will require the previous approval of the Director of Land Records.



A hand press or block can be used for the stereotyped entries.

The map headings usually should be printed on the top left side of the map with the North Point close and parallel to them on the left.

15. **Adjoining village names.**—Adjoining village names will also be entered in the space from *thoka* line to *thoka* line, at a distance of one inch from the village boundary. The number of the adjoining marginal sheet will also be noted in the margin of each sheet.

16. **Touching up, etc.**—When the above processes are completed, a draughtsman will examine the maps, plot by plot, and "touch up" or re-ink all faint or broken lines or numbers which he discovers in the course of his examination in order that the map may reproduce satisfactorily. Very thin lines should also be thickened.

The officer-in-charge of the section should examine the work done, day by day, and should see that the ink used is freshly made, of the requisite thickness, and very black. The draughtsman should be made to test the consistency of the ink daily on a slip of paper, before using it.

17. **Final check.**—After this, the officer-in-charge will examine the maps, in particular re-examining the boundaries of adjoining villages, and map headings.

18. **Cleaning of maps.**—The main object of the final cleaning of maps is to remove blemishes which will give trouble at the reproduction stage. Blemishes will be of two kinds:—

(a) Those both on the front and the back of the sheet which fall apart from the matters to be reproduced.

There is no real necessity to remove those, and it will suffice if they are scored through with a red or black cross. They will then be taken off the plate at the reproduction stage.

(b) Blemishes inside the matter to be reproduced on the front or back of the map.

These are of two types:—

(i) Pencil lines and recent surface dirt. It will suffice if the map is rubbed over lightly with bread crumbs. This may not entirely remove the blemishes, but that does not matter.

(ii) Ink blots, grease stains and such like things. If colours blots can be scraped off with a knife without serious injury to the paper surface or any injury to the detail to be reproduced, they may be so removed. Otherwise they should be left untouched, to be dealt with at the reproduction stage. Grease stains can be removed wholly or partly by hot ironing the map through clean white blotting paper.

If sheets are torn they may be mended with *very thin* strips of clean paper pasted on the backs of sheets, but no mending must be done behind any detail that is to be reproduced. Such mending will be done in the Survey Department Record Room when the maps are finally racked.

If strips of papers are affixed they must be thin, or otherwise they will affect contact during the reproduction stage.

The use of white lead is absolutely forbidden.

19. **Tracing of maps.**—Whenever a sheet is found to be soiled or torn as to be unfit for reproduction a trace will be made. The trace will be made by a draughtsman with the help of a tracing glass, and will be examined and corrected, when necessary, by a second draughtsman by means of a trace prepared in red ink from the original sheet and superimposed on the traced sheet. The officer in charge of the section will examine the sheets and pass orders as to which sheets are to be traced. He should remember, however, that apart from the additional expense incurred, it is advisable that the original maps should be the basis of the reproduction, and that all tracing for reproduction is, *per se*, therefore, objectionable. In all cases when a trace has been prepared, the original maps should be completed in boundary comparison, comparison of the *khazra* and map, and in map headings. It should be also sent to the Drawing Office with the trace, but marked clearly with a slip "Not for reproduction." In minor operations if no tracing glass is available, a clean trace should be prepared on tracing cloth or bank post paper with Indian ink and very carefully compared by placing both the original and the copy on glass. It should be remembered that the limit of size which can be vandyked on one sheet, including all margins and references is 40"×27", but that ordinarily maps should be drawn on paper of the size of Form P. 70.

20. **Signing of maps.**—Maps will be signed in Indian ink by the Settlement Officer or Collector as Superintendent of Survey, or by the Assistant Superintendent of Survey, to whom he may delegate this duty, under the following certificate:—

"Made by the authority of Government in (year of survey)."

In minor and diara operations, the number and date of the notification or notifications, and the Acts and Sections under which the operations have been conducted should also be added.

21. **Despatch of sheets to the Bengal Drawing Office for reproduction.**—

As the maps are completed, they will be sent in batches to the Bengal Drawing Office for reproduction by the vandyke process.

The number of copies of each sheet required should be clearly stated in a form containing:—

- (1) the name of district,
- (2) the name of the estate, area or tract forming the unit of estimate,
- (3) a statement whether the operation is Imperial, Provincial, or Advances Recoverable and Deposits,
- (4) name of village,
- (5) number of sheet,
- (6) number of reproductions required.

22. **Care of maps.**—Whenever the maps are received in the Drawing Section, the head draughtsman will examine the sheets very carefully and will note their condition. All draughtsmen must take the precautions for keeping maps clean which are prescribed for amins.

23. **Outturn.**—The following outturn has been obtained:—

16" mapping—			
Boundary comparison	..	..	3 to 4 sheets per day.
Inking	..	..	800 plots per day.
Almats	..	..	100 plots with touching up per day.
Hand printing	..	..	4 sheets per day.
Stamping of headings	..	..	30 sheets per day.



Special allowance should be made for municipal and densely populated area—

4" mapping—

Pentagraphing	..	..	15 sheets per day.
Transferring with inking up of details	..	..	2 sheets per day.
Hand printing of village names	..	..	40 names with jurisdiction list numbers per day.

Hand printing of adjoining mauza names and graticule figures .. 1 sheet per day.

Borders drawing of and graticule lines .. 1 sheet per day.

Final completion including examination .. 1 sheet per day.

2" mapping—

Pentagraphing .. 3 sheets per day.

Transferring with inking up of details .. 20 square inches.

Typing of village names .. 40 per day.

Typing of adjoining names .. 4 days per police station.

Final completion including examination .. 7 days per police station.

4" Union Board maps .. 3 days per union.

2" Mark map and Register .. 8 days per thana.

24. **Registers.**—Samples of registers which should be kept are given (Forms 110-112). Each draughtsman or muharrir should also keep a diary. See also Rule 332 of the Manual.

#### Notes for Inspecting Officers.

- (1) Examine the quality of the draughtsmanship and general finish of the maps, in particular, whether they are free from defects both on the back and front of the map which would prevent proper reproduction.
- (2) Ascertain whether it is necessary to trace many of the maps.
- (3) Examine one or two of the maps with records of boundary disputes, reference lists, etc.
- (4) Note whether the check of boundaries, in particular, of roads and khals, has been properly carried out.
- (5) The adequacy and proper distribution of the partial should also be examined.

## PART IV

### CHAPTER

#### IX.—ATTESTATION.

#### X.—DRAFT PUBLICATION AND OBJECTIONS.

#### XI.—COMMUTATION.

#### XII.—FINAL JANCH.

#### XIII.—CACULATION OF THE NUMBER OF COPIES OF VANDYKED MAPS.

#### XIII.A.—MISCELLANEOUS.



## CHAPTER IX.

## Attestation.

1. **Programme.**—The attestation officer should, before the season commences, prepare a general programme showing the place and approximate periods of his various camps and the villages which will be attested from each camp and hang it up in his camp. Camps should be so fixed that no village lies outside a circle of 3 miles radius from the camp from which it is to be attested. So far as practicable, the attestation of each village should be taken up in the village. Copies of this programme should be supplied to the principal landlord of the attestation circle, and to the Collector or any public body, when Government or public lands are concerned.
2. **Staff.**—The ordinary staff of an attestation camp should consist of a *peskhar*, one *badar amin*, two *muharrirs* (for *janich*) and three *peons*. In minor operations in small areas this should be reduced. Where there has been no field *bujharat*, the number of *muharrirs* may be increased by two or three for attestation *bujharat*.
3. **Proclamation.**—Before starting attestation in any village, the attestation officer must see that the proclamation (Form 119) as required by the Government rules is published in the village. He should also issue summons under the Code of Civil Procedure on absentee landlords and others whose attendance is necessary and who are likely to be unaware of the notice. Special notices should be issued on the Collector or any other public body interested, if the attendance of any person on their behalf is necessary.
4. **Attestation Bujharat.**—The following rules 5-7 for attestation *bujharat* apply only when there has been no field *bujharat*.
5. **Work to be done by Bujharat Muharrir.**—The *muharrir* will read out to every tenant in the presence of his landlord every entry in the *khaitan* of his interest, and will do his best to see that he understands it. Mistakes of a clerical or an unimportant nature, e.g., as to parentage and residence, may be corrected by him in accordance with detailed orders of the Settlement Officer. He will, however, enter all important mistakes, not involving disputes, in a mistake list (Form 132) and disputes in the Dispute List (Form 62). Orders will be passed by the attestation officer in the mistake list in time for their incorporation in the record, before he takes up attestation; all corrections must be initialed and dated and, when entered in the mistake list, supported by noting the mistake list number in the *khaitans* concerned.
6. **Entry of rent.**—The *muharrir* will enter up in columns 4 and 5 of the *khaitan* the rent as stated by the landlord and tenant, respectively, but will leave column 6 blank. He will not enter up any disputes regarding rent. No further entries regarding the rent or any entries regarding status will be made by the *muharrir*.
7. **Parchas.**—Omissions (including the blanks in the area columns, unless separate area-slips have been distributed) will be filled up and corrections made in the tenant's *parchas* by the *muharrir*. The landlord will correct his own copy of his tenant's *parchas*.
8. **General procedure of attestation officer.**—The attestation officer will work through the draft record, *khaitan* by *khaitan*, in the manner laid down in the Government rules. As far as possible, all the tenants of the same landlord

should be taken up before dealing with the tenants of another landlord. During attestation all enquiries should be careful and sympathetic, but of a summary nature. Parties who desire to have any matter enquired into more formally will have further opportunities hereafter. This should be made known.

9. **Entries to be examined by the attestation officer.**—The attestation officer will first satisfy himself that the entries in columns 2 and 3 and columns 13 and 14 are correct and that the fields in the immediate possession of the person concerned have been correctly entered on the back of the *khaitan*. By the orders of Government a simplified form of attestation may be adopted in areas selected by the Settlement Officer in which field *bujharat* has been accurately done. The attestation officer will merely read out the entries as to total area and number of plots. He will then proceed to enquire into the two questions of status and rent. In accordance with the Government rules, these enquiries must be filled up in his own hand.
  10. **Status, column 15.**—In column 15 the attestation officer will first record whether the occupant is a proprietor (*malik*), tenure-holder (*madhyasvava*), *raiyat* (*sic*) or under-raiyat (*korfia* or *kol raiyat*).
  11. **Proprietors.**—There is generally no difficulty in distinguishing a proprietor, but doubtful cases sometimes arise. No one can be recorded as a proprietor unless he owns an estate or a part of an estate [section 3(2), Tenancy Act]. The estate may be permanently settled or temporarily settled or revenue free, and may be owned by Government or a private person. If temporarily settled, the estate may be managed by one or more of the owners, or by a farmer, or by Government; but in all cases, the proprietary status of the real owners remains intact. In all cases in which the status of proprietor is doubtful, a reference should be made to the Collector. It is important that the status of proprietor should not be accorded to a person who is only a tenant under Government. Under the Bengal Tenancy Act the term proprietor does not include farmers or lessees, though under the Land Registration Act it does so. The record must of course follow the Bengal Tenancy Act.
  12. **Proprietor's private lands.**—The fields in the immediate possession of a proprietor will be shown in the usual way on the back of his ordinary *khaitan*. If any fields are "private lands" within the meaning of section 120, Bengal Tenancy Act, they should be embodied in a separate *khaitan* in which the words "proprietor's private lands under section 120" will be entered in column 13 as the "description" of the interest and the name of the proprietor concerned as the "possessor" of the interest. This will only be done when the notification under section 101 has authorized a record of proprietor's private lands.
- Strict proof should be insisted upon in every case, and compromises or decrees should be examined to see whether they are *bona fide*. A proceedings should be drawn up in each case for the approval of the Settlement Officer. It is to be noted that no tenure-holder can have private lands within the meaning of section 120, and that occupancy rights can be acquired in such lands when such land is let out without any of the restrictions mentioned in section 116, Bengal Tenancy Act.
13. **Tenure-holders and raiyats.**—To distinguish between tenure-holders and raiyats is one of the most difficult problems which occur in the preparation of the record-of-rights. There can be many grades of tenure-holder, but there can be only one raiyat. No person holding below a raiyat can obtain a status higher than that of under-raiyat, and it is, therefore, very important that the wrong person should not be recorded as raiyat. All cases of non-cultivating tenancies claimed



as raiyat holdings must, therefore, receive special consideration. In such cases, the attestation officer must be definitely satisfied that the tenancy is a raiyat holding before he can record it as such. It must always be borne in mind that an agreement between A and his landlord as to the status of A is not binding upon A's tenants. The attestation officer is bound by law to give the tenants an opportunity of being heard, and is forbidden by law to give effect to the compromise unless and until he is satisfied from the conduct of the parties that the status agreed upon between A and his landlord is in fact the true status of A.

14. **Origin of tenancy.**—The "primary" distinction between tenure-holder and raiyat is set forth in section 5 of the Bengal Tenancy Act. The most important consideration is the origin of the tenancy. If possible, therefore, the origin of each tenancy should be ascertained by the attestation officer. Generally speaking, a tenancy created for the purpose of personal cultivation is raiyat interest, and a tenancy created for intermediate purposes is a tenure.

15. In order to ascertain the origin of a tenancy the attestation officer should examine the document by which it was created, or some early documents by which it is described. If such documents are not forthcoming, the attestation officer should ascertain the actual use to which the tenancy has been put not only by the present possessor, but also by his predecessors in title. From this information the origin of the tenancy can often be inferred.

16. **Custom.**—Where a local custom exists in accordance with which tenancies described by a certain name are treated as tenures while tenancies described by another name are treated as raiyat interests, the attestation officer should have regard to this custom as well as to the origin, if ascertainable or inferable, of the tenancy in question, section 5(4) (d).

17. **Presumption of 100 standard bighas.**—It should also be noted that all tenancies which an area exceeding 100 standard bighas, equivalent to 33·6 acres, shall be presumed to be tenures until the contrary is proved. There is, however, no converse presumption to the effect that tenancies which measure 33·06 acres or less are raiyat interests.

18. **Other cases.**—Cases may arise in which the attestation officer is unable to obtain materials by which he can arrive at a decision according to the methods explained in Rules 13-17. In such cases he may generally proceed on the assumption that if the present incumbent is a practical agriculturist, or if the tenancy consist mainly of a homestead in which the present incumbent resides with his family, the tenancy is raiyat interest, and that, if neither of these conditions exists, the tenancy is a tenure. Entries so made cannot, however, be regarded otherwise than as provisional entries, liable to revision at subsequent stages.

19. **Nature of tenure, column 15.**—In the case of every tenure-holder the attestation officer will enter—

- (a) whether he is a permanent tenure-holder or not, and
- (b) whether his rent is liable to enhancement during the continuance of the tenure.

As regards (a), the chief point of notice is that the permanence of a tenure has nothing to do with fixity or otherwise of its rent. A permanent tenure is simply a tenure which is heritable and which is not held for a limited time, section 3 (8). The permanence of a tenure may be proved by custom, by contract, or by both. The word *chirashioy*, or *chirashioy nade*, as the case may be will be entered in column 15.

As regards (b), the liability to enhancement of rent during the continuance of the tenure may be proved by custom, by contract or by both. The attestation officer should also have regard to the presumption contained in section 50 of the Bengal Tenancy Act. The entry made should be *khajana briddhir joiya* or *mukurrari nade*, *khajana briddhir ojoiya* or *mukurrari*, as the case may be. It is to be noted that, *khajana briddhir ojoiya* does not mean that the operation of section 52 is barred. If there be a contract by which the operation of that section is barred, the word *khajana* should be omitted and the entry be *briddhir joiya* only in column 15.

20. **Class of raiyat.**—In the case of every raiyat the attestation officer should make a distinct entry in column 15 as to whether the raiyat is "a raiyat holding at a fixed rent" (*mukurrari*), "settled raiyat" (*sithibon*), "occupancy raiyat" (*dakhal swara-bishia*), or non-occupancy raiyat (*dakhal-swara sunya*).

21. **Raiyats holdings at fixed rates.**—The circumstances in which a raiyat should be entered as *mukurrari* are practically the same as those in which a tenure-holder should be entered as not liable to enhancement of rent; it should be noted that the High Court has held that clause (3) of section 50 was inserted for the benefit of raiyats and not with a design to prejudice tenure-holders, and that the operation of sections 50(1) and 50(2) is not excluded in the case of tenures merely by reason of subdivision or amalgamation. The claim will ordinarily be proved by the production of rent-receipts or other evidence that the rent has not changed for 20 years. The landlord can then rebut the presumption by showing that the tenancy originated or that rent was enhanced after the Permanent Settlement. The mere production of a *jama-wastil-haki* paper of a certain year in which the name of the tenant or of his predecessor-in-interest does not appear is not enough for this purpose. An increase of the rent of a tenure or holding merely because the area has increased is not an enhancement.

The status of a *mukurrari* raiyat may be (1) settled—*mukurrari sithibon*, (2) occupancy—*mukurrari dakhal swara bishia* or (3) non-occupancy—*mukurrari dakhal swara sunya*, which must be determined and recorded as in the case of ordinary raiyats.

22. **Settled raiyats.**—The definition of a settled raiyat is given in section 20 of the Tenancy Act, and under section 21 every settled raiyat has rights of occupancy, but he is to be recorded as a settled raiyat. All raiyats are to be presumed to be settled raiyats and recorded as such [vide section 20(7) of the Bengal Tenancy Act] unless the contrary is proved or admitted.

23. **Occupancy raiyat.**—The only class of occupancy raiyats who can be recorded as such and not as settled raiyats are those who not being settled raiyats of the village for other lands have made a valid purchase of occupancy right, but have not held the land to which it is attached for 12 years.

24. **Occupancy and non-occupancy raiyats. Year of occupation.**—In the case of the above-mentioned class of occupancy-raiyats and in the case of non-occupancy raiyats, the year in which the occupation began should be noted.

25. **Bar to acquisition of raiyat rights in certain lands.**—Under section 116 of the Tenancy Act neither occupancy nor non-occupancy rights can be acquired in certain lands acquired under the Land Acquisition Act (1 of 1894) for Government or Local authorities or Railway Companies, under certain conditions, while such lands remain the property of Government, or any local authority or Railway Company. This section does not affect lands acquired by other means and, as it has no retrospective force, it cannot affect occupancy rights acquired before 1907 or lands acquired before the passing of Act I of 1894. If *Khatians*



are opened for persons holding lands acquired under the Land Acquisition Act (I of 1894), who have neither occupancy or non-occupancy rights, the status should be occupied (*dukholder*), and a note should be made in column 16 that the land is acquired land under Land Acquisition Act (I of 1894).

26. **Status of homestead tenants.**—The status of tenants of homestead lands require special attention. If a raiyat and under-raiyat holds his homestead as part of his holding, whether it is separately assessed to rent or not, the status of the homestead follows that of the rest of the holding, and both are included in the same *khutian*. But where homestead land is held otherwise than as part of a raiyat or under raiyat holding, the provisions of section 182 of the Bengal Tenancy Act must be applied.

26A. **Status of chakran tenants.**—The holders of such lands will be recorded as having the status of *chakran madhyastawa* or *chakran raiyati*, as the case may be, with a further note that the provision of section 181 applies to the tenancy. The rent column will be left blank.

27. **Occupants of non-agricultural lands.**—In non-agricultural lands, the status should be recorded as *dihalkar* in column 15. This can be explained further by the addition in column 16 of such words as *basat*, *chandina*, etc.

28. **Status of under-raiyats.**—Attestation should also be paid to the record of under-raiyats' rights. Under the amended Bengal Tenancy Act occupancy rights can no longer acquired by under-raiyats by custom or local usage, unless such rights have already been acquired before the commencement of the amended Act. Enquiries should, therefore, be made at this stage to ascertain which of the under-raiyats have already acquired such rights. Those who have by local custom and usage acquired the rights before the passing of the amended Act will be recorded as *Korja dakhalswata bistia*.

Under section 48C of the Bengal Tenancy Act if an under-raiyat has been (a) in possession of the land for a continuous period of 12 years whether before or after, or partly before or partly after, the commencement of the Bengal Tenancy Act (1928) or (b) has his homestead on the land, or (c) if he has been admitted in a document by the landlord to have a permanent and heritable right to his land, he shall not be liable to ejection on any of the grounds specified in clause (c) or (d) of the section. The incident of such tenancies will be recorded by appropriate entries in columns 15 and 16 of the respective *khutians*.

29. **Special conditions and incidents.**—In column 16 will be entered any special conditions and incidents attached to the tenancy, e.g., existence of a contract under section 178 of the Tenancy Act in certain cases connected with waste, orchard and horticultural land. It is not necessary that there should be an entry in column 16 in every case.

30. **Record of rents.**—In filling up the column for rent (6) the attestation officer will thoroughly examine and test the preliminary entries which have been made. In ascertaining the rent payable, the attestation officer must keep before him the definition of rent in section 3(5) of the Tenancy Act, viz., whatever is lawfully payable in money or in kind. When, therefore, the sum now being paid has been arrived at by an agreement, which, owing to section 29, section 48B or otherwise, is an illegal agreement, such sum is not true "rent" within the meaning of the law. Where a disputed rent has been illegally enhanced, the attestation officer must record the rent previous to the enhancement. He is not entitled to cut down a part of the enhancement only, but must disallow it *in toto*.

31. **Undisputed rents.**—If the attestation officer has reason to believe that the present undisputed rental includes enhancements which contravene the provision of the Bengal Tenancy Act relating to enhancement of rent by contract

between landlord and tenant, he should summarily ascertain the rent legally payable by examining the landlord's accounts, raiyat's rent-receipts, the road-pass papers, etc., or otherwise, and the rent history generally.

32. **Note for orders in the case of suspected general illegal enhancements.**—Where a general illegal enhancement is suspected, a note should always be submitted to the Charge or Settlement Officer, accompanied, except in the case mentioned at the end of the preceding rule, by a schedule of the rents paid in the year or years immediately preceding the illegal enhancement and subsequently in such form as may be prescribed by the Settlement Officer.

**Rents settled under 109C.**—Rent under section 109C should be shown in column 6 of the *khutian* as in the case of rent under section 104 with a reference to section 109C proceedings in the column of remarks. They will take effect from the beginning of the next agricultural year. A General Register of 109C cases should be kept at headquarters, showing also the result of Appeal and Revision.

33. **Distinction between enhancement and alteration of rent.**—In determining whether an addition to a previous rent is illegal or not, the attestation officer should bear in mind the distinction between enhancement and alteration of rent. The former means an addition to the previous rent for the same holding, and the latter additional rent for area added to the old holding. Section 29 of the Tenancy Act regulates the former only. But it should be remembered that where accurate measurement is not the rule, the same area may often be represented by different figures in the rent-rolls of different years, especially where the length of the measuring pole and the size of the local measure are by no means immutable.

34. **Abwabs.**—Abwabs should not be recorded. When there is no dispute between the landlord and tenant as to the amount of the rent payable, the attestation officer need not endeavour to disentangle from the rent agreed to by the parties such abwabs as may have been consolidated with the rent, if the aggregate has been accepted as the rent payable, and the abwabs are not shown separately in the zamindar's papers or in the rent-receipts. But where there is a dispute as to the amount payable, or illegal enhancements are being cut down, or where an objection is made by the tenant to the amount claimed as rent by the landlord on the ground of the claim having included abwabs, the attestation officer should refer to the provisions of sections 29, 51 and 74 of the Tenancy Act, and to the rulings of the High Court on the subject of abwabs.

All cases of the realisation of abwabs should be reported for action under section 74A of the Bengal Tenancy Act.

35. **Entries in column 6.**—The attestation officer will personally fill up column 6 in Bengali figures for each separate "collection" in column 2 and will enter the total rent in Bengali and English figures, initialling the entries. The total rent will also be written in words. If co-sharer tenants pay rents separately the individual sums payable will be entered in column 8.

36. **Joint Rents.**—(i) In the case of two or more *khutians* which have a joint rent the attestation officer will continue to adopt the procedure laid down in *Bujihat* Rule 13. The necessary cross reference will be made in column 8. In order to avoid mistakes, a list of such cases should be prepared and filed with the record for check in *janch*.

(ii) In the case of two or more *khutians* which should have separate rents but for which a joint rent has been provisionally entered under *Bujihat* Rule 14,



the attestation officer will entered separate rents for each *khatain* in the usual way, if the parties agree.

37. **Rent-free.**—In the case of lands held rent-free the Assistant Settlement Officer has to decide (a) whether the occupant is entitled to hold the land rent-free, and, if so, (b) under what authority. The proceedings at attestation must be summary, and the object should be to throw the onus of proof or further objection on the right party rather than to come to a final determination. Thus, when the rent-free holder has been in undisturbed possession of a large area mentioned there are no boundaries, the attestation officer should enter "mistikar" in column 6 of the *khatain* and details of date, etc., regarding the *sanad* or *chhar* for all such lands in column 8. Similarly, even if the occupant has no *sanad* or *chhar*, but has held the land for a long time or has purchased it, and has always been recognised as a rent-free holder, the attestation officer should record "mistikar" in column 6 of the *khatain* and "bhog dakhal sure" or the date, etc., of the deed of sale in column 8. Where the land is held by a claimant, not a tenant of his landlord for other land, or where such land is occupied as a separate parcel or holding, or otherwise in such a way as to be entirely distinct from other lands held by him, the burden of proof of showing that excess area, if there is a *sanad* or *chhar* is not an accretion to the rent-free holding, is on the landlord. Where the land is not distinguished in the above manner from the claimant's other land, the burden of proof is on the claimant. Where the land or excess area is not true rent-free land, it should be recorded as part of the holding for which rent is paid, of "kholajur jogya" (liable to rent), as the case may be.

Evidence of rent-free must be at least 20 years old before *bhog dakhal sure* is recorded when it is claimed by virtue of long possession as such.

38. **Rent-free, but liable to rent.**—When the attestation officer finds that no rent has been paid, but that the tenancy is liable to rent, he should record the fact (*kholajur jogya*) in column 6 and leave the landlord to apply for the settlement of a fair rent under section 105. But if the landlord and tenant agree as to the rent which shall be recorded as payable, he should record such rent in column 9 with a note of section 109B (and sub-section (1) in Western Bengal) in the heading. If they agree that the land should remain rent-free "mistikar" will be entered in column 6 with a note of the agreement made before the Assistant Settlement Officer in column 8.

39. **Village rent-note.**—In every village a general rent-note should be prepared, stating the history and character of the rents and giving particulars of actual or prevailing rates. Where there are Government or temporarily-settled estates in the village or in neighbouring villages, this rent-note must give full information for the use of the Jamabandi Officer.

The Attestation Officer should also collect carefully the following informations about the *Adhurs* or *Bhagdars* and incorporate them in their village rent note:—

- (a) The conditions under which the *Adhurs* or *Bhags* are held.
- (b) The share of produce and the share of by-produce which the *Adhurs* or *Bhagdars* have to pay to the owners of *baras* lands.

40. **Cess of cultivating raiyat.**—The attestation officer will enter the cess lawfully payable in column 7 in the case of all "cultivating raiyats" as defined in the Cess Act.

The entry for every full rupee of rent will be 6 pies and the entry for broken portions of a rupee will be as follows:—

The cess should be calculated down to the lowest pie. Fractions of a pie will not be entered. If the fraction is less than half a pie, it will be neglected; if half a pie or more, it will be recorded as a full pie.

If Chapter IV of the Bengal (Rural) Primary Education Act, 1930 is in force in any district or part of a district, primary education cess payable by cess *raiya*s will also be recorded. Such cess will be entered separately in column 7 of the *khatain*, the calculation being made in the manner laid down in section 30 of the Act.

N.B.—A "cultivating raiyat" is defined in the Cess Act as a "person cultivating land and paying rent, raiyat, or tenant-holders under the Tenancy Act. Ordinarily the cess raiyat and the Tenancy Act raiyat will be the same.

41. **Lump cash payments of rent and cess.**—In the case of cess *raiya*s, when a lump cash payment, which is said to include both rent and cess, is being made, the attestation officer will always examine the origin and the history of the payment. If he discovers that it contains any illegal ingredient either in the matter of rent or in the matter of cess, he will combine his entries to the legal rent and the legal cess. Thus if he finds the rent to be at the rate of Re. 1-2 paise, Re. 1 being the rent and annas 2 the cess, he will record the rent as Re. 1 and the cess at the legal rate of 6 pies in the rupee on the rent. If he discovers no illegal ingredient, he will enter  $\frac{3}{4}$  of the lump payment as cess and the remainder as rent.

Where *raiya*s holding at a produce rent, pay no sum separately as cess, their produce rent will be presumed to include cess by local usage and "including cess" will be recorded in the *khatain*.

42. **Cess of cess tenure-holders.**—(1) Under the Statutory Rules under the Bengal Tenancy Act the cess lawfully payable in the case of cess tenure-holders, i.e., when cess is claimed on a valuation, will also be recorded as far as possible. When, however, the last cess valuation is recent enough for practical purposes, a complete record of cess should be made for both proprietors and cess tenure-holders (including rent-free holders). The Settlement Officer will decide whether a complete record of cess should be made or not.

(2) The cess lawfully payable under the Cess Act by proprietors and cess tenure-holders (including rent-free holders) is calculated at one anna in the rupee upon the valuation of the property, etc., as given in the last valuation roll less half an anna per rupee upon the rent or revenue thereof. The Attestation Officer will have this calculation made. In cases of doubt or dispute, certified copies of the valuation roll must be produced.

(3) It sometimes happens that rent-paying tenants, who, the record shows, should have been treated as cess tenure-holders, were not so treated at the last valuation. In such cases they should be treated as cultivating or cess *raiya*s and their cess recorded in accordance with Rule 40 (am).

(4) When the "cess tenure-holder" is also recorded as a "tenure-holder" in the settlement record, the entry "including cess" is permissible when contract between the landlord and tenant is that a lump sum inclusive of all cesses should be paid as rent. When cess is payable for a property or tenancy to any person other than the holder of the interest under it has been recorded, this fact must be noted in column 8.

(5) When a cess revaluation is being made during the course of the proceedings nothing will be entered by the Attestation Officer in the column for cess for persons other than cultivating *raiya*s. The entry will be made on the basis of the new revaluation subsequently, when the calculation is complete, under the statutory rule 58 (2) under the Bengal Tenancy Act.



43. **Cess payable to groups of landlords.**—When there are several groups of landlords with separate collections, cess will be split up between the different groups. No total will be struck for cess.

44. **Entries in columns.**—In column 8 the Attestation Officer will enter any remarks about the rent, including progressive increments, if any, notes of agreement (*vide* rule 38), etc. This column will also be used for individual rents paid by co-sharer tenants and for cross-references as indicated in rules 35 and 36, respectively. The Attestation Officer will also enter in this column (1) "the mode in which the rent was fixed, whether by contract, by order of a Court or otherwise," and (2) the authority for a rent-free holding (*vide* rule 37). If there has been a written lease or *kabuliyat*, the date of execution should be entered; if the document has been registered, the date of registration should be entered instead of the date of execution; if there has been a decree of a Court fixing the rent, the date and number of the decree and the name of the Court should be entered.

#### Miscellaneous.

45. **Merger of occupancy right.**—(1) When a sole landlord has acquired an occupancy right under section 22(1), the occupancy-right simply merges and no separate *khaitan* will be prepared in respect of the landlord's acquisition. If the landlord has retained the fields in his immediate possession, they will be entered in the usual way on the back of the special *khaitan*. If he has sub-let the fields to a tenant, the tenant will receive a *khaitan* subordinate to a landlord's ordinary *khaitan*. Such tenant is not an under-ryat, but a tenure-holder or a ryat, as the case may be.

When the occupancy right in the land has been acquired before the 21st February 1929 by a person jointly interested in the land as a proprietor or permanent tenure-holder, the Attestation Officer should prepare a separate *khaitan* in respect of the acquisition. The *mudlat* of the acquired holding should be "under section 22(2) of the Bengal Tenancy Act as it stood before 21st February 1929."

In column 15 of the interest the entry will be "Possessor under section 22(2)" and the compensation payable to other co-shares will be shown in column 16. If the acquiring landlord has retained the fields in his immediate possession, they will be entered on the back of the special *khaitan*. If he has sub-let to a tenant, the tenant will receive a *khaitan* subordinate to his *khaitan*. Such tenant is not under-ryat, but a tenure-holder or a ryat as the case may be.

(3) (a) In the case where the acquisition was subsequent to the amended Bengal Tenancy Act and at a sale execution of a rent decree or of a certificate under the Tenancy Act a similar procedure as indicated in clause (2) will be followed, but in column 15 the status will be *malik* or permanent tenure-holder as the case may be.

(b) In the case, however, of acquisitions by all other modes, the old tenancy is to be treated alive and the status of the old tenant in the tenancy purchased should be held to have vested in the superior right acquiring the occupancy holding. In such a case there will be no special *mudlat* and the description of the tenancy will be ryat and the status "shithan" or "akhalisawara bishhis" as the case may be but not that of a settled ryat unless he already holds this status. Rent will be shown in the ordinary rent column and the proportionate share payable to that proprietor or tenure-holder

who was acquired the interest will also be shown as payable to himself as proprietor or tenure-holder according to his status as landlord, and he will pay to his co-shares a fair and equitable sum for the use and occupation of the same which shall be the sum that was previously payable to the other co-shares as rent by the ryat unless other wise determined and laid down in the proviso to section 22 (2).

(4) It should be also noted that no *liyatdar* or farmer of rents can, while so holding, acquire by purchase or otherwise, occupancy-rights in any land comprised in his *liyat* or farm. But if a person had an occupancy-right in land, he will not lose it, by subsequently becoming jointly interested in the land as proprietor or permanent tenure-holder or by subsequently holding the land in *liyat* or farm. In such cases he should be entered as if he was an ordinary ryat in the estate or tenure.

46. **Chaukidari chakran lands.**—The Attestation Officer should enquire regarding each village whether there are any *chaukidari chakran* lands in the village. *Chaukidari chakran* lands, which have not been transferred under section 50 of the Bengal *Chaukidari* Act, should be treated as part of the estate or tenure to which they appertain. In all cases separate *khaitans* should be prepared for the lands and their status recorded as *chaukidari chakran*.

If the lands have been resumed and transferred by the Collector under section 50, the amount payable by the transferee to the village *chaukidari* fund will be noted in his ordinary *khaitan* under his revenue or rent. The lands will be shown in the names of the occupants in special *khaitans*. The "description" of the interest will be *bazopfi chaukidari chakran*. In column 16 the union number to which the lands appertain and the Collector resumption proceeding number should be mentioned.

If it is proved that any land was *chaukidari chakran* at the time of the passing of the Bengal *Chaukidari* Act, its nature is not changed by subsequent private resumption by the landlord and settlement with person other than the present *Chaukidar*.

47. **Uthandi and other fluctuating tenancies.**—The following system of ryat tenancy is found in some parts of Bengal: the "holding" is not fixed either in area or in position but consists of a variable parcel or parcels of land ascertained by a measurement or inspection made at least once a year. The rent is paid for each year or season in respect of the parcel or parcels of land which has been ascertained by the said measurement or inspection to have been, during the year or season in question in the cultivation of the ryat. This is a legal system of ryat tenancy. The two essential features of the system are—

(a) the fluctuating character of the lands in the "holding."

(b) the measurement or inspection made at least once a year, with a view to the assessment of rent.

The system has several names, one of the most common being "Uthandi."

**Explanation.**—In the case of homestead land "cultivation" includes "use or occupation."

47A. **Nominal uthandi.**—On examining a *khaitan* which bears the entry "Uthandi" in column 13 the Attestation Officer may find that, although the tenancy goes by the name of "Uthandi" it has not got its essential features. For example, the boundaries of the holding may be definitely fixed; or the rent may



never have been assessed according to the quantity of land under cultivation; or again although the rent may formerly have been so assessed, that manner of assessment may have been definitely abandoned; or finally the practice of making measurements or inspections at least once a year may have definitely ceased to exist; if it ever existed at all. In all such cases the Attestation Officer should insert the word "nominal" (namya) before "utbandi" in column 13. He will also enter in column 16 "nominal utbandi," but section 180, Bengal Tenancy Act, does not apply with the special incidents of the tenancy. The *Khatian* will then be treated as an ordinary rayati *khatian*, and attestation will proceed accordingly. The Attestation Officer will be careful to record in column 16 all the special incidents which are in actual existence, unless of course they are illegal. The year in which the rayat entered into possession of individual fields (*vide* Khnapuri Rule 23A) is no longer necessary and may be removed from column 23.

47B. **Utbandi proper.**—If on the other hand the attestation officer finds that the essential features of utbandi are present he will leave the entry of "utbandi" in column 13, as made during Khnapuri and *buiharat*. The following rules (47C to 47H) relate to utbandi proper, and have no concern with "nominal utbandi," which has been disposed of in rule 47A.

47C. The first point to determine is whether the village in question is in a part of the country where the custom of utbandi prevails. If the answer be in the negative, no difficulty arises—the rayat acquires occupancy rights in the ordinary manner (section 19—21 of the Act). The Attestation Officer will, however, enter in column 16 the words "The tenancy is utbandi but as the custom of utbandi does not prevail in this part of the country—section 180, Bengal Tenancy Act, does not apply." If the answer be in the affirmative the attestation officer will proceed to examine the tenancy in the light of section 180 Bengal Tenancy Act.

47D. The Attestation officer will then ascertain whether the fields of the *khatian* are ordinarily let under the custom of utbandi, are not ordinarily let under that custom, or fall partly in one category and partly in the other. If the fields are in these two categories, separate *khatians* should be opened, one for the fields of each category. The word "utbandi," without the addition of "nominal," should remain in column 13 in both these kinds of *khatian*.

47E. In order to decide whether a field is ordinarily let under the custom of utbandi the attestation officer should try to ascertain by evidence how the field has been let since the field was first brought under cultivation. If it appears that the field was first brought under cultivation less than 12 years ago it shall not be treated as "ordinarily let under the custom of utbandi." If, however, it appears that the field was first brought under cultivation 12 years ago or more, the Attestation Officer should take a fair and convenient period (from 12 to 15 years) as a "test period." He should first ascertain how the field was let at the beginning of and during the test period. If he finds that at the beginning it was let on utbandi, that it has been frequently so let since that time, and that it is (*ex-hypothesis*) still so let, he should deem this field to have been an utbandi field for the test period. He should so deem the field even though on one or more occasions during the test period the landlord has let the field for a definite term on ordinary rayati conditions, unless it appears from the conduct of the landlord in the course of his dealings with the field that he intended to abandon this field as habitual utbandi. If on the other hand the Attestation Officer finds that either at the beginning of, or at any during, the test period the field has formed part of the holding of a settled rayat, or if the

field has been so frequently held on ordinary rayati conditions during the test period as to show that the landlord has intended to abandon the field as habitual utbandi, then the Attestation Officer should not deem the field to have been an utbandi field for the test period. When, in accordance with these principles the attestation officer has deemed a field to have been, or not to have been, an utbandi field for the test period he shall then proceed to classify the field in respect of the period from its first cultivation. In making this classification the Attestation Officer may presume that the finding at which he has arrived in respect of the test period applies to the whole period from the first cultivation of the field.

Notwithstanding anything contained in the preceding portion of this rule, accretions shall be considered as having the character of the parent land, *i.e.*, an accretion to land ordinarily let under the custom of utbandi shall be classified as land ordinarily so let, while an accretion to other land shall not be so classified even though it be now let as utbandi.

47F. **Status.**—In utbandi *khatians* relating to fields not ordinarily held under that custom the entry in column 15 will be "rayat" followed by "settled" "occupancy" or "non-occupancy" according to the ordinary rules. The Attestation Officer will enter in column 16 the words "the tenancy is utbandi, but as the land is not ordinarily let under the custom of utbandi, section 180, Bengal Tenancy Act, does not apply."

The entries of dates in column 23 will be cancelled.

In utbandi *khatians* relating to fields ordinarily held under that custom—

- (I) If the rayat has held some (but not all) of the fields in question for 12 continuous years or upwards, the entry in column 15 will be—"has occupancy right in plots so and so, and non-occupancy rights in plots so and so".
- (II) If the rayat has not held any of the fields in question for 12 continuous years the entry in column 15 will be "non-occupancy rayat."

In both cases the dates will remain against all the fields in column 23.

47G. **Rent.**—In utbandi *khatians* of both kinds the entry in column 6 will be the total rent paid for the fields entered on the back of the *khatian*.

47H. **Special Incidents.**—In a part of the country where the custom of real, not nominal utbandi prevails the first entry in column 16 of every *khatian* (containing fields) will be "the fields of this *khatian* are <sup>ordinarily</sup> let under the custom of utbandi." In addition to this, the length of the *nal* or *laggi* by which the measurements are made will always be entered in column 16 of utbandi *khatians*. All other special incidents of the utbandi tenancy will also be recorded in column 16, provided they actually exist and are not illegal.

47I. When the Attestation Officer finds that the fields of the *khatian* are ordinarily let under the custom of utbandi but at the time of attestation are, as a temporary arrangement, let for a definite term on ordinary rayati conditions (*vide* rule 47E) he will attest the *khatian* like any other ordinary rayati *khatian*. Neither "utbandi" nor "nominal utbandi" should appear in column 13; but in column 16, in addition to the usual entry (*vide* rule 47H) that "the fields of this *khatian* are ordinarily let under the custom of utbandi, but for the time being are not let under the custom," there will be a clear entry as to the year in which the present temporary arrangement will expire and a note to the following effect: "At the expiry of the present arrangement it is open to the



landlord to let the fields to whom he pleases either as utbandi or on other legal conditions." This note or the date of the expiry of the temporary arrangement should not, however, be entered if the rayat has established his status as a settled rayat of the village.

48. **Produce-rent.**—The Attestation Officer will examine and test the entries of all examine and test the entries of all occupants paying a fixed share of the produce who have not as yet received separate *khatian*.

- (i) If the field is now in the immediate possession of the person entered in column 13 of the *khatian*, the Attestation Officer will strike out the entry of produce paying occupant from column 23 of the *khatian*. Before doing so, he will hold a local enquiry.
- (ii) In all cases where the occupant pays to his landlord a share, and not a fixed amount, of produce, whether the occupant has been entered in column 23 of the *khatian* of the superior landlord or given a separate *khatian* at the earlier stage, the Attestation Officer will have to examine whether such an occupant is a tenant under section 3 (17) of the Bengal Tenancy Act or not. If he is a tenant, he will have a *khatian*; if he is not a tenant, he will neither have a *khatian* nor will have his name in column 23 of his landlord's *khatian*. The implication of section 3 (17), Bengal Tenancy Act, should be clearly grasped. If the occupant of a field holding on a produce rent as bhag, bargan, etc., has been expressly admitted in writing as a tenant by his landlord or has been held by a competent court, or recorded in previous settlement proceedings as a tenant, or had held the land prior to 1st February 1929 on conditions which would have resulted in his being recorded as a tenant had the record been prepared at that time he, would be a tenant and given a *khatian* in the usual way.

An occupant paying a fixed amount, not share, of produce as rent is a tenant and should be recorded as such.

The rest are labourers in the eye of the law and their names should be expunged from the records.

According to rule 552 of the Survey and Settlement Manual, 1935, khassras are directed to be preserved and made over to the Collectors. The names of Adhirs should be carefully entered in the khassra for all future enquiries. The correctness of these entries should be ensured by arranging for re-check of khassras at the Final Janch.

In the case of occupants holding under rayat, if he finds the occupant has been expressly admitted to be tenant by his landlord in any document executed by him or executed in his favour and accepted by him or if he has been held by a Civil Court to be a tenant, a separate *khatian* will be opened for him. Otherwise no separate *khatian* will be opened for the occupant as a tenant.

49. **Record of rent, cess, and status of produce-paying tenants.**—When a produce-paying occupant has received a separate *khatian* the name of the system will be embodied in the "description" of the interest in column 13 thus:—"Dhankarai Manu Mandal, dakhil A. B.," "Adhira Shyam Das, dakhil C. D.," and so on. The status of the produce-paying occupant will be examined and determined in the usual manner. The entry in column 6 will be "one-half of the produce," so many maunds of rice," or whatever may be these stipulated rent. The payment in kind will be presumed to include cess. When the tenant pays a proportion of the straw, this fact also should be noted.

50. Deleted.

51. **Alluvial accretions.**—The Attestations Officer will note that according to law—Regulation XI of 1825—all alluvial accretions to a tenancy become part of that tenancy and have the same status and are not *khass* lands of the superior interest. The existing area of each tenancy including alluvial accretions, if any, will be shown at attestation against the existing rent of that tenancy. The parties can take steps hereafter under section 105 for the increase or decrease of the rent in accordance with the existing area. If, however, the parties agreed at attestation to an alteration of the rent in accordance with the existing area, the Attestation Officer may take cognisance of such agreement and may enter the rent accordingly.

52. **Change of records according to diluvion or alluvion.**—The Attestation Officer will re-survey all river banks, where alluvion or diluvion has taken place, and change the maps, areas and records accordingly. *Khatians* will be attested according to the new areas shown, and *khatians*, the land recorded in which has been entirely diluviated, will be cancelled.

52A. The following cases relating to diluviated tenancies may arise:—

- (a) where the lands of the tenancy lie in a village which has entirely diluviated;
- (b) where the lands of the tenancy lie in a village which has partly diluviated and the lands have diluviated either wholly or in part; and
- (c) where the tenancy consists of lands lying partly in a village which has entirely diluviated and partly in a village which has partly diluviated or not diluviated at all.
2. In respect of cases coming under (a) above no map or record need be prepared. It will suffice if a note is kept in the jurisdiction list that the village has entirely diluviated.

3. In cases coming under (b) above, the diluviated plots should be transferred from the old map to the new map and should be shown in broken lines. The plots will be numbered on the map and recorded in the *khatians* concerned, the land being classified as "Shikastvhumt annuk san haite".

The following procedure will be adopted:—

(i) Entirely diluviated tenancies:—The entry in Column 8 will be as follows:—"গঙ্গা জল নিকটস্থ জমি নষ্ট হওয়ায় অক্ষত।"

(ii) Partially diluviated tenancies:—The entry in Column 8 will be as follows:—"উত্তর জমি নষ্ট হওয়ায় অক্ষত জমি বাকী আছে। অক্ষত জমি নষ্ট হওয়ায় অক্ষত জমি বাকী আছে।"

(iii) When fair rents are settled under section 104 of the Bengal Tenancy Act, the procedure laid down in Chapter XIV—Jamabandi will be followed.

4. In regard to cases coming under (c) above, no record or map will be prepared of the village which has completely diluviated. Rent for the tenancy will be recorded in the village which has not diluviated or has partly diluviated. The entry in Column 8 will be that prescribed in paragraphs 3 (i) or 3 (ii), as the case may be, i.e., according as the diluvion is complete or partial. In addition the following entry will be made in column 8:—"গঙ্গা জল নিকটস্থ জমি নষ্ট হওয়ায় অক্ষত জমি বাকী আছে।"



53. **Partition and amalgamation in Government Estates.**—A discretion is allowed to Settlement Officers to recognise the partition and amalgamation of tenancies in individual cases in Government estates, but the Collector should be consulted before any general action is taken. The convenience of tenants should always be considered, but the undue multiplication of demands of petty sums should be avoided.

#### Office Procedure.

54. **Attestation Officer's seal.**—The Attestation Officer will have a distinctive seal bearing the word "attested." As soon as the attestation of each *khaitan* has been completed, the Attestation Officer will affix this seal with his signature and date to the attested *khaitan*.

55. **Alteration in "khaitans" and "parchas."**—All entries and corrections which are made in the *khaitan* at the time of attestation will be made by the Attestation Officer with his own hand. A *pesikar* will work in the immediate presence of the Attestation Officer and will make similar entries and corrections in the *parchas* of the tenants. As the attestation of each *khaitan* is completed, the corresponding *parcha* will be sealed, signed and dated by the Attestation Officer in the same manner as the *khaitan* and will at once be returned by the Attestation Officer to the tenant concerned. The landlord will correct his own copies of the tenants' *parchas*.

56. ***Pesikar's "interim" check.***—Between the attestation of one day and the attestation of the following day, the *pesikar* will carefully examine the record. He will bring to the notice of the Attestation Officer any omission or apparent inconsistency in the *khaitans* which have already been attested, and will obtain his orders thereon. He will also see that all corrections which are corollary to the work already done are made in advance on the *khaitans* which have still to be attested.

57. **Dispute.**—The Attestation Officer will decide all disputes which arise at attestation, not only new disputes but also *khannpur* disputes which are reopened. He will enter his decisions in the dispute lists. In the case of new disputes he will open a new page of that book. In the case of old disputes, he will enter his order in the columns provided for that purpose. In accordance with the decision of the dispute the Attestation Officer will himself correct, if necessary, the *khaitan* which he is attesting, and will make thereon a cross-reference to the dispute. The *pesikar* will see that all *khaitans* affected by the order are corrected with cross-reference to the dispute and will put them up to the Attestation Officer for orders.

58. **Rent disputes.**—When a rent note and rent schedules have been prepared under rule 32, the decision will be recorded thereon. In other cases rent disputes will be entered in the disputes list.

59. **Boundary disputes.**—The Attestation Officer will examine the record of every dispute relating to a village boundary, when the dispute has not been decided at the cadastral stage. After hearing the parties concerned and making such further local inquiry as is necessary, he will pass a formal order under section 41 of the Survey Act and will see that the maps and records of both villages are prepared accordingly. The *pesikar* will certify on the order-sheet that this has been done. The Attestation Officer will pass his order in his capacity as Assistant Superintendent of Survey, and he will inform the parties that within a month they can prefer an appeal before the Settlement Officer in

his capacity as Superintendent of Survey. Where the Attestation Officer disagrees with the preliminary order, he will refer to the Charge Officer, who will pass the final order.

60. **Local enquiries.**—The Attestation Officer will not confine himself to his camp. He will move about every morning in the villages which he is attesting. He will converse freely with the villagers and will hold local enquiries in disputes regarding the possession of land.

61. **Check of mapping.** **Attestation Register of Corrections of the map.**—The original map, and not a tracing, will be used at attestation. The map should remain posted to the plane-table as was the case at *bhuphar*. In the course of his morning visits to the village the Attestation Officer will test the survey where it is in doubt and will make such alteration as are required in the original map. He will do this work personally, with the assistance where necessary of the *badar am*. An attestation Register of Corrections of the map must be maintained, and also a Register of Corrections of *khaitan Totals*, vide Form 70A in order to ensure that, whenever the area of either a plot or a *khaitan* is changed the exact change is accounted for elsewhere. These registers must be written up in each case before the change is made in the record.

62. Deleted.

63. **Remeasurement.**—When any person applies for remeasurement, the Attestation Officer should have the areas extracted in camp. If no error appears, he should order a remeasurement on the ground, and may charge a fee of Rupee one and 8 annas with 6 annas extra for each field over four. If remeasurement reveals a mistake, the amount should be refunded in whole or in part as the Attestation Officer thinks fit.

64. **Check of record by *Pesikar*.**—When all the *khaitans* of a village have been attested, the *pesikar* will make a thorough examination of the whole record. He will see that the record is complete and consistent in all particulars. He will also see that all decisions in disputes have been correctly embodied in every *khaitan* concerned.

65. **Arrangement of *khaitans*.**—The record will then be arranged by estates, etc., according to the entries in the Collectorate Registers A and B, starting with the lowest number and tenure by tenure, etc., in accordance with the orders of the Settlement Officer in Form 85C. The *khaitan* of lands "outside the record" and the list of lands in which the public have common rights or easements should be placed at the end of the volume. The *khaitans* will be numbered.

66. **Plot-index.**—At this stage of plot-index (Form No 88) will always be prepared from the *khaitan*. In the case of municipalities specific possession must be shown in it. The *khaitan* will remain in the personal custody of the Attestation Officer while the plot-index is being prepared. The plot-index when prepared will show whether each field has been fully accounted for, and no more, in the volume of *khaitans*. If any errors are disclosed by the preparation of the plot-index the *pesikar* will bring them to the notice of the Attestation Officer and will obtain his orders thereon.

67. **"Janch."**—After the arrangement of the *khaitans* has been completed the attestation officer will arrange for—

- (1) a complete *janch* of the areas in the record, and
- (2) the entry of the numbers of the subordinate tenancies in each *khaitan* by filling up columns 17 and 18, and
- (3) the entry of the total areas sublet in each *khaitan* and of the total area.



For this purpose a *janch* form similar to Form 90 should be prepared *tauzwar*, etc., beginning from the lowest grade of tenancy:—

When there are numerous tenancies held under a common group in column 6 with common shares in column 7, the areas in column 5 in all such tenancies can be totalled before the distribution in column 8 is made.

68. **Check or area.**—The Attestation Officer will personally ascertain that the *bujharai* area *janch* has been properly done, and the *peskhar* will see that the attestation Registers of Corrections of map and of *khaitan* totals have been properly filled up and the record corrected accordingly so that the exact change is accounted for elsewhere. The area will then be checked by a comparison of the total of the plot-index against the total of the areas in direct possession, i.e., the total of column 3 in the form given in the last rule, the totals of the areas of the *khaitan* as shown in column 5 for each estate (including public land and lands outside the record) and the total of the final field area statement as modified by the Registers of Corrections of maps. If the village fails to pass, the areas must be checked until the error is rectified.

69. **Entry of "sthir" and area.**—During the preparation of the attestation *janch* form, columns 17 and 18 of the *khaitan* will be filled in with the numbers of those separate collections which have *khaitans* subordinate to them and the numbers of those subordinate *khaitans*, respectively. The total area of the *sthir* and of the *khaitan* will be entered up from columns 4 and 5 of that form, when the areas have been finally checked in accordance with the preceding rule.

70. **Final stages of attestation "janch."**—The *peskhar* will be responsible for the accuracy of the above check and will in particular examine the correctness of the entries in the *sthir* and of the areas of the *khaitans*. He will then submit a completion-certificate to the Attestation Officer, who will, when he is satisfied that the record is in order in every particular, draw up the proceeding prescribed in the Government Rules (Form 129).

He will then issue then the prescribed proclamation (Form 130) and will cause the draft record to be published in the manner prescribed in rule 57 of the Government rule.

71. The "Attestation file" will consist of—A File (*mauza* bundle)—
1. Title page.
  2. Fly-leaf.
  3. Order sheet.
  4. General Notices, Proceedings, etc., Prescribed by law.
  5. *Nal* memorandum.
  6. Rent notes.
  7. *Mokrahi* schedules.
  8. Rent disputes schedules.
  9. Rent-free schedules.
  10. Record of evidence, if any, under section 109 B (2).
  11. Notes for orders specially directed to be permanently preserved.
  12. List of estates of which no land has been found in the district.
- B File—
1. Fly-leaf.
  2. Dispute lists.
  3. Mistake lists.

4. Notes for orders other than those kept in A File.

5. Miscellaneous petitions affecting entries in maps and records.

6. Register of corrections in the map.

7. *Thak* comparison statement.

8. Mark register.

9. *Batal* register.

10. Tenure trees.

11. *Thak* trace.

12. *Janch* Forms.

13. 105 Forms.

14. 107 Forms.

15. *Chaukidari* *chakran* registers.

16. Register of public lands.

C File—All papers not included in A or B Files.

72. **Village and circle-notes.**—The Attestation Officer will prepare (in minor operations) a village-note in the standard form for each village and (in all cases) a circle-note for the attestation circle, with full details regarding the circle, on the lines of the final report including particulars regarding the transferability of occupancy rights, rights in trees, etc. They should be regularly examined by the Charge or Settlement Officer and a complete *thana* note should subsequently be prepared on the same line.

73. **Diaries.**—The attestation officer will keep a diary in half margin and will submit carbon copies along with his returns on the 1st and 10th of each month. He will maintain registers and submit returns as directed by the Settlement Officer.

#### Miscellaneous.

74. **Procedure under other laws.**—The above rules will be followed so far as possible in proceedings under the Regulations or Act VIII of 1879.

75. **Classes of tenants.**—The classes of tenants who are denominated "tenure-holders" under Tenancy Act are styled "under-tenants" in Act VIII of 1879 of (section 3). Both these terms mean practically the same thing and apply to holders of tenures intermediate between the proprietor and the *rayat*.

76. **Tenures not binding on Government.**—When the area comprised in a tenure is situated in an estate which has never been permanently settled, no right to hold at a particular rate of rent can exist, after the period for which the estate was settled has elapsed, unless such right has been expressly recognised in settlement proceedings by a revenue authority empowered by Government finally to make, or to confirm settlement (*vide* section 191, Tenancy Act and Rule 340 of the Manual).

77. **Tenures in escheated or other estates.**—In estates which were once permanently settled, but which have become the property of Government by escheat, or by ordinary purchase, and in which Government has only succeeded to the rights of the late proprietor, all tenures which would have been binding on the late proprietor will be equally binding on Government.



78. **Tenures in estates bought in by Government.**—In estates purchased by Government at a sale for arrears of revenue, it possesses the power of voiding tenures protected by common registry,—a power not possessed by private purchasers—but it will ordinarily exercise only the same rights of voiding tenures as any private purchaser (*vide* section 37 of Act XI of 1859).

79. **Determination of rights of occupancy-riyats under the Regulations.**—Where the Tenancy Act is not in force twelve years' possession of each separate plot is, in strictness, necessary in order to entitle the tenant to occupancy-rights in each such plot; while in districts in which the Act is in force twelve years' continuous possession as a riyat of any land in the village gives occupancy-rights in all lands held by a riyat as such in that village.

80. **Riyats in Government estates not under the Tenancy Act.**—Settlement Officers may, with the sanction of the Board of Revenue, when making settlement of Government estates in districts in which the Tenancy Act is not in force allow the riyats the benefit of the provisions of the Act in the matter of classifying tenants, *i.e.*, they may allow occupancy rights in all lands possessed by a riyat in a village if he has, as a riyat, held any land in the village for twelve years.

#### Notes for Inspecting Officers.

- (1) Examine the work done in one or two villages by a detailed examination of completed records, dispute lists, register of corrections, attestation janch forms, etc., comparing cross-references and connected papers. The examination by a Settlement Officer or charge officer of these villages should be thorough and each paper checked throughout.
- (2) Make particular enquiries into the status of under riyats, produce-paying tenants and any peculiar forms of tenancies.
- (3) Examine general rent disputes and peculiar forms of rent.
- (4) Examine the dispute lists. Ascertain what class of dispute is most prevalent and see if the principles adopted in deciding them are sound.
- (5) Examine the arrangement of records and of office work, noting *tanfil* of orders and the quality of the check.
- (6) Ascertain whether the area janch is thorough and that the areas in completed record are correct in every respect.
- (7) Ascertain whether efforts are made to make draft publication more than a formality.
- (8) Ascertain whether in the case of Government and temporarily-settled estate under re-settlement of land revenue all the necessary rent-enquiries are being made at the stage.

### CHAPTER X.

#### DRAFT PUBLICATION AND OBJECTIONS.

1. **Inspection of Records by the public during draft publication.**—During draft publication the record will be open at the attestation camp or other public place which may be convenient for the parties, in order that they may be able to inspect the entries and to take pencil copies of the same. Such inspection should be made in the presence of the Attestation Officer or any other Revenue Officer, who will have the record explained to persons interested and will assist them in preparing objections.

2. **Period for filing objections and of draft publication.**—The period during which the draft record will lie open for inspection and the period during which objections will be received should coincide. According to law that period shall not be less than one month. In large villages, or villages with an intricate record, a longer period should be allowed by the Attestation Officer and entered in the proclamation. In any case the Revenue Officer who receives petitions may, with the approval of the Settlement Officer, extend the period during which a draft record shall lie open for inspection and during which objections shall be received. If any objection be filed after the period originally allowed or the period extended as above, the objection should not be received unless accompanied by a written stamped petition giving a satisfactory explanation of the delay.

3. **Objection-writer.**—Where a considerable number of objections are filed, or the objectors have too little education to enable them to write their own objections correctly, an extra *muhattar* may be entertained in any attestation camp for the purpose of writing objections. Objectors who make use of his services will pay an additional Court-fee of four annas over and above the eight annas already required in the case of settlements, other than land revenue settlements. It will be the duty of this *muhattar* to see that the subject-matter of the objection is clearly and correctly stated.

4. **Form.**—Each Revenue Officer who receives objections will keep an ample stock of forms of objections (Form 138) and forms of notice-for-disposal (Form 137) and will see that both kinds of forms are supplied, free of charge, to all members of the public, who in good faith require them.

5. **Number of objections.**—As a general rule, a separate objection should be filed in regard to each *khatian* in which the objector desires to effect a change; but the Revenue Officer who receives objections may, with the approval of the Settlement Officer, relax this rule in special cases and receive a single objection in respect of a group of *khatians* provided always that separate copies of the objection and separate notice-for-disposal are supplied as enjoined below, for each person, who is materially interested in the objection.

6. **Court-fees.**—In areas in which land revenue is not being settled, each objection will bear a Court-fee stamp of eight annas. No additional Court-fee is required in respect of notice-for-disposal. In areas in which land revenue is being settled. No Court-fee is required either on objections or on notices for disposal.

7. **Number of copies of objection required.**—The Revenue Officer who receives objections will see that the objector files the necessary number of copies of the objection. According to Government Rule 58 each person who is "materially interested" is entitled to a copy of the objection. The Revenue



Officer will use his discretion in each case in interpreting this rule. For instance—

- (a) When several persons who are jointly interested reside in the same homestead, a single copy will usually suffice for those persons unless, of course the objection relates to a dispute regarding the respective interests of those persons.
- (b) When the dispute relates to the possession of a field and is between two raiyats claiming under the same landlord it is not usually necessary to furnish the landlord with a copy of the objection. But when the dispute is between two raiyats claiming under different landlords, the immediate landlord of each raiyat should receive a copy.

8. **Notice for disposal.**—In addition to filing copies of the objection, the objector will file in duplicate copies of the notice-for-disposal. In those notices the objector will fill in the names and addresses of the persons concerned, but will leave blank the date and place of disposal. Copies of notices-for-disposal are necessary for the objector, and for each person "materially interested." One duplicate copy remains in the file.

9. **Register of objections.**—All objections which are received will at once be entered in Register 139. In large operations it will generally be found convenient to have a general register showing all the objections filed before each Revenue Officer, as well as a more detailed register showing the objections which relate to each village. In smaller operations Board's Register No. 8 should be utilized for this purpose.

10. **Objections received by post.**—Objections whether written on the printed form or otherwise, may be received by post provided that they are duly stamped and are substantially in order. Formal defects can be remedied in the camp office under instructions from the Revenue Officer.

11. **Power of Attestation Officer to dispose of certain objection.**—As a rule objections under Section 103A should not be disposed of at the Attestation Camp. When, however, the objection presented to an Attestation Officer is uncontested, has been voluntarily signed by all parties who are materially interested, and is in accordance with law, the Attestation Officer may at once give effect to the objection and cause the necessary corrections to be made in the record. When the Revenue Officer who receives the objection is not the officer who attested the village he will not, unless specially authorised by the Settlement Officer, dispose of any objections, even if the objection be uncontested.

12. **Powers of officers to try objections.**—Apart from objections disposed of under the last rule, the Settlement Officer will either dispose objections himself or will by a special order under Government Rule 45 make over for disposal to a selected officer the objections in each area. This officer must be of the rank of an Assistant Settlement Officer. As far as possible, an officer other than the Attestation Officer and senior to the Attestation Officer should be selected.

13. **Programme of work.**—Each officer deputed to the disposal of objections should prepare a programme of work and should issue in good time the notices for disposal and the copies of the objection. The parties are required by the notices to appear with their witnesses. The dates for hearing should, therefore, be fixed so as to allow the parties time to collect their witnesses.

14. **Place of hearing.**—Objections relating to each group of villages will ordinarily be disposed of at a convenient place within the group.

15. **Records.**—The Objection Officer will take with him to camp the draft records of the group of villages, the complete attestation files, including the dispute lists, and the original cadastral map of the villages.

16. **Staff.**—The Objection Officer's staff will ordinarily consist of the following—

1 Peshkar or Badar Amin.  
 { 1 Orderly.  
 3 Peons.

17. **Remeasurements.**—The Badar Amin or peshkar will assist the Objection Officer in making remeasurements. The Objection Officer will personally make such changes as are required in the original maps. All changes in area in the map will be entered in an Objection Register of Corrections of the map.

If any person applies for Badar in objection cases under section 103A of the Bengal Tenancy Act, the cost for remeasurement should be realised from the applicant at three times the rate for such enquiries at the attestation stage, and if the place of inquiry is beyond six miles from the camp, the pay of the Badar Amin for the days he will be employed on the work which the Objection Officer should estimate, should also be charged. The cost should be deposited in advance and in no circumstances refunded.

18. **Method of disposal.**—Objections are tried summarily. The manner in which objections should be disposed of is laid down in Government Rule 58. The names of the witnesses examined and the abstract of the reasons for the decision must always be recorded in addition to the decision itself. In most cases these entries should all be made on the back of the petition of objection, but in complicated cases one or more blank pages should be added. These entries will be in English, but the Assistant Settlement Officer will also record a clear order in Bengali specifying the changes, if any, which are required in each column of each *khatian*. Every *khatian* in which a change is required must be dealt with. Such words as first party, etc., must not be used in the order.

19. **Local enquiry.**—In all cases in which the objection relates to the possession of a field the Objection Officer will hold a local enquiry before he gives his decision.

20. **Correction of the record.**—The Objection Officer should himself make the necessary corrections in the *khatians* under objection. Entries in all the other *khatians*, viz., in corollary *khatians* affected by the order must be corrected by the peshkar. All *khatians*, the areas of which are affected must be revalued. When the correction is complete, the peshkar will enter his initial and the date of compliance in the columns provided therefor in the objection form, and in each changed *khatian* or new *khatian* he will make a cross-reference to the objection in question. If a dispute previously decided is concerned, the Objection Officer will note the result of the decision on the objection in the column provided for that purpose in the Dispute List.

21. **Correction of "khatian" totals and northern boundaries.**—The Objection Officer will maintain a register of corrections of *khatian* totals, and a list of plots in which specific possession has changed, unless he himself corrects the northern boundaries of plots affected (*vide* rules 61 and 62, Attestation rules).



22. **Correction of plot-index and attestation "janch" form.**—The peshkar will see that the plot-index and attestation *janch* form are brought up to date and are consistent with the *khatahs* as revised in the objection camp.

23. **Completion certificate of Peshkar.**—When all objections of a village have been disposed of, all correction have been carried out, and the plot-index and attestation *janch* form, which should be reinitialled, when necessary have been brought up to date, the peshkar will give a completion certificate which will be placed in the attestation file.

24. **No appeal.**—No appeal lies against an order on an objection.

#### Notes for Inspecting Officer.

- (1) Examine some of the record.
- (2) Ascertain what classes of objection are most prevalent and see if the principles adopted in deciding them are sound.
- (3) See whether the records and other papers are properly corrected immediately the decision is passed and whether the decision passed in Bengal is full and definite.
- (4) See that cases are promptly disposed of.

## CHAPTER XI. FINAL JANCH.

1. **Staff.**—After the disposal of objections under section 103A (2), if any, the *janch* or scrutiny of the record will ordinarily be undertaken in the objection camp under the superintendence of the Objection Officer with the help of such *kanungoes* as the Settlement Officer can supply and a staff of five or six *muharrirs* on fixed pay.

2. **Check of Dispute List, etc., by *kanungoes*.**—A *kanungo* or the officer in charge will check the record and the map with (a) the Dispute List (b) Rent Schedules, (c) orders under section 103A, (d) orders under section 40 (e) orders under section 109C (f) orders on petitions or other papers in the file and (g) orders on all boundary disputes.

3. ***Janch* by *muharrirs*.**—The following *janch* will be done by the *muharrirs*—

- (i) check of north plot,
- (ii) comparison of *khatahs*,
- (iii) correction of *nilan khata* and crop statement.

A check of the class of land entered in the *khatahs* against that entered in the plot-index or *khata* will also be done, if the Settlement Officer so directs, e.g., in cases when the area is under settlement of land revenue, or where the classification is complicated.

4. **Comparison and check of *khatahs*.**—The general comparison of *khatahs* must be done by experienced *muharrirs*. They will look to the following points:—

- (1) that all entries are *prima facie* correct and complete;
- (2) that all corrections have been initialled and that the Attestation Officer has initialled each *khata* as attested and the rent and status entries;
- (3) that the necessary changes have been made in the plot or *khata* numbers in the plot-index since attestation and that the plot Index as a whole is correct;
- (4) that every change in the area of a plot in the record since attestation is accounted for by an equivalent entry or change in the area of another plot or plots;
- (5) that the shares in columns 3 and 14 of the *khata* total, respectively, to sixteen annas or in the case of column 14 to the total share shown in column 13 in the description of the interest;
- (6) that the necessary changes have been made in the attestation *janch* form since attestation, and that the same changes have been made in the area in direct possession, the area sublet, and the total area of each *khata* concerned (*vide* rule 22, Objections) and that every change in the area of a *khata* since attestation is accounted for by an equivalent entry or change in the area of another *khata* or *khatahs*;
- (7) that the entries in columns 1, 2 and 12 are in accordance with those for the collections contained in 17, 13 and 18, respectively, of the superior *Khatahs* and *vice versa*.



- (8) that the cesses have been properly calculated and entered in the case of cess raiyats;
- (9) that all cross-references to rents and revenue have been properly made;
- (10) that all lands in which the public have common rights or easements are properly entered both in the *Khatian* of the possessor and in the special list of such lands (*vide* Khannput rule 28);
- (11) that orders in the attestation mistake list, if any, have been correctly carried out; and
- (12) such other points as the Settlement Officer may order.

5. **Change in milian *khazra* and crop statement.**—When any changes have been made in the boundaries or total areas of villages, the muharir will make the necessary changes in the milian *khazra* and crop statement.

6. **Mistakes.**—All mistakes found either by the kannungo or the muharirs will be entered in mistake lists in the prescribed form, on which orders will be passed by the officer in charge of the camp, or by the kannungo when the Settlement Officer allows it. No peskar or *janch* muharir is allowed to make any correction except in such cases as may be specifically authorized by the Settlement Officer. The corollary changes should also be made in all the papers concerned. The mistake list and the corrections must be initiated by the Objection Officer in token of correction.

7. **Check of areas.**—The kannungo or officer in charge will then proceed to a final check of the areas. Inasmuch as there has been a complete *janch* of the areas at attestation, it will ordinarily be sufficient if the kannungo checks the agreement of the grand totals, etc., and a few items to satisfy himself that the area *janch* has been correctly done, but if he or the officer in charge of the camp is not so satisfied or the changes in areas have been numerous the record must be made over to a muharir for a complete re-check of the areas.

8. **Summoning of parties.**—The majority of the corrections can be made by an examination of the record. Only when necessary should the parties be summoned.

9. ***janch* of kannungos and Objection Officer.**—The Objection Officer and kannungos should examine the record as far as possible to ensure that no errors are overlooked.

10. **Diaries and Progress Registers.**—Diaries will be kept by each *janch* muharir and a Progress Register in the form prescribed by the Settlement Officer. Model forms of the Progress Register and mistake list are reproduced in Forms 141 and 143.

#### Notes for Inspecting Officers.

- (1) Examine the work done by a detailed examination of one or two villages checking with all connected papers.
- (2) Look into any points which have required a special check.
- (3) Ascertain whether (a) the check of the northern boundary during the previous stages and (b) the attestation area *janch* has been thoroughly and correctly done.

#### CHAPTER XII.

#### CALCULATION OF THE NUMBER OF COPIES OF VANDYKED MAPS.

1. **Who should get maps.**—Vandyked maps will be prepared for every person or body of persons with separate collections interested in the lands surveyed, whether as proprietor, tenure-holder or raiyat. Under-raiys unless they have rights of occupancy, will not ordinarily receive a copy of the map, but this rule may be changed with the sanction of the Director of Land Records. No person will receive more than one copy of the map.

2. **Calculation when made.**—Before the village maps can be vandyked, it is necessary to calculate the number of copies of each sheet required. It is desirable to do this at as early a stage as possible. If the calculation is made at the final *janch* camps as suggested in Chapter XIX, rule 2, the vandyked copies should ordinarily be available when the printed khatians are sorted for recovery camps. In that case much labour will be saved if the sheets which each tenant is entitled to get are tied up with his various khatians and the khatians of his sub-tenant according to the procedure laid down in Recovery rule 17 and in rule 27, Chapter XVII—Printing (3. Arrangement of Record).

3. **Number of sheets.**—The first step towards calculating the number of copies required is to draw up a statement showing the numbers of the plots contained in each sheet. The muharir will then take the slips in form P which have been made out in the name of each person having an interest in the village, and note in column 3 the numbers of all the sheets in which any of the plots recorded on any of that person's khatians fall. If the person is a *korfia* raiyat or otherwise, not entitled to a map, he will write, K in column 3.

4. The number of sheets of each village required to be vandyked will be added up from the slips in form P (*vide* Recovery Rules). The addition should be done in the final *janch* camp and roughly checked by the Technical Adviser at Sadur by looking at the number of the plots in, and the size of, each sheet.

5. **Number to be indented for.**—When a total has been struck of the number of reproduction required of each sheet for distribution as above add 10 for administrative purposes and 5 for sale.



## CHAPTER XIII.

## MISCELLANEOUS.

**Rules for the preparation of forms 163, 164, 165, 166 and 167 of the Survey and Settlement Manual, 1935 [vide rules 317, 460 (f) and 463].**

1. The forms used for lists (a), (b) and (c) mentioned in rule 317 of Procedure for preparation the Survey and Settlement Manual are identical with of draft Mahalwar and those prescribed by the Board of Revenue under the Mauzawar Registers, etc. Land Registration Act, 1876 (Act VII of 1876), so that they may be used as draft registers by the Collector when re-writing his Registers A, B and C under the rules contained in the Board's revenue circular No. 1 of September 1919, which should be studied. Form Nos. 163, 164, 165, 166 and 167 correspond, respectively, to Collectorate Registers A (1), A(2), B (1), B (2), B (3), and C. Before the field season commences the following columns should be filled up:—

*Form 163.*—Headings and columns 1 and 2.

*Form 164.*—Columns 1 to 8, 11 and thana name in column 12.

*Form 165.*—Columns 1, 3, 4, 6(a) and 6(b).

*Form 166.*—Columns 1, 3(a) and 3(b).

*Form 167.*—Thana and columns 3, 6 and 8. For identification the Revenue Survey or Jurisdiction List number of each village should be added in column. 3.

General instructions for the completion of these registers will be found in rule 463 of the Survey and Settlement Manual.

2. *Forms 163 and 164.*—Against villages in which no land of the estate or property is found the entry "Nil" will be made in column 4 of forms 163 or column 13 of form 164. Where any land of the estate or property is found in villages not mentioned in the Collector's present registers as containing that estate or property or any portion of it, the necessary particulars regarding that land and those villages will also be given.

Columns 7, 8 and 9 will be filled up in the Collectorate.

3. *Form 164.*—If in the course of the proceedings any information is procured that should be entered in the columns already filled up, it will be entered with a note in column 14 regarding the source of the information.

The reference to Register D in column 14 will be filled up in the Collectorate.

4. *Form 165.*—Lands occupied by the same department or public body may be entered under one number in column 1, provided that the Collector has obtained the approval of the Board to this course of action. All omissions discovered in the present Collectorate Register should be made good.

Columns 5 and 7 will be filled up in the Collectorate.

5. *Form 166.*—Columns 3 (a) and 3 (b) are to be corrected and 2 and 3 (c) filled up. Instructions similar to those given in paragraph 2 also apply to this register.

Column 4 will be filled up in the Collectorate.

6. *Form 167.*—This register will have to be prepared according to the thana unit prescribed in rule 695 of the Survey and Settlement Manual. The serial in column 1 will be the new Jurisdiction List number. Column 11 will not be filled up by the Settlement Department.

Column 12 will be filled up in the Collectorate.

## PART V.

## CHAPTER XIV.—JAMABANDI.

## " XV.—DIARA.



# CHAPTER XIV. JAMABANDI.

1. **Rules for settlement of rents.**—The rules for the settlement of rents in Government and temporarily-settled private estates and of land-revenue (hereinafter called *jamabandi*) are given in detail in the Manual. When the proceedings are under the Tenancy Act, Government Rule 59 must be carefully observed. The following rules are accordingly merely explanatory of certain details.

2. **Staff.**—The staff of a *jamabandi* officer will consist at the most of a *peshkar*, one *muharrir*, one *beddar amil* (if required, and two peons.)

3. **Papers.**—The Assistant Settlement Officer will require—

- (1) the complete record of the estate;
- (2) the papers and maps of previous settlements;
- (3) the skeleton rent-roll (Form No. 149);
- (4) village notes, village rent-notes and any other notes recorded regarding the estate (*vide* Attestation Rule 39).

The skeleton rent-roll will previously have been filled up in respect of column 1—7 and 11—14. If the area for which the present rent is paid is not available, columns 3 and 4 can be omitted.

4. **Carrying out orders on preliminary report.**—The enquiries and submission of the preliminary report enjoined by Chapter X, Part II of the Settlement Manual should have been completed during attestation. On receipt of orders on the preliminary report, the Assistant Settlement Officer will carry out the orders thereon and will fill up column 10 of the rent-roll, and, if rates have been adopted, columns 8 and 9 also. He will then proceed to the village.

5. **Issue of proclamation.**—The Assistant Settlement Officer will then issue a proclamation (Form 147) fixing a date for the settlement of land revenue in the estate. Along with the proclamation, the skeleton rent-roll may, if the Assistant Settlement Officer so orders, be sent out and kept in the custody of some responsible person in the village so that all interested may inspect it.

6. **Fixing of rents.**—The Assistant Settlement Officer will go to the estate on the day fixed and will proceed to settle the rent of each tenant individually in the manner described in Government Rule 56. He will secure the attendance of landlords, and tenants, when necessary, by means of special notices. He should, if possible, obtain the consent of each tenant to the new rent.

The rent mentioned in column 10 of the rent-roll represents the proposal and should not be invariably adopted as the new rent. The Assistant Settlement Officer should use his discretion in the matter of slight modifications to suit each case. If the tenant accepts the rent, the Assistant Settlement Officer will take his signature or thumb impression in column 16. He will enter with his own hand in column 15 of the rent-roll the rent fixed, affixing his initials to the entry.

In respect of diluviated lands, the following procedure will be adopted—

(i) Where the lands of a tenancy lie in a village which has partly diluviated—  
(a) If the tenancy has wholly diluviated, no rent will be fixed but the following note will be made in the remarks column of the rent roll and the *khataun*:—“गणेश जमि, निरति निरति खताग खताग दल ग,”

(b) If the tenancy has partly diluviated, the rent will be settled only for the land in existence a note being made in the remarks column of the rent roll and the *khataun* that—“गणेश खताग खताग दल ग; २० पसरा पसरा भुक्ति अति खतिर खताग  
पसरा खताग पसराग,”

7. **Draft publication.**—A proclamation (Form 148) will then be issued stating that the rent-roll will be draft published and remain open for inspection for one month from such and such a date at such convenient place as the Assistant Settlement Officer may determine. This should generally be in the Assistant Settlement Officer's camp. The period may be extended by order of the Settlement Officer.

8. **Objection.**—During that period, objections will be received under 104E. These can only be against the entries of landlord's name, tenant's name, area or rent in the rent-roll. Question of status may, however, be raised if they affect any entry regarding rent. For this purpose Form 97 should be distributed free of charge to *bona fide* objectors. Trifling objections may be disposed of by the Assistant Settlement Officer. The remainder the Settlement Officer will dispose of himself or make over by general or special order to certain Assistant Settlement Officers for disposal. Orders on objections under section 104E should be fuller than orders under section 103A, as they are appealable. The Objection Officer will himself make all corrections in the rent-roll which concern area, rent, name of tenant or landlord. Each correction will be supported by a cross-reference to the objection.

9. **Settlement of land-revenue.**—When all the objections have been disposed of and all the subordinate arrangements for the settlement of land-revenue have been made, the Assistant Settlement Officer will, in the case of temporarily-settled estates, ordinarily call upon the proprietors by issue of a notice under clause IV, section 10, Regulation VII of 1822 (Form 151) to appear before him and to take settlement and to execute *kabulyats*. *Vide* Appendix N. of the Manual, or to state their objections in writing. In every case the proprietors should, as in the prescribed form, be called upon to name the amount they are prepared to give. This notice or proclamation should be served both in the manner prescribed in the section and on the proprietors personally. The clear distinction between Settlement under section 10 (5) and 10 (6) of Regulation VII of 1822 should be noted. When all the co-sharer proprietors do not attend either in person or by agent and do not execute *kabulyats* and settlement is made with those who appear under section 10 (5) of Regulation VII of 1822 a note should be made in the column of special incidence of the proprietary *khataun* to the effect that “Ka and Kha appeared and the settlement is made with all the proprietors under section 10 (5) of Regulation VII of 1822. All or any of the proprietors may accept, but the settlement must be joint and the proprietors accepting must manage the estate jointly. Where objections are made they should receive consideration and should be removed, if practicable; but should they be such as are not entitled to attention, the reasons for rejecting them and otherwise disposing of the estate should be recorded.

The procedure will be similar in Government estates where Settlement-holders have a right of re-settlement.



In the matter of assessment of land revenue and distribution of allowance, the procedure outlined in Rule 21, Chapter XV Diara, should be followed.

10. **Other procedure.**—The formal table of rates procedure should rarely be used. But the rates may be informally proposed. The procedure by compromise may be adopted between tenure-holders and raiyats and between raiyats and under-raiyats, whilst the procedure of settling rents without the consent of the raiyats should rarely be adopted.

11. **Final confirmation report.**—The Assistant Settlement Officer will then prepare his final report asking for confirmation of the rent-roll and of the proposals for the assessment of land-revenue. (See Rule 540 of the Manual).

12. **Contents of final confirmation report.**—The final confirmation report will contain—

- (1) the history of the estate very briefly;
- (2) the financial results of previous settlements;
- (3) area compared with previous area and classification of land, together with the classification of the area left out of assessment;
- (4) condition of the estate and its tenants;
- (5) classes of tenants;
- (6) rights of tenants;
- (7) proposal for the enhancement of rents with reasons;
- (8) brief summary or objections thereto;
- (9) revenue as compared with existing revenue;
- (10) wants and requirements of the estate, if any, e.g., grazing, drainage, etc.
- (11) arrangements for land-revenue kists, malikana, etc., with an abstract of objections, if any, and the reasons for rejecting them.

Two abbreviated specimen final confirmation reports for small estates are reproduced at the end of this Chapter.

13. **Subsequent stages.**—When orders are received the report with the orders thereon will be filed with the case record and the rents, cesses and the dates from which the rents will take effect will be entered in column 9, 10 and 11, respectively of the working Khatahs (Bengal Form No. 5462). Reference to appropriate sections of the Bengal Tenancy Act or Regulation VII of 1822 or any other enactment, or the notification or executive orders of the Government under which the settlements of fair rent has been carried out will be noted at the space allotted for the purpose over the aforesaid columns. The old rent and cesses of the working khatahs will be cancelled. Instructions for the payment of rent with dates thereof will be entered in column 8 of the working khatahs in fractions of a rupee. Other columns of the khatahs will also be corrected in accordance with the orders on objections or on appeal. Final record will be framed during printing by transferring the entries in columns 9, 10, 11 and 8 of the working khatahs to columns 3, 4, 5, respectively of the final khatahs (Bengal Form No. 5463).

14. **All-round rates.**—When the difference between different classes of land is negligible and the rent small that such a difference can be ignored, all-round rates may be proposed, if it is decided to adopt rates as the basis of settlement. The Assistant Settlement Officer must however satisfy himself that this will not bear hardly on individual tenants.

15. **Scrutiny and janch.**—The record will be scrutinised to see that all orders on objections under section 104E or appeals under section 104G have been carried out, that the rents have been properly entered in the record, and that any other changes ordered have been properly made.

16. **Colonization.**—Colonization will not be effected by the Settlement Department, unless the Collector and Settlement Officer agree that the Settlement Department should undertake it.

17. **Returns and Registers.**—The Assistant Settlement Officer will submit monthly returns and progress reports and maintain such Registers as the Settlement Officer may prescribe. The latter should furnish materials for Appendix IV of the Annual Report.

#### Notes for Inspecting Officers.

- (1) Ascertain whether the Revenue Officer understands the principles laid down in the Settlement Manual for the settlement of fair rents and of land revenue.
- (2) Ascertain whether necessary rent enquiries were made during attestation.
- (3) Ascertain whether the Revenue Officer has collected the necessary information regarding the previous rent and revenue history of the estate of mauza.
- (4) Examine a few rent-rolls or rate reports particularly with reference to raiyati rate in neighbouring areas.
- (5) Examine the objections to the rent-roll and the *tamfil* of orders on them in it.

#### ABBREVIATED SPECIMEN FINAL CONFIRMATION REPORT, GOVERNMENT ESTATE.

(Vide Rule 12.)

REPORT for final confirmation of rent-roll under section 104F, Bengal Tenancy Act, Tazul No. 6533, Taluk Krishna Deb Ray, Thana Pangsa, Mauza Rampur, Thak No. 765, new No. 187.

Rent-roll draft published .. .. 6th March. No objection.  
Not liable to allowon or dilution. .. .. Negligible.  
Area left out of assessment .. ..

A permanently-settled estate purchased in for arrears of revenue Revenue previous to purchase, Rs.48.

#### Analysis of results of settlements.

Number.	Period.	Area.		Total.	Reve- nue.	Nature of Set- tlement.	Remarks.
		Asses- sed.	Unas- sed.				
First	1877-1892	Bighas.	Bighas.	115	100	Farming	Regulation Settlement.
Previous	1893-1908	120 Acres.	..	120	120	Do.	Ditto. Ex tended year up to date.
Proposed	1912-1927	42	2	44	170	Khas	Settlement th under Bengal Tenancy Act.







## CHAPTER XIV.

## JAMABANDI.

1. **Rules for settlement of rents.**—The rules for the settlement of rents in Government and temporarily-settled private estates and of land-revenue (hereinafter called *jamabandi*) are given in detail in the Manual. When the proceedings are under the Tenancy Act, Government Rule 59 must be carefully observed. The following rules are accordingly merely explanatory of certain details.

2. **Staff.**—The staff of a *jamabandi* officer will consist at the most of a *peshkar*, one *muharrir*, one *badar amin* (if required, and two peons.)

3. **Papers.**—The Assistant Settlement Officer will require—

- (1) the complete record of the estate;
- (2) the papers and maps of previous settlements;
- (3) the skeleton rent-roll (Form No. 149);
- (4) village notes, village rent-notes and any other notes recorded regarding the estate (*vide* Attestation Rule 39).

The skeleton rent-roll will previously have been filled up in respect of column 1—7 and 11—14. If the area for which the present rent is paid is not available, columns 3 and 4 can be omitted.

4. **Carrying out orders on preliminary report.**—The enquiries and submission of the preliminary report enjoined by Chapter X, Part II of the Settlement Manual should have been completed during attestation. On receipt of orders on the preliminary report, the Assistant Settlement Officer will carry out the orders thereon and will fill up column 10 of the rent-roll, and, if rates have been adopted, columns 8 and 9 also. He will then proceed to the village.

5. **Issue of proclamation.**—The Assistant Settlement Officer will then issue a proclamation (Form 147) fixing a date for the settlement of land revenue in the estate. Along with the proclamation, the skeleton rent-roll may, if the Settlement Officer so orders, be sent out and kept in the custody of some responsible person in the village so that all interested may inspect it.

6. **Fixing of rents.**—The Assistant Settlement Officer will go to the estate on the day fixed and will proceed to settle the rent of each tenant individually in the manner described in Government Rule 56. He will secure the attendance of landlords, and tenants, when necessary, by means of special notices. He should, if possible, obtain the consent of each tenant to the new rent.

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In respect of diluviated lands, the following procedure will be adopted—

(i) Where the lands of a tenancy lie in a village which has partly diluviated—

(a) If the tenancy has wholly diluviated, no rent will be fixed but the following note will be made in the remarks column of the rent roll and the *khatian*:—“*यशपूर्व खति, निकृष्ट विभाग शक्तिना शर्ति दल ना,*”

(b) If the tenancy has partly diluviated, the rent will be settled only for the land in existence a note being made in the remarks column of the rent roll and the *khatian* that—“*युन शक्तिना शर्ति दल ना; २० बसत मरफा डेठिन अडे खतिर बाना डेठक शर्ता शुर्वावा,*”

7. **Draft publication.**—A proclamation (Form 148) will then be issued stating that the rent-roll will be draft published and remain open for inspection for one month from such and such a date at such convenient place as the Assistant Settlement Officer may determine. This should generally be in the Assistant Settlement Officer's camp. The period may be extended by order of the Settlement Officer.

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- (4) condition of the estate and its tenants;
- (5) classes of tenants;
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14. **All-round rates.**—When the difference between different classes of land is negligible and the rent small that such a difference can be ignored, all-round rates may be proposed, if it is decided to adopt rates as the basis of settlement. The Assistant Settlement Officer must however satisfy himself that this will not bear hardly on individual tenants.

15. **Scrutiny and janch.**—The record will be scrutinised to see that all orders on objections under section 104E or appeals under section 104G have been carried out, that the rents have been properly entered in the record, and that any other changes ordered have been properly made.

16. **Colonization.**—Colonization will not be effected by the Settlement Department, unless the Collector and Settlement Officer agree that the Settlement Department should undertake it.

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#### Notes for Inspecting Officers.

- (1) Ascertain whether the Revenue Officer understands the principles laid down in the Settlement Manual for the settlement of fair rents and of land revenue.
- (2) Ascertain whether necessary rent enquiries were made during attestation.
- (3) Ascertain whether the Revenue Officer has collected the necessary information regarding the various rent and revenue history of the estate of muza.
- (4) Examine a few rent-rolls or rate reports particularly with reference to raiyati rates in neighbouring areas.
- (5) Examine the objections to the rent-roll and the *taulif* of orders on them in it.

#### ABBREVIATED SPECIMEN FINAL CONFIRMATION REPORT, GOVERNMENT ESTATE.

(Vide Rule 12.)

Report for final confirmation of rent-roll under section 104F, Bengal Tenancy Act, Tausi No. 6533, Taulik Krishna Deb Ray, Thana Pangsia, Mauza Rampur, Thak No. 765, new No. 187.

6th March. No objection.

Rent-roll draft published

Negligible

Not liable to alienation or dilution.

Area left out of assessment .. .. . for arrears of revenue.

A permanently-settled estate purchased in Revenue previous to purchase, Rs.48.

#### Analysis of results of settlements.

Number.	Period.	Area.		Total.	Rate of Settlement.	Nature of Settlement.	Remarks.
		Assessed.	Unassessed.				
First	1877-1892	115	..	115	100	Farming	Regulation Settlement.
Previous	1893-1908	120	..	120	120	Do.	Diwa, Extended yearly up to date.
Proposed	1912-1927	42	2	44	170	Khas	Settlement the Bengal Tenancy Act.



## Present settlement

Assessed		Unassessed		Total	
Nal doem	77	Nal	36.15	Unassessed fallow	2.18
Nal soem	31	Homestead	2.08		
Nal basu	10	Garden	3.15		
Pait	2	Tank	64		
		Road	12		
Total	120 or 40 acres				
		Total	44.32		

The land of the estate is not very fertile, but up to the average of the neighbourhood. The tenants are fairly prosperous. Crops—Chiefly *radhi* and *ous* and a little jute.

### *Analysis of classification of tenants*

	Previous Settlement.		Present Settlement.	
	Number	Area (acres.)	Number.	Area (acres.)
Tenure-holders	3	4	2	32
Raiyats (settled) under Government	10	24	10	26
Raiyats under tenure-holders	6	12	6	16
Under-raiyats	14	7	14	11

There was an *igra* over the estate with no right of resettlement.

Under the *jiaradar*—2 jotedar tenure-holders (permanent) and 10 raiyats. Under the jotedars—6 raiyats. Under the raiyats—14 under-raiyats.

The raiyats are all settled and the under-raiyats have occupancy rights by local custom. The raiyats are all *bona fide* cultivators generally cultivating without hiring labour. They are all resident in the estate.

The jokes existed in the estate previous to purchase and were not avoided after purchase. The jotedars held *pattas* from the previous proprietor. Their rights are permanent and transferable.

The existing rents were fixed by the *liardar* and average Rs.4 an acre. Variations on enquiry are found due to various fertility of the soil. The rates for *jodars* are more. At the last regular settlement no rates were fixed for *under jodars*. Rats for similar lands in neighbouring *mauzas*—

	Rs.	A
Chandpur	4	8
Bagmati	3	12
Ratanabad	4	4

It is proposed to accept the contractual rents as fair and equitable. The condition of the tenants is not sufficiently prosperous to warrant any enhancement. Rents of under-riyais average about Rs.4-12 an acre. It is not

proposed to change them. None comes within the application of section 47 of the Bengal Tenancy Act. The under-riayati holdings are usually for detached pieces of cultivation.

It is proposed to terminate the *ijara* with the Collector's approval. It is proposed to allow the jotedars 20 per cent.

The following is a summary of the assets:—

	Rs. a
Rent of 14 under-riajats .. .. .	52 8
Rent of 10 riajats under Government .. .. .	104 0
Rent of 6 riajats under Jotedars .. .. .	82 8
Rent of jotedars .. .. .	59 0
Previous .. .. .	66 0
Proposed .. .. .	66 0

All parties accepted these proposals, and there have been no objections. The proposals involve an increase of revenue from Rs.120 to Rs.170 or Rs.50. This is due to reduction of middlemen's profits by the termination of the *ijara*.

It is proposed that the revenue will be realized in two equal instalments from the tenants in the following manner:—

Plants in the following	Re-
28th June	85
28th September	85

These kists are proposed according to the agricultural condition of the district after consulting the tenants concerned.

As in the case of the whole surrounding country, the tenants suffer from lack of good drinking water.

*Note A.*—Vias left out of assessment in heading 7.—This is given for convenience of assessment by increase of value in the case of roads, bridges, etc., or of very small water in land not now assessed. Where the area consists entirely of roads, bridges, etc., or of very small water, the entry should be "negligible".

[illegible]

ABBREVIATED SPECIMEN FINAL CONFIRMATION REPORT—  
TEMPORARILY-SETTLED PRIVATE ESTATES.

(Vide Rule 12.)

Report for final confirmation of rent-roll under section 104 F., B  
Tenancy Act.

Tauzi No. 6424—Diara Taluk, Ananda Ray.

Thana Shibchar, mauzas  
Rampal, thak No. 749, new No. 75

	25th May
Rent-roll draft published	..
Objections disposed of	..

Liabie to alluvion on North.  
Balkumthapur assessed after the diara survey

An accretion to pargana Balkunthapur assessed in 1878.



*Analysis of results of settlement (Area and Rent).*

Number.	Period.	Area.		Total.	Revenue.	Nature of Settlement.	Remarks.
		Assessed.	Un-assessed.				
First	1878-1893	Bighas, 208	..	208	40	Proprietary.	Regulation Settlement.
Previous	1894-1909	332	60	392	125	Ditto	Ditto. Extended yearly up to 1911.
Proposed	1912-1927	Acres, 130	59	189	280	Ditto	Settlement under the Bengal Tenancy Act.

*Analysis of previous and present settlements (Area and Rent).*

Previous settlement, 1894.			Present settlement.		
		Rates per bigha			Rates per bigha.
Assessed	Nal	192 bighas	Assessed	Nal	125.60
	Paith	140 "	Home-stads.	4.80	1
		332			130.40
Unassessed Sand	60	..	Unassessed	Fallow	20.15
	60	..		Sand	38.93
	392 or 130 acres.				59.08
					189.48 acres.

Difference due to alluvion. In the last settlement apparently land under water was also included.

The land which is fit for cultivation is fertile and grows cucumbers profusely. The fallow and sand may be fit for cultivation in any year, if there be sufficient deposit. The tenants are prosperous.

*Analysis of classification of tenures.*

Previous Settlement.		Present Settlement.	
Number.	Area (acres).	Number.	Area (acres).
55	110.66	65	130.60
Raiyats (settled)			

The estate contains only *bona fide* raiyats, most of whom live in the neighbouring mauza Raghunathpur, which belongs to Baikunthapur. Three have made homestead in the estate out of 65. All the raiyats hold also in the mainland. They cultivate by their own labour.

The raiyats have all occupancy rights with a right of transfer. There are no under-raiyats. The existing rents were fixed at the last settlement, viz:—

12 annas a bigha for nal.  
4 " " " fallow cultivable.  
Sand—unassessed.

Neighbouring rates for similar char lands are—

Char Santosh	Re. a.
Char Naizari	1 2 a bigha.
	1 0 "

in each case after a heavy initial *salmi*.

In this estate no *salmi* was taken. The land has much improved since the last settlement by fluvial action and deposit of fertile alluvion.

It is therefore proposed to fix Re.1 a bigha or rather Rs.3 an acre as the rate for all cultivated land and homestead and to leave fallow and sand out of assessment. The raiyats accepted these rates.

Some new tenants have been settled since the last settlement at produce rents. Their rents have been commuted on their application at Rs.4 per acre.

It is proposed to offer 30 per cent. as usual to the proprietor. He obtained this allowance in the last settlement.

The following is a summary of the assets:—

Rent of 55 raiyats at Rs. 3 an acre	Rs.
Do. 10 " " 4 "	358
	42
Proprietary allowance 30 per cent.	400
Revenue 70 per cent.	120
	280

This involves an increase of revenue of Rs.155 due to enhancement of Rs.3.4 and extension of cultivation Rs.121.

The revenue is realisable in the following kists—

January	Rs.
September	105
March	80
June	55
	40
Total	280



There were two objections, one filed by the proprietor for a higher allowance. This was rejected, as 30 per cent. is the maximum allowance by the Survey and Settlement Manual. The other was regarding the classification of land, which on enquiry was found to be justified.

A notice was duly served upon the proprietors on (date) to accept Settlement. All accepted (of those noted in the margin accepted). A proprietary settlement was accordingly concluded with them and the *kabulyat* which is filed herewith signed on (date).

or

Settlement was refused and the highest offer made was Re. \_\_\_\_\_

(or no offer)

*Analysis of revenue.*

1. Assets assumed as basis of settlement.
2. Deductions according to class of settlement and character of the estate.
3. *Malikana* allowance, if proprietor is recusant (*i.e.*, 10 per cent. of highest offer or, if no offer, 5 per cent. of net Government revenue in the year before settlement).
4. Remainder or net revenue of Government.
5. Add *Malikana*.
6. Total amount payable by settlement holder.

NOTE A & B.—See Specimen Report, Government Estate.

## CHAPTER XV.

### DIARA\*

1. **Diara processes.**—In proceedings for the assessment of alluvial accretions after the issue of a notification under section 3 of Act IX of 1847 there are three main processes:—

- (1) Survey and preparation of the new map and of a record-of-rights for the accretions.
- (2) Determination of rents, and
- (3) Settlement of land-revenue.

#### Survey and preparation of the new map and of a record-of-rights for the accretions.

2. **Object of survey.**—The object of the diara survey is to identify on the ground and show on the new map the line, whether that line falls inland or in the water, which is shown in the maps of the previous survey as the line of contract between the land and the water. This is called the outer line.

3. **Map and record when operations are undertaken during operations under Bengal Tenancy Act.**—When the operations are being undertaken along with district or other operations under the Bengal Tenancy Act, the map and record so prepared will be used. Any change since attestation will be entered on the map and incorporated in the record, which will in that case be re-attested in the presence of the parties. The draft record will then be republished for a period of one month during which time objections may be received.

4. **Map and record when operation succeed operations under the Bengal Tenancy Act.**—Where the operations are undertaken after the final publication of a record-of-rights under the Bengal Tenancy Act, the map and record will be prepared by bringing copies of the settlement map and record up to date. All alterations will be attested in the presence of the parties. The draft record should be published by being kept open for inspection for a month, the revised map being kept open for inspection during the same period. All who have objections should be invited to file them within that month.

5. **Map and record in other cases.**—(1) In other cases a fresh map will ordinarily be prepared by arranging for a survey of so much of the land as may be necessary and attaching that survey to fixed points on land not subject to fluvial action. These fixed points should be identifiable with points shown on the map of the Revenue or last survey. It is of the utmost importance that great care should be taken in fixing these points. Ordinarily at least two stations of the Revenue Survey map or the last map with which comparison is made should be selected. The points selected should be as near as possible to the approximate *outer line* provided that they lie on land which has not been affected by fluvial action since the last survey, and which appears to be reasonably safe from being so affected for some years.

(2) The Director of Surveys should ordinarily be requested to have a traverse survey of the area made. When, however, this is not done, the Diara Officer will connect his survey with the nearest pillars shown on the professional maps in district where a previous survey has left such permanent boundary marks. In district where there are no such boundary pillars, the Diara Officer will have to find out his own starting points. He should connect his survey with some existing mark such as the great trigonometrical survey pillar or some other permanent point; and information required to enable him to do so will be supplied from the Director Survey's office on the application of the Collector.

\*Note.—These rules were approved in Government Order No. 10331-R., dated the 13th September, 1915 and Government Order No. 12381-R., dated the 20th June 1916.



(3) In these cases it is only necessary to have a boundary survey of the villages from the base line up to the approximate outer line, but it will be necessary to survey the boundaries of, and fields within, the accretions in detail and to prepare a record for such accretions according to possession. When the approximate outer line is unknown, the boundaries of the villages should be first surveyed and the detailed survey postponed till the approximate position of the outer line has been ascertained. The map and record so prepared should be attested in the presence of the parties. The draft record should then be published by the Diara Officer and kept open for inspection for a month and objections invited to be filed within that month, the revised map being kept open for inspection during the same period. All who have objections should be invited to file them within that month.

6. **Comparative maps.**—Comparative maps on the 4-inch scale will simultaneously be prepared in all cases for large rivers in the following manner in order to show—

- (1) previous survey boundaries, and
- (2) the present boundaries of villages and chars adjoining and lying within the bed of rivers. Proceedings will be taken up river by river in each thana.

7. **Preliminary preparation of comparative map, when there has been a traverse survey by Director of Surveys for large rivers.**—When there has been a traverse survey by the Director of Surveys, the Settlement Officer will show on 4-inch plots, which will be supplied by the Director of Surveys, containing the river concerned, the approximate outer line and the present boundaries of the villages up to that line outside the bed of the river in pencil. For this purpose the outer line need only be shown very approximately on the map, but the present boundaries of the villages must be shown accurately.

8. **Completion of 4-inch map.**—The 4-inch plot so marked will be submitted to the Director of Surveys after the calastal field season and the Director of Surveys will return it with the revenue survey boundaries shown thereon in red with points or stations common to both surveys indicated by double circle, before the attestation filed season. The Diara Officer will then complete the 4-inch map by showing thereon—

- (1) the present boundaries of the villages beyond the *outer line* lying within the original bed of the river (in black).
- (2) thick boundaries if they differ materially from the Revenue Survey boundaries (in yellow), and
- (3) other boundaries according to relevant surveys, and will, when necessary, correct the position of the old revenue survey line in accordance with the results of local investigation.

For this purpose not the original, but a trace or copy of the Director of Surveys' 4-inch map will be used and treated as the comparative map. The original will be preserved carefully intact, bound in one or more volumes for all the rivers for which such maps have been prepared in the district and, on completion of the proceedings, handed over to the Collectors for permanent record.

9. **Other surveys.**—If at any time the Settlement Officer requires details of the old diara surveys (to be ordinarily shown in green) or of any other survey, he will first obtain sanction of the Director of Land Records.

10. **Determination of position of outer line on the ground and the new map from the comparative map.**—The Settlement Officer will then determine the position of the *outer line* on the ground. To do this he will penicillate the revenue survey line on to the 16-inch map in pencil. It must be distinctly understood that the pencil line is not necessarily correct within perhaps two chains and should be used as a guide and not as the basis of the work.

11. **Determination of position of limit of assessment.**—The 16-inch map already prepared will then show where the accretions are to be expected. A careful local investigation must now be made with the aid of the thick map. If the original high bank can be identified and is roughly within a limit of two chains of the present line, it can be at once adopted as the limit of assessment, in other cases the revenue survey or the thick line will be relied from the comparative map, unless it can be otherwise identified on the 16-inch map, and adopted as the limit of assessment, provided there is no other evidence that any other line should be adopted. Field boundaries should always be followed where possible. When the thick line is favourable to the proprietor, it should be adopted in preference to the revenue survey line provided that the thick map is reliable and that there is good reason for thinking that alluvion occurred between the thick survey and the revenue survey.

When resumption proceedings are undertaken on the basis of the Revenue Survey map, all land formed within the area between the high banks of the river is shown in the Revenue Survey map, whether shown therein as sand or as water, shall be regarded as liable to resumption and assessment to revenue.

12. **New map.**—The 16-inch map thus prepared with the limit of assessment shown therein should be marked—"New map prepared under Government notification No. \_\_\_\_\_ dated \_\_\_\_\_ under section 3 of Act IX of 1847 in the year \_\_\_\_\_" and signed in the usual manner with an explanatory note regarding the limit of assessment.

13. **Final preparation of comparative map.**—New accretions will be shown on the comparative map in blue, accretions at the time of the last diara survey, when shown, in red, and previous accretions in orange. Accretions which have been assessed or are proposed for assessment will be cross-hatched, whilst those which have been released or are proposed for release from assessment will be shown blue vertical hatchings as well as numbers. Accretion omitted or proposed for omission from assessment by reason of smallness of area as laid down in Rule 551 of the Survey and Settlement Manual, 1917, will be shown by red horizontal hatchings as well by letters. Accretions to temporarily-settled estates will be hatched by horizontal lines. The present course of the river will be shown by a wash of very pale blue. Accretions to permanently-settled estates which have first been ascertained in the course of the present survey will, whether proposed for assessment or not, be indicated by letters. Old accretions and releases will be indicated by numbers. A foot-note will show the total number of the estate formed, and in the case of releases the date of revenue or civil court order.

14. **Small rivers.**—In the case of rivers the width of which between the outer lines is less than 20 chains, the Diara Officer will ordinarily make his own comparison between the revenue Survey and the present survey by superposing the maps, village by village, without a congregated comparative map. In such cases congregated comparative sketch maps (to be marked "Not to be used for relating purposes") will, however, be prepared as accurately as possible for the convenience of the Board and any other officers in dealing with the river. If, however, the Diara Officer requires a true congregated comparative map he will prepare it on the basis of plotted traverses of all surveys, or else with the sanction of the Director of Land Records, obtain comparative maps from the Director of Surveys in accordance with the above rules.

15. **Examination of rivers.**—It is not possible to lay down any hard and fast rules regarding the size of the rivers which should be examined for alluvion. Ordinarily, however, comparative maps should be prepared for all rivers of eight



chains or more in width. Action will not usually be required to be taken in rivers of less width, unless the river has been perceptibly drying up or there has been a previous diara survey of that river. In such cases if the accretions average only two chains in width, or under, no action need ordinarily be taken. The case of each river should, however, be examined with reference to its size at the last revenue survey.

16. **Demarcation.**—If the proprietors desire it, the limit of assessment will be demarcated on the ground. When the proceedings are also under the Survey Act (V) of 1875 the cost of these pillars can be realised from the proprietors.

17. **Permanent marks.**—For help in future, relays the Diara Officers will embed permanent marks at suitable places, including traverse points and trifunctions when suitable. These marks should be on land which is unlikely to be affected by fluvial action. For every linear mile and a half there should be at least one mark on each bank of a river as close to the river as possible. These marks will be shown together with all other new and old permanent marks both on the comparative maps and on 16-inch maps. In district or other large operations, the Settlement Officer at the conclusion of his resumption operations will send to the Director of Surveys a *munim* showing exactly where he has placed marks and the Director of Surveys will arrange for a special traverse to take them up. The type of marks used should be such that a theodolite can be erected over them.

#### Determination of rents.

18. **Determination of rents in proceedings under the Bengal Tenancy Act.**—When the proceedings are instituted along with operations under the Bengal Tenancy Act, rents will be settled or maintained in the ordinary way in accordance with the provisions of section 104. The confirmation of the Director of Land Records, which is required by the Government Rules under the Bengal Tenancy Act, will be communicated after the Board has communicated its approved of the proceedings. Unless the rayat rents are unduly low, the contractual rate, if any, paid for char lands, should ordinarily be applied to the accretion. A tenant has ordinarily the same status in an accretion as he possesses in the land to which it has accreted, e.g., a tenant holds the accretion as a tenure-holder or rayat according as he holds the asli land as such, but this does not mean that he has a *makrari* or rent free interest in the accretion merely because he has such interest in the land to which it has accreted.

19. **Determination of rents in other cases.**—In other cases the share of the rents payable by the rayats or tenure-holders for the accretion will be determined, but if no rent or an inadequate rent is paid for the accretion the Diara Officer will in accordance with section 2, Act XXXI of 1858, read with section 52 or section 192 of the Bengal Tenancy Act determine what rent should be paid for the accretion. When accretions were assessed by landlord to rent before diara resumptions and when that assessment was with lands in the non-diara portion constituting one tenancy, an entry should be made in column 8 of the *khatian* to the effect that the rent for the area is included in the rent of the *khatian* under the non-diara portion and should be deducted therefrom. The *Tauzi* No., the name of the mouza and the *khatian* number for the non-diara portion with which the rent recorded has reference should also be entered in column 8 of the *khatian*.

20. **Assessment Roll.**—The rents for the accretions will be entered in the assessment roll (Form 155).

#### Assessment of Government revenue.

21. **Assets for Assessment of Government revenue.**—In accordance with the rules for the assessment of Government revenue, Government revenue is based upon the rayat assets plus a valuation for lands in the immediate possession of the landlord and lands held on a produce-rent. By section 7 (2) of Regulation VII of 1822 the maximum revenue which can be taken by Government is more than 70 per cent. of the assets, but by Government order No. 1917, dated 8th September 1874, the Government demand has been limited to 70 per cent. When no objection to the assessment is filed and the proprietors agree to execute a *Kabulyat*, 60 per cent. is ordinarily taken. The remainder is divisible between the proprietors and tenure-holders. In making the division regard should be had to the existing rents of tenure-holders, which in the case of proceedings under the Regulations can only be changed in the circumstances given in rule 19, but the proprietor should never be given less than 10 per cent. of the profits, and if he waives his right to bring a civil suit he may be given up to 20 per cent. But where the proprietor has leased out the area in a special tenure on a smaller margin of profit, the percentage of the allowance to be given to him may be reduced to maintain the contractual margin of profit. In allotting the remainder, where there are several grades of tenure-holders, 10 per cent. should ordinarily be given to the tenure-holders immediately above the cultivating rayats. The rest should be divided among the remaining tenure-holders, their existing calculated profits and collection expenses being the main factors in determining the proportion of the profits which should go to each.

22. **With whom settlement can be made.**—The settlement of land revenue will be made with the proprietor in possession of the accretions leaving it to any other proprietor who considers he has a title to the accretions to prove his case in the Civil Court.

23. **Preliminary proceedings.**—When the calculations are complete a preliminary proceeding should be drawn up as follows:—

"Whereas by virtue of Government Notification No. .... dated ....., issued under section 3 of Act IX of 1847, a new survey has been made of the lands on the banks of the river ..... and new maps have been prepared in connection therewith, and whereas on an inspection of such maps it appears that land has been added to Estate No. .... acres in .....  
mauza settlement (or if a *darimt* settlement, since the date of that settlement), such land is under the terms of section 3 (second) of Regulation II of 1819 liable to assessment to Government revenue and the rent of all under-tenants in such lands is under section 2 of Bengal Act, XXXI of 1838 liable to determination.

Notice is hereby given to the landlords and tenants in such land that a separate estate will be made of the same under section 1 of Act, XXXI of 1838 and that revenue will be assessed thereon according to the rules in force for assessing alluvial increments and that rents will be determined thereon at ..... and notice is further given that all objections in respect of these proceedings should be presented within a month of the said date to me for transmission to the Settlement Officer, Collector.

Diara Officer.



One copy should be filed for reference and another copy should be served upon the proprietor and upon any tenure-holder with rights over the whole chart and information should be given in the usual way by the proclamation to tenants.

If the rents are to be settled under section 104 of the Bengal Tenancy Act a separate proclamation as required by rule 59 of the Government Rules under that Act should be issued, and the reference to the determination of rents omitted from the above proclamation.

24. On the date fixed rents should be settled and the proceedings explained to the parties.

Any objections relating to inaccuracies in the record should forthwith be disposed of and the record corrected.

25. **Objections.**—The Diara Officer will hear all objections filed before him and record his finding and then submit the proceedings to the Collector (or Settlement Officer). Issues of fact should be clearly stated at the beginning of the judgment and a clear decision arrived at as regards each separately. The officer can then proceed to a consideration of the objections raised to the resumptions from the point of view of law and procedure. The Collector (or Settlement Officer) may, if he thinks it necessary, grant a further hearing to the objectors before passing orders, but if separate objections are filed before him against the Diara Officer's orders, he will grant a hearing to the objectors before deciding the question.

26. **Submission of record to Board of Revenue.**—The map and record will then be modified, if necessary, according to the Collector's (or Settlement Officer's) order. A copy of the final proceeding referred to in paragraph 32 (together with a copy of the necessary portion of the final comparative map) should be made over to the proprietors and a receipt obtained for it. At the same time the proprietors should be served with a notice calling on them to state within a fortnight whether they agree to accept settlement or not. If any of them are willing to execute kabuliya at once, kabuliya should be executed subject to the approval of the final proceedings by the Board, but kabuliya should not be submitted with the final proceedings. After the expiry of the fortnight's time allowed by the above notice, the record will be submitted to the Board of Revenue through the Director of Land Records.

The orders of the Board confirming the proceedings should be communicated to the parties concerned by registered post with acknowledgment due, in all cases without any delay, whether an objection has been filed before the Board or not. The acknowledgment of receipt should be filed with the records of the case with a note on the order sheet that the order was delivered to the party on the date noted in the acknowledgment.

27. **Postponement of rent proceedings till objections have been disposed of by the Collector.**—When the Collector or Settlement Officer so directs, the proceeding under rule 23 may be confined to the question of the liability of the accretion to assessment of revenue, and the proceedings for the determination or settlement of rents undertaken after the disposal of objections by the Collector or Settlement Officer.

#### General Instructions regarding the record.

28. **Number of proceedings.**—(a) One proceeding should not ordinarily include more than one river or more than one thana.

(b) If a river passes through two or more thanas and if resumption proceedings are started simultaneously in respect of the surplus alluvial accretions therein, the accretions to the same estate in the different thanas may be resumed by single proceeding.

(c) If the cases of any one thana bearing on any river be numerous they may be split up into two or more proceedings as may be convenient.

29. **The nature of the records to be submitted to the Board.**—The records to be submitted to the Board should consist of:—

- (a) A general covering note of the Settlement Officer, or the Collector, as the case may be on the entire proceeding.
- (b) A general report of the Diara Officer on the whole proceeding accompanied by the congregated comparative map, and
- (c) the original case records of the different estates or mauzas concerned, containing the proceedings of the Diara Officer as well as those of the Collector or the Settlement Officer.

30. **Contents of general report of the Diara Officer.**—The Diara Officer's general report [vide 29 (b) above] should, so far as practicable, be arranged in paragraphs as shown below:—

(1) General description in brief of the Diara in question.

(2) Area omitted from assessment with a schedule in the following form:—

Serial No.	Tamil Number of parent estate.	Name and number of survey mauza.	Area omitted from assessment	Reference to comparative map.	Reasons for omission to assess.
1	2	3	4	5	6

(3) A brief description of the proceeding, with a statement in the following form:—

Serial No.	Name of the newly formed estate.	Date of proceeding under section 6 of Act, IX of 1847.	Date on which abstract of preliminary proceedings made over to the proprietor.	Number of objections.	Date of disposal of objection.
1	2	3	4	5	6

Date of confirmation by Collector.	Date on which copy of the proceedings made over to the proprietor.	Date of execution of kabuliya, if any.	Remarks.
7	8	9	10



- (4) Objections, their nature and how disposed of.
- (5) Assessment, general principles followed.
- (6) Proposed settlement, its nature whether proprietor accepts or not.
- (7) Schedule of estates proposed to be formed under Act, XXXI of 1858 in the following form:—

Serial No.	Town number of parent estate.	Name and number of Revenue Survey mauza.	Area settled as separate estate.	Reference to comparative map.	Rajyat valuation.
1	2	3	4	5	6

Allowed as malikana.		Allowed as profit and cost of collection to proprietors and tenure-holders.		Revenue settled.		Proposed amount of malikana with name of the new state.		Remarks.
Percentage.	Amount.	Percentage.	Amount.	Gross <i>i.e.</i> , including malikana.	Net <i>i.e.</i> , excluding malikana.			
7	8	9	10	11	12	13	14	

31. **Contents of case record of each estate or village.**—The case record of each estate or mauza should contain, among other things, the following essentials:—

- (1) Order sheet showing progress of the proceeding.
- (2) Preliminary proceeding under section 6 of Act, IX of 1847 (*vide* rule 23).
- (3) Proclamation under rule 59 of the Government Rules under the Bengal Tenancy Act, if rents are to be settled under section 104.
- (4) Receipt of the proprietor or his agent receiving copy of the proceeding.
- (5) Trace from the congregated comparative map for the case record, or where the procedure of rule 14 is adopted, the comparative map of the village or a trace for the particular estate.
- (6) The new 16-inch map prepared under the Diara Act (a copy can be filed for submission to the Board).
- (7) Diara Deputy Collector's findings on the objections filed.
- (8) Collector's (or Settlement Officer's) findings on the objections filed.
- (9) Collector's (or Settlement Officer's) final proceeding.

- (10) Receipt of the proprietor or his agent receiving copy or abstract of final proceeding.
- (11) Diara Officer's report on the assessment of rent and revenue arranged as shown below:—
  - (i) Reference to Government Notification and description of areas.
  - (ii) Proceedings, with a description of the objections filed and how they are disposed of.
  - (iii) Classification of the land in the area.
  - (iv) Assessable area described.
  - (v) Record-of-rights proposed for the proceedings how and when.
  - (vi) Classification of tenants.
  - (vii) Rent-free lands.
  - (viii) Mode of assessment.

(viii) MODERN ASSASSINATE.

NOTE.—The order sheet should briefly explain how and when the new map required by section 3 of Act IX of 1847 was prepared.

(ix) Manner of fixing Government Revenue with a statement in the following form:—

Cash rent paid by private other than those at beneficial Rates.		Valuation of lands in immediate possession of landlords.		Valuation of lands of produce paying tenants.		Valuation of lands held rent-free or at beneficial rent.	
Area.	Amount.	Area.	Amount.	Area.	Amount.	Area.	Amount.
1	2	3	4	5	6	7	8

Total amount*	Allowed as malkana (a).		Allowed as profit and cost of collection to proprietors and tenure-holders.		Government revenue.		Remarks.
	Percentage.	Amount.	Percentage.	Amount.	Including malkana.	Excluding malkana.	
9	10	11	12	13	14	15	16

(a) This need be shown only when settlement is not made with the proprietor and malikana has to be separately paid by Government.

- (x) Agreement or otherwise of the proprietors to take settlement; with arrangements as to *malikana*, etc.
- (xi) A statement of tenancies immediately under the proprietors.
- (xii) A statement of other tenancies.
- (xiii) Term of settlement.
- (xiv) Instalments.
- (12) Complete list in English of the documents filed by any party as evidence.



32. **Contents of final proceeding.**—So far as may be the final proceeding referred to in rule 31 (10) should be in the form given in Rule 23 without the reference to rents. It should, however, give the correct area as finally fixed and the tanzil number and name of the new estate which it is proposed to form. A statement in the same form as given in rule 31(11) (ix) above showing the manner in which Government Revenue has been fixed should also be given.

#### General.

33. **Index maps.**—At the conclusion of the proceedings in all large operations, all the relevant survey lines with the details in rule 13 will be shown accurately on a vandyked copy of the 4-inch maps. These copies will be bound together in volumes and marked "Index to the Diara operations in district 19" and on each sheet the words "Not to be used for relaying purposes except so far as traverse and cadastral village boundaries are concerned" will be entered in the case of the congregated comparative maps and the words "Not to be used for relaying" in the case of the congregated comparative sketch maps prepared under the first part of rule 14.

34. **Index volumes.**—The year, the name of the thana and the index number of the proceedings which the sheet illustrates, will also be given in the sheet.

In the Index volumes will also be included—

- (1) a list of proceedings with year, name of thana and serial number of the 4-inch sheet;
- (2) a District Map showing rivers in which action has been taken, and
- (3) Thana maps showing the limits of the 4-inch sheets and within each compartment so formed, the serial numbers of the proceedings and of the sheet.

35. **Diara Volumes.**—Diara volumes will also be prepared containing—

- (1) A copy of the Diara Officer's general report on each proceeding (vide rule 30).
- (2) a copy of the Collector's or Settlement Officer's and of the Director of Land Records covering notes, and
- (3) a copy of the Board's orders.

36. **Diara completion notification.**—The completion notification under section 4 of Act IX of 1847 should ordinarily be issued within 2 years from the date of acknowledgment of the service of notice under section 21 of Regulation II of 1819 of the last proceedings of the district. If for civil suits or other reasons the notification of only a part of the district is to be made out, this can be done under section 3 of the Act; for the other part, the notification should issue as soon as the Director decides.

#### Note for Inspecting Officers.

Inspecting Officers are expected to master these instructions, and to go through several records in detail to see whether the procedure has been properly observed.

CHAPTER VI.  
PART VI.  
H.—PRINTING.



## CHAPTER XVI. FAIR COPY.

1. **Processes.**—In smaller operations where the record is copied by hand, there are three processes:—

- (1) Copying.
- (2) Comparison, and
- (3) Recomparison.

2. **Number of copies.**—Ordinarily three copies will be prepared, but a copy of his own and of his tenants' *khattians* must also be prepared for each person or group of persons with separate collections. In estates under Government management, the copy prepared, for the Collector as landlord must be completed and an extra copy prepared so that the Collector may have at least two copies of the entire record for management purposes, in addition to the Collectorate copy (final record).

Two plot Indexes will ordinarily be prepared, one for the final record and the other for the landlord, but in estates under khas management three plot Indexes must be prepared, one for the final record, and the other two for the Khass Mahal Department.

3. **Copying.**—It is important that no person should be appointed as a copyist unless he can write neatly and well the vernacular in which the record is written. This is particularly important in the case of muharrirs who are to write the Collectorate copy (the final record). During copying a sharp look out should be kept for mistake in the record, and any mistakes found should be put up to the Officer in charge.

4. **Payment of copyists.**—The copyists should be paid at contract rates. The muharrirs who copy the Collectorate copy should ordinarily receive higher rates than the others, and a higher standard of neatness is required from them. The copyists and computers must initial each page.

5. **Method of comparison.**—One copy will be given to each muharrir while a munshirim will hold the draft record. The muharrir who has the Collectorate copy will read out that copy, and the other will see that their copies agree.

6. **Examination of copies.**—In addition to this comparison the fair copies should be examined to see that the headings are correct, the serial of the *khattians* is complete, etc.

7. **Payment of staff.**—The comparing staff should be paid at fixed rates. The proportion of comparing muharrirs required is roughly one-third of the number of copyists, when the comparing staff is employed for a full month.

8. **Recomparison.**—Arrangements should be made for a recomparison of a certain percentage of the records.

9. **Certificate of corrections.**—There will be bound with the Collectorate copy, in addition to the certificate prescribed in rule 382, Settlement Manual, a list of authorised corrections in the final record made before final publication, under the signature of a Revenue Officer.

When the record is made over to the Record-keeper, he will, after completing the ordinary check (*vide* rules 32 and 33 Printing Instructions, Technical) and note that all corrections have been initialled and entered in the list. Any omissions should be put up to the Assistant Settlement Officer for orders.

10. **Binding of Collectorate copy.**—The plot-index will also be bound with the Collectorate copy. The pages will be serially numbered. Two or more villages, if small, may be bound in a single volume. The name of the district, thana, village, and the thana number of the village will be printed on the back of the volume, which will contain a pocket opening inwards, for the map.

N. B.—For Registers and Accounts. See rule 332 of the Manual.

### Note for Inspecting Officers.

- (a) **Fair copy.**—
- (1) Examine the fair copies, in particular the Collectorate copy.
  - (2) Ascertain whether the proper number of copies is prepared.
  - (3) Examine the arrangements for check.
  - (4) Ascertain whether the list of all corrections is properly prepared.

### Some further notes for Inspecting Officers.

#### (b) Apportionment and computation.

- (1) Ascertain if the principles of apportionment are properly understood.
- (2) Make a detailed examination of one or two records, and examine the methods of check and supervision, noting particularly whether all papers are completed and arranged, so as to ensure the minimum of work in the Recovery Camp.

#### (c) Final Publication.

- (1) Examine whether the notices for final publication have been properly served.
- (2) Ascertain how and when final publication is carried out and whether the public have access to the record during final publication.
- (3) Ascertain whether in Government or temporarily-settled estates or in estates for which no recovery is being effected maps and copies of the *khattians* are being distributed at the same time.
- (4) Ascertain whether in other estates recovery is being effected, with distribution of maps and copies immediately after final publication.
- (5) Examine the records to see if they have been properly sealed and the certificate of final publication properly filled up.

#### (d) Recovery and Distribution.

- (1) Ascertain whether Recovery follows promptly after final publication.
- (2) Examine the methods adopted to guard against exactions or fraud on the part of the talab-dars, and to ensure early and safe transmission of sums recovered to the Treasury.
- (3) Examine Demand Registers of one or two villages and ascertain the reasons for any deficit and for any delay in recovery by the ordinary methods. Particularly see that arrangements are made to sweep up pending arrears in individual villages.
- (4) Examine the extent of and result of certificate work, particularly whether a close watch is kept over it by controlling officers.
- (5) Examine the arrangements for distribution and for sale of maps and *khattians*, and the step taken to ensure that all sales are accounted for and realisation effected.
- (6) Count the cash balance.



## CHAPTER XVII. PRINTING.

### 1. Stages of Printing.—There are four stages in Printing:—

- (1) Printing.
- (2) Check of the record.
- (3) Arrangement of the record, and
- (4) Binding of the record.

The approval of the Director of Land Records and Surveys, Bengal, to the form of the final record is required to be taken before printing of records is started.

### 1. Printing.

#### 2. Staff.—The normal staff of the Printing section is as follows:—

Superintendent	..	..	1
Superintendent's muharrit	..	..	1
Per press:—			
Peshkar ..	..	..	1
Assistant Peshkar ..	..	..	as required.
Compositors ..	..	..	6 (or more).
Pressman ..	..	..	1
Inkboy ..	..	..	1 (or more).
Roller-proof peon ..	..	..	1 (for three presses).
Type collector ..	..	..	1 (for about seven presses).
Jamadar ..	..	..	1 (for training pressman and inkboys, and for setting up presses and petty repairs).
Glue-boiler and lead casier ..	..	..	1
Store-keeper and bill clerk ..	..	..	1 (distributes paper, type and all other stores)
Peon ..	..	..	1
Type distributor (if compositors do not distribute their own type) ..	..	..	1 for two presses.

Compositors give security of Rs. 20 and Distributors of Rs. 15.

#### 3. Working day.—The printing staff should be fully employed for at least seven hours during the day.

#### 4. Outturn.—*Assistant Peshkar*.—If the outturn does not exceed 500 lines per day no assistant peshkar is required in a Press. Between 500 and 800 lines he can be shared with another Press.

#### 5. Outturn.—*Compositor*.—The average trained compositor can turn out from 80 to 100 lines per day.

#### 6. Outturn.—*Pressman and Inkboy*.—One pressman and one inkboy can print 25 forms (one foolscap page—2 *khatians* i.e., 50 *khatians* per day. An outturn of over 25 forms may require an extra inkboy.

7. *Duties of Superintendent*.—The Superintendent or an Assistant Settlement Officer will be in charge of the printing section. He will arrange for the deputiation of staff to fill vacancies, keep the accounts, both of articles supplied and of the sections, and the registers, and will generally supervise the work of the whole staff. He is responsible for the receipt, return, and distribution of original records. He should not allow more records to be with a press at any time than there are compositors in that press. Each record should be checked against the jurisdiction list. He must inspect the work of the presses daily and keep a note of such inspections. He should be empowered to inflict small fines.

8. *Proof-reading*.—*1st proof or roller-proof*.—When the composition of a *khatian* is complete, the compositor will show in small type at the left hand bottom corner of the obverse thereof (or of every sheet) the date of printing with his initials and the number of the Press. A proof will then be taken by the roller-proof peon, and this will be examined with the original record. The peshkar will compare the proof with the original record and correct it. He will sign and date both the original record and the proof.

9. *2nd proof or press-proof*.—When the compositor has corrected the mistakes and when four galleys are ready, they will be arranged in a press and another proof taken. This is compared with the first proof by the peshkar who must stop any other work he may be doing for this purpose. The peshkar will also examine this press-proof to see that all lines are straight and that the headings have been properly inserted.

10. *Number of copies*.—Ordinarily 12 copies are to be printed, but if either in the landlord's or tenant's column of the *khatian* there are several separate collections, an extra copy will have to be printed for each separate collection in excess of one, plus one if the total number be odd. Thus if in the landlord's column two separate collections, and in the tenant's column three separate collections are entered, four extra copies will have to be printed. The peshkar will write +4 in large figures at the top of the press-proof for the information of the pressman and when satisfied that the press-proof is correct, will give the order for printing off, signing and dating the press-proof. He will also enter the name of compositor, *khatian* number, the number of lines, number of extra copies and the number of extra pages in a register. Two extra copies are required for the Khas Mahal Department, of records relating to Government estates and temporarily-settled estates under khas management.

11. *Printing*.—The press-proof will then be handed to the pressman and inkboys who will print off from four galleys the requisite number of copies. Two copies will be on special paper. Great care should be taken to see that the back of one *khatian* is not printed on the front of another and that the galleys and paper are arranged so as to leave sufficient margin for cutting and binding space. The pressman must lay all papers the same way on his table weighted.

12. *Arrangement by peshkar*.—The pressman will then tear apart the two interests printed on one foolscap page, folding the 6 pages of 12 copies (or more if more have been printed) of one interest, together. The peshkar arranges these bundles serially and checks with the original to see that all *khatians* have been printed. The roller-proofs can be destroyed. The bundles, the press-proofs and draft record are made over to the checking section.



13. **Plot-indexes.**—Plot-indexes and forms are usually printed in a separate press. It is generally sufficient to print 8 copies of the plot indexes:—

- 5 for binding.
- 1 for revision.
- 2 for sale.

In estates under Government management two extra copies should be printed.

14. **Type.**—Distributors paid at the rate of 3 pies per pound of type distributed can be employed for the distribution of type to the compositors in the composing cases, or else the compositors can do their own distribution. Special care must be taken to see that the type is clean. All galleys should be regularly washed with soda by the inkboy. Logo types, if used, and heading types require the most careful washing. The presses should be regularly oiled.

15. **Purchase of presses, etc.**—Presses are usually purchased by indent from England or taken over from other settlements. In the latter case the depreciation allowed for presses should ordinarily be 5 per cent. per annum and for accessories ordinary 10 per cent. per annum.

16. **General instructions.**—Distributors and compositors must be careful not to distribute or use broken type. Type is usually spoilt either through being removed from the galley before the plugs are properly loosened or through unnecessary violence from the roller-proof man.

The mixing of a small proportion of glycerine with the glue for rollers greatly reduces the consumption of glue.

It is a mistake to discard broken parts, as they can frequently be required locally at a fraction of the cost of a new article.

Careless inking is responsible for much bad work.

The writing ink used in the Press should be different from that used during final janch.

17. **Payment of compositors.**—Compositors should be paid at so much per line, counting the *khatian* itself as one or two or more lines as the case may be. The total amount payable to the composing staff can be ascertained by calculating the payment for the total number of *khatians* printed at a selected rate per *khatian*, but when the staff is in full working order the rate of payment should not exceed half a pice per line. Quick work should be encouraged by bonuses and rewards for the best press divided between all the persons in that press.

## 2. Check of the Record.

18. **Control.**—The checking section is under the control of a separate office.

19. **Staff and outturn.**—The usual staff of the checking section consists of pairs of checkers and muharrirs with a head checker for seven or eight checkers. Each checker is expected to check about 150 interests per day. The head checker checks 10 per cent. of the work done by the checkers. In addition he prepares bills returns, etc., and distributes records. Checkers are paid at fixed rates plus the earnings from fines on the compositors and peshkar. Distribution of fine

money should be made in such a way that there may be no temptation to falsify the classification of errors. Mistakes made by checkers should be heavily punished.

20. **Procedure.**—The checker will check all the printed *khatian* printed copies for block corrections or insertions, or

- (1) by correcting the press-proof in red ink, and making over all the printed copies for block corrections or insertions, or
- (2) by correcting the press-proof in red ink and destroying all the printed copies and sending the proof back to be reprinted by the compositor in fault without payment, or
- (3) by the use of a mistake list (Form 176) instead of correcting this press-proof.

Should the checker discover a mistake in the original record, he will send a budar to the Assistant Settlement Officer, Headquarters, who will pass orders for the correction of the record and will fine the muharrir in fault.

21. **Errors.**—Errors should be classified into very serious, serious or slight. The following are the standard lists of every serious and serious mistakes. Mistakes not included in these lists are to be classed as slight.

*Very serious.*

1. Mauza name.
2. Tauzi No.
3. *Khatian* No. on obverse.
4. Mudafat or Hakiat.
5. Possessor in any column.
6. Omission or wrong insertion of ॐ
7. Share in any column.
8. Rent.
9. Description of interest in column 13.
10. Too many or too few divisions in column 13.
11. Status.
12. Incidents.
13. Any entry in remarks column on obverse.
14. Plot No.
15. Area.
16. Shtit.
17. Printing on wrong side.
18. Printing more than 2 copies in excess or defect.
19. Omission of *Khatian*.
20. Misbunding *Khatians*.



*Serious.*

1. Class of land.
2. Entries in remarks column on reverse (except possessor).
3. District, thana or pargana name.
4. Revenue Survey or J. L. No.
5. Father's or husband's name or residence in column 13.
6. Printing 2 copies in excess or defect.

Provided the mistake is simply one of spelling which does not convert one name into another, it may be classed as slight or not counted as a mistake at all according to circumstances. Fines should be inflicted for each class of error which should be paid by the peshkar, assistant peshkar, if any, and the compositor of the press in fault.

22. **Memorandum of errors.**—A register (Form 177) should be kept for each village of the khatians in which errors are discovered with the class of error, method of disposal, date of despatch to printing section, date of return and signature of checker in token of correction. This may be amplified for use as the mistake list [*vide* rule 20 (13)]. All the work relating to one village should be sent to the press at the time and the faulty khatians promptly disposed of.

23. **Check of corrected copies.**—On return to the checking section, the corrected or new copies will be checked.

24. **List of corrections.**—A list of authorized corrections made before final publication for each village, being those made by block corrections of insertions, will be prepared and bound up with the Collectors' Public Copy. The list must be signed by a Revenue Officer.

25. **Preparation of title-page.**—The checker has also to see that no *khatian* has been left unprinted. At the time of check, a title-page for each village should be prepared showing the number of the last *khatian* in the village, the numbers of all *bata* *khatians*, and all gap numbers for which *khatians* have not been printed. This title-page will be made over to the arranging section for subsequent despatch to the Record-keeper.

### 3. Arrangement of the Record.

26. **Arranging.**—The six (or more) pages handed over to the arranging section are arranged by a menial into six heaps, the first five heaps only containing one page and the last one or more as the case may be. The two copies of one *khatian* are then separated by cutting the bundles in two with a cutting machine. They are then rearranged.

- (1) Five copies for binding.
- (2) One copy for Revision.
- (3) Four copies for sale by Collector and Settlement Officer; and
- (4) The remaining copies in the sixth heap for distribution to landlords and tenants.

27. **Arrangement of khatians for recovery and despatch to record-room.**—The *khatians* for distribution to landlords and tenants will then be arranged by stitching or pinning together the *khatian* of each collection with the *khatian*

of all tenancies immediately subordinate to that collection; it will be convenient at the same time to arrange all the *khatians* of one person as ascertained from the slips in Form P in one bundle together with his copies of the vandyked sheets, *vide* Chapter XIII, rule 2 and Chapter XIX, rule 2. The excess copies, which will be printed when the number of collection is odd can, if desired, be destroyed. These *khatians* together with the *khatians* in (2) and (3) in the preceding rule will then be made over to the record-room with the title-page (rule 25). The Record-keeper will immediately check and register both the number of copies (sets) and the number of *khatians* of each copy received.

### 4. Binding of the Record.

28. **Binding.**—In major settlements four copies will be made over to the binding section for binding in leather. Two of these copies which are on special paper are intended for the Public Copy to be made over to Collector and for the copy to be made over to the Munsif. In Land Revenue Settlement operations covering a compact area of one or more thanas, the procedure adopted in major settlements will be followed. But when such settlements cover only scattered blocks of areas, being parts of a thana or villages, the Collector's Original and Second Copy are to be bound as in major settlements, while the two copies thereof intended for the use of the Khas Mahal Department will be bound interleaved, one mouzawar and the other mahawar.

29. **Details to be bound.**—The bookbinder will bind in the Collector's Public Copy a Table of Contents, the Final Certificate Form and the list of authorized corrections, plot-index, *khatian* Abstract, Form of Easement, both general and of irrigation if any, *khatian* No. 1 (as no zero *khatian* of Bharat Samrat is kept) and in the other four copies a Table of Contents and record-keeper's certificates. When there are more than one volume, the Table of Contents should be in the first volume. The forms are prescribed in Part II, Chapter XIV of the Manual. In all five copies he will bind a plot-index and will number all the pages with a numbering machine. On the back of each volume he will stamp in gilt letters the name of the district, thana, and village and the thana number of the village; on the Collector's copy he will stamp "Public Copy" and on the Munsif's copy "Munsif." Where villages are small, two or more records may be bound in a single volume. Normally about 300 interests should be bound in each volume. If the total number of interests in any village is very small, its records may be bound with the interests of the village immediately preceding or succeeding it in the Jurisdiction List, provided this can be done without increasing the number of volumes for that village.

30. **Rates.**—Book binders are usually paid at contract rates.

31. **Making over to binder.**—The arranging section when making over records to the bookbinder will prepare a *chalan* (Form No. 178) in three parts, one for the bookbinder, one for the record-keeper, and one for retention in the arranging section. On the *chalan* will be noted the number of copies of each village record made over to the binder.

32. **To record-room.**—When the binding is complete, the binder will make over the volumes to the record-keeper with two parts of the *chalan*. The latter will see that the binding has been properly done and that the details in rule 29 have been duly carried out and will certify on the back of the bookbinder's *chalan* the number of volumes for which payment is to be made. He should refuse to take over any volume which is not in order.



### 5. General.

33. **Check by record-keeper.**—The record-keeper should then examine the record in detail with the assistance of the title-page to see that all the *Khatians* are arranged in proper serial, and that no *Khatians* are missing. It is sometimes found that the numbers of *Khatians* or of plots have been cut away. The record-keeper should bring to the attention of the Assistant Settlement Officer, Headquarters, any cases of illegible printing or any patent errors in the record, which he may discover. When the check is complete, he should fill up the details in the Table of Contents.

34. **Returns.**—The Director of Land Records' Monthly Return (Form 11) must be submitted in the prescribed form on the 10th of each month. Settlement Officers may prescribe other Registers and Returns to suit their own requirements, but they should guard against unduly increasing the number of registers. See rule 332 of the Manual.

#### Notes for Inspecting Officer.

##### Inspecting Officers—

##### Examine—

- (1) the accuracy and efficiency of the check of the record, and the number of errors found in the check ;
- (2) the rate of working and payment ; an outturn of 1,500 *Khatians* at least per month per press is expected ;
- (3) the state of the printed record, *viz.*, whether it is clearly printed or not, and whether it is disfigured by ink stains or dirty handing ;
- (4) the prompt despatch of records from all sections, particularly from the composers and the arranging section.

#### PART VII.

#### CHAPTER XVIII—CASE-WORK.



**CHAPTER XVIII.**  
**CASE-WORK\*.**

**Rules for the disposal of cases under sections 105 and 106,  
Bengal Tenancy Act.**

**Part I—Routine for Institution, Distribution and final disposal.**

1. **Filing of plaints.**—Every case under section 105 or section 106 shall be instituted by the presentation of a plaint before the Assistant Settlement Officer at headquarters, who is appointed by the Settlement officer to receive plaints and petitions, etc., to be filed in the Court of the Settlement Officer. (Section 26 and Order IV, Rule 1 of the Civil Procedure Code.)

1A. **Within what period to be filed.**—Parties may apply for the settlement of fair rents or for the decision of any dispute regarding any entry or omission in the record within a period of four months from the date of the certificate of final publication under section 103A (2), Bengal Tenancy Act. Plaints should be drawn up on cartridge paper.

2. **Who may file the plaints.**—A plaint shall be filed either by the party in person or by the recognised agent (not necessarily a Revenue Agent) or by a pleader duly appointed on this behalf (*vide* Order III, Rules 1 and 2 of Civil Procedure Code).

In the case of the plaintiff landlords as such, the plaint may be filed by an agent (not necessarily a Revenue Agent) duly empowered in this behalf by a written authority under the hand of the landlord (sections 145 and 187, Bengal Tenancy Act), and such written authority must be stamped as a power-of-attorney under article 48, Schedule I of Act II of 1899 (Indian Stamp Act), and registered or duly authenticated.

3. **Entertainment and registration.**—Every page of the plaint must be signed or stamped with a *facsimile* signature of the Assistant Settlement Officer as soon as it has been filed. The stamps must be punched in the presence of the Assistant Settlement Officer as directed in the High Court Rules.

On the day of filing, the plaints will be entered in the General Register which remains always at headquarters and after the check prescribed in rule 4 they will be entered in the Manzawar Register which will subsequently go to camp. The General Register will have one serial number for the whole district.

4. **Checking of plaints.**—(1) *Time allowed for.*—The plaints are checked by *muharrirs* under the supervision of the head *peishkar*. Their check should be completed and report submitted within two days from the date of filing, the plaintiff being directed to appear either in person or by his agent or pleader, on the third day in order to correct any mistakes or supply any omission which may be discovered.

(2) *Scope and extent of.*—In checking a plaint the following points should, amongst others, be carefully looked to:—

- (a) That it has been filed in time.
- (b) That it has been properly stamped.
- (c) That the plaint has not been palpably undervalued.

\*NOTE.—These rules were approved in Government Order No. 3801, dated the 13th April 1916.

(d) That the names of the parties, the numbers by which the tenancies or *khatians* are described, the areas ascribed to them and other particulars correspond with those entered in the record-of-rights.

(e) That it is properly signed and also properly verified according to the provisions of Order VI, Rules 14 and 15 of the Civil Procedure Code.

(f) That there is no non-joinder or misjoinder of parties, *i.e.*, that all persons interested and no others have been made parties.

(g) That the necessary process-fees, copies of concise statements and summonses in duplicate for all defendants have been filed.

(h) That the documents on which the plaintiff sues are produced with a list with the plaint, and that a list of other documents on which the plaintiff relies are attached with the plaint (*vide* Order VII, Rule 14 of the Civil Procedure Code).

(i) That in section 106 case or in a case under section 105 in which the plaintiff contests the correctness of the record-of-rights and raises issues under section 105A, a copy of the *Khatian* containing the entry which is objected to is filed with the plaint.

(j) That a separate application is filed for each tenancy when fair rent is claimed either under section 7 or section 105 (2).

(k) That, where it is a plaint for the correction of mistake in the existing rent, it is filed under section 106 unless there is a prayer for a settlement of fair rent under section 105 also.

5. (1) **Court-fees on plaints.**—(a) *Section 105 of the Bengal Tenancy Act.*—A fee of twelve annas for each tenant making or joining or joined in an application, and if at any time during the hearing of the applications, and issue is raised by the applicant under section 105-A, in addition, a stamp to the amount of an *ad valorem* fee chargeable under Article I, Schedule I of the Court-fees Act, 1870 (VII of 1870), as amended by the Bengal Court-fees (Amendment) Act, 1922 (IV of 1922), subject to a maximum of twenty rupees (*vide* Bengal Government Notification No. 6954 L.R., dated the 20th July 1922, quoted in Appendix D (3).)

(b) *Section 106 of the Bengal Tenancy Act.*—(i) Suits filed under section 106 are of a declaratory nature where no consequential relief is asked for (15 C. W. No. 110). The Court-fees payable on plaints in such cases is Rs. 20 under Article 17, clause (iii) of Schedule II of the Court-fees Act as amended by section 15 (2) (b) of the Bengal Court-fees (Amendment) Act, 1922 (IV of 1922). This has been reduced to the amount of an *ad valorem* fee chargeable under Article I, Schedule I of the Court-fees Act, 1870, as amended by Bengal Court-fees (Amendment) Act IV of 1922 in cases where the amount of such fee would be less than twenty rupees (*vide* Bengal Government Notification No. 3789 L.R., dated the 3rd April 1922 quoted in Appendix D (1)). It follows, therefore, that when possible, an *ad valorem* fee should be charged.

The principles according to which such valuation should be made are laid down in Government Order No. 778 T.R., dated the 22nd September 1914 [Appendix D (2)], and the Settlement Officer of each district should fix a multiple or scale for valuing different kinds of claims with reference to the circumstances of his district or any particular part of it.

(ii) In a suit to establish or disprove a right of occupancy the Court-fee is eight annas [*vide* Schedule II (5) of the Court-fees Act, 1870].



(II) **Court-fees on petitions, etc.**—The Court-fees on petitions, etc., other than plaints filed in connection with cases under sections 105, 106, 108 and 108A are as follows:—

(a) *Sections 105, 108 and 108A.*—Twelve annas.  
(N.B.—This includes the first application under sections 108 or 108A.)

(b) *Section 106.*—(i) Two annas if the suit be valued under Rs.50.  
(ii) Twelve annas if the suit be valued at Rs.50 or more or cannot be valued.

**Affidavits.**—(III) Affidavits filed by a party require a Court-fee of Re.1 only, vide Rule 9, Chapter VI, page 153, of the High Court Rules (Civil), Volume I. An affidavit must be filed when the defendant is a minor and a guardian has to be appointed [Rule 3 (3), Order XXII, Civil Procedure Code.]

6. **Process fee.**—The following scale of fees will be applied. A copy of the rules regarding process-fees should be hung up in the Court in English and Bengali under section 21 of the Court Fees Act:—

No. of persons to be summoned.	Value of Suit.		
	Up to Rs. 50.	Over Rs. 50, but not over Rs. 1,000.	Over Rs. 1,000.
1	0 8	1 0	2 0
2	0 8	1 0	2 0
3	0 8	1 0	2 0
4	0 8	1 0	2 0
5	0 12	1 4	2 8
6	1 0	1 8	3 0
7	1 4	1 12	3 8
8	1 8	2 0	4 0
9	1 12	2 4	4 8
10	2 0	2 8	5 0

and so on; 4 annas for each extra person to be summoned in suits valued at less than Rs.1,000; 8 annas in suits above Rs.1,000.

It will be sufficient in all section 105 cases to issue processes on the lowest scale, namely, 8 annas for the first four persons and 4 annas for each additional person.

7. **Returning plaints for amendment.**—(a) If on checking the plaint any mistake or omission is found, it should on the third day after it has been filed be returned to the plaintiff for amendment by a certain date, and an order to this effect recorded on the order-sheet attached to the plaint. An endorsement must also be made on the back of the plaint to the effect that it is "returned for amendment, to be refiled on . . ." or the plaintiff asked to make good any omission within a certain date.

(b) Where the plaint has been under-valued, the matter should be brought to the notice of the Assistant Settlement Officer, who will scrutinise the valuation made by the plaintiff, and, if necessary, value it himself and direct the plaintiff to correct the valuation within a specified time. If the plaintiff fail to do so, the Assistant Settlement Officer should reject the plaint under Order VII, Rule II, Schedule I of the Civil Procedure Code.

7A. Applications under these sections should be kept at first in the hands of the Settlement Officer or of a special Assistant Settlement Officer. When they are made over to an Assistant Settlement Officer, a formal order under Rule 42 of the Government Rules is required. The Settlement Officer should keep cases under sections 105 and 106 in his own hands, until he has mastered the difficulties and the principles involved, and he should not make them over to any Assistant Settlement Officer for decision, until he has trained him in the proper system.

8. **Records to be sent with the cases.**—With the case records the following will be sent to camp:—

- (1) The final record for each village concerned.
- (2) A vandyked copy of the map, and
- (3) The village files and a copy of the Thak map.

9. **Diary of Case Officers.**—Each officer will keep a diary in the High Court Form No. (M) 59 in which he will enter the cases beforehand as dates are fixed for hearing. Two pages should be allotted to each day—one for section 105 and the other for section 106 cases. He will submit to the Settlement Officer with each month's returns a short note on the nature of the cases dealt with during the month. He will also submit at the close of the season a succinct account of all the more interesting and important cases that were dealt with—not merely a statistical account, but descriptive account embodying the results of discussions as to principles and procedure, and the line adopted in deciding novel issues.

10. **Fixing of dates.**—In simple cases (which ordinarily mean all cases under section 105) the first summons shall be for final disposal. In complicated cases (which ordinarily mean cases under section 106 and cases under section 105 in which the plaintiff disputes the correctness of the recorded entry under section 105A) the first summons shall be for settlement of issues. The Court may, however, dispose of a case finally on the first day, if the parties have no objection, even if the summons was issued for "issues" only, and similarly in a case for final disposal—it may be necessary to adjourn after framing issues only (Order XV, Rule 3, Schedule I of the Civil Procedure Code).

11. **Issue of Processes.**—Processes as a rule should not be issued unless the proper process-fees have been pre-paid in Court-fee stamps. The *peskhar* should be careful to see that full process-fees have been paid. It is within the discretion of the case-officer to bring to the notice of the plaintiff that the process fees are deficient. The case officer may arrange, if the centre be not at the headquarters of a subdivision, for the attendance of a stamp-vendor approved by the Collector of the district.

Processes should be served by the serving peons working under the notice *muharrir*. The notice *muharrir* should keep up the notice register which corresponds to the High Court Form No. (M) 62.



The headings of endorsements on processes should be either printed or impressed by means of a rubber stamp showing—

- No. of process.
- Date of receipt by *nazir*.
- Date of delivery to peon.
- Name of peon.
- Date when process is returnable.
- Date when actually returned.

Parties will write up summonses. They must be legibly written. The date is to be left blank to be filled up by the *peshkar*.

Processes for service in other districts are to be sent direct to the Munsif within whose jurisdiction the witness or defendant resides and not to the District Judge. They will be accompanied by the "Form for Transmission."

12. **Entry of cases in Camp registers.**—The *Maunzur* Register received from headquarters will be used as the Trial Register, and no new Trial Register will be opened except a Camp check register to be kept by the *peshkar* for noting receipt and despatch of records from and to headquarters.

If an officer has reason to split up a case against several defendants he will give the new cases alphabetical letters and will report to headquarters for a note in the General Register.

13. **The record.**—All papers filed should as far as possible be half foolscap and written only on one side.

Documents produced at the first hearing or filed with the plaint must be accompanied by a list in Form 5, Appendix H of the Civil Procedure Code. If not accepted as evidence they will be endorsed and returned at once to the parties, but if accepted in evidence they will be signed, marked and entered in Form No. M 173—*vide* Rule 21 below.

In cases in which no appeal lies (decrees by consent) documents exhibited should be returned to the parties as soon as possible after judgment is delivered.

In cases in which appeal lies documents exhibited will not be returned until after four months from the signing of the decree unless the opposite party has been given an opportunity to be heard on this point.

14. All cases under sections 105 and 106, Bengal Tenancy Act, will be treated as cases of class I, and divided into files with white, yellow, blue and green covers according to the principles laid down in Rules 32 to 36, Chapter III, pages 96-97 of High Court Rules (Civil), Volume I. These are summarised below.—

**Arrangement of records.**—

File A (*white*) shall contain—

- (a) Table of contents.
- (b) The order-sheet.
- (c) The plaint or application, together with any schedule annexed thereto, amendments of plaints, substitution or addition or elimination of parties and appointment of guardians for minors.

(d) The written statement of the defendant or the counter-petition, including amendments of the written statement or counter-petition.

(e) Memorandum of issues.

(f) Award of arbitration or petitions of compromise if given effect to in the decree; report and map and field book of Commissioner; order sanctioning companion beneficial to minor or lunatic.

(g) The judgment.

(h) The final decree or schedule.

(i) The copy of the judgment or decree of the Appellate Court.

File C 1 (*yellow*) shall contain—

(a) Table of contents.

(b) All evidence, oral and documentary.

(c) List of documents admitted in evidence.

File C 2 (*yellow*) shall contain—

(a) Table of contents.

(b) All petitions and papers, etc., not included in other files.

File D (*green in contested cases and blue in ex parte cases*) shall contain—

(a) Table of contents.

(b) All summonses, processes, list of witnesses, petitions of adjournments, etc.; *Rubkars* calling for papers and records, affidavits, etc.

Each file will have a table of contents in High Court (Civil) Form No. M (172) which is always to be written up daily as papers are added and the Assistant Settlement Officer must see that this is no account kept pending for the completion of the case.

Column 1—Will show consecutive numbers of different papers irrespective of the numbers of pages of each paper.

Column 2—Will be filled up at the close of the case. Exhibits will not be entered in the table of contents, but the list of exhibits will always be entered and will be the last paper in the file to be attached at the end of the trial.

15. **Return of Exhibits.**—Applications for return of exhibits will be entered in Form No. M 58 (*vide* Rule 21 below) and the signature of the parties will be taken in column 8 with date. This register will be maintained by the Record-keeper. If records called for by the Judge or High Court are not despatched to reach within seven days a letter will be sent on the sixth day explaining the reason of delay.

16. Records are to be returned to headquarters within a week of the decision of the last case on the file of the officer in the village.

17. (1) **Noting of decision in original records.**—(1) Under section 107 (2) notes of all rents settled under section 105 and of all decisions of issues or disputes under section 105A or 106 have to be made in the record-of-rights—

(a) Decisions and orders which will be noted are—

- (1) All orders settling rents under section 105.
- (2) All decisions under section 106 decreeing or dismissing suits on merits.
- (3) All decisions of issues raised incidentally in the trial of section 105 cases, that is, raised under 105A or otherwise, or section 106 cases whether disputed or otherwise.



- (4) In section 105 cases withdrawals under order XXIII, rule 1, Code of Civil Procedure, whether fair rents are settled or decision is given under section 105A or not.
- (5) In section 106 cases, dismissals or decrees under Rule 8, Order IX, Schedule I, Civil Procedure Code, and withdrawals under Rule 1, Order XXIII, Schedule I, Civil Procedure Code, without leave to sue afresh.
- (6) Decision of the Civil Court in cases transferred under section 106 for trial.
- (b) Decisions and orders, which will not be noted, are the following:—

In section 106 cases—

- (1) Rejection under section 188, Bengal Tenancy Act, or an account of some inherent defect in the application.
- (2) Dismissals under Order IX, Rules 2-3, Civil Procedure Code, and withdrawals under Order XXIII, Rule 1, Civil Procedure Code, where no fair rents are settled or no decision is given under section 105A

In section 106 cases—

- (3) Rejections under Order VII, Rule 11.
- (4) Dismissals under Order IX, Rules 2-3.
- (5) Withdrawals under Order XXIII, Rule 1, Civil Procedure Code, with leave to sue afresh.

Under section 109D (West Bengal) or 109C (Eastern Bengal) notes of the decision on revision or appeal have to be made similarly.

(II).—At the time of delivery of judgment the case officer will enter in the order-sheet the note to be made on the principle *khatian* with following particulars:—

Interest affected—

- (a) Number of principal *khatians*.
- (b) Numbers of other *khatians*.

**Note to be made on the principal interest.**—This note must be in Bengali and in the exact words, including the reference to the general register case number, which are to be entered in the record-of-rights. The case officer must write it in his own hand and must make it clear, complete and concise.

This note will be made in the principal *khatian* affected of each of the public copies of the record, but not in the other *khatians* affected. In the other *khatians* the following entry must be made with a rubber stamp:—

See 106 case No.—*Khatian* No.

with the name also of the village and thana, if a different village is concerned. When no note is to be made, the case officer will simply note the fact that no note will be made in the order-sheet and "Nil" in the appropriate column of the sections 105 and 106 mauzawar registers.

(III).—**Noting in the final Record.**—The Camp Peshkar will make the above entries in the final Record in black Registration ink. The Case Officer will examine the entries (including references in subsidiary *khatians*) which

have been made by comparing them with his order in the case-record and sign and date every entry (also with black Registration ink) over his designation as Assistant Settlement Officer. He will at the same time note on the order sheet that the 'Notes have been made in the Mauzawar Register.

(IV).—**Noting in other public copies.**—On the receipt of the records at headquarters, the notes will be copied into the other public copies. The entries must be identical with those in the Final Record including the copy of the Case-Officer's signature and date. Each entry will be certified with the following entry by means of a rubber-stamp:—  
"Certified to be a true copy of an entry made in the Record after final publication.

*Officer authorized under section 76 of the Indian Evidence Act, 1872."*

If the public copies of the record have already been distributed or notes of appellate orders have to be entered, special arrangements will be necessary for making copies of the notes in the public copies or Final Record (*vide* also rule 531 of the Bengal Survey and Settlement Manual 1935).

(V).—**Noting in land-lords' and tenants' copies.**—If the parties have filed their copies of the record or produced them in camp at the time of delivery of judgment, the notes will be copied into them exactly in accordance with the above orders and certified in the same manner. If they are not produced at this time it is open to the parties to apply at headquarters to have the copies made on payment of the necessary application and certification fees and the cost of preparation in accordance with the following scale:—

Six pias for each copy of a note or correction provided that,

- (a) broken parts of an anna shall be charged as a full anna,
- (b) for 65 or more copies of such notes or corrections on a single application by an individual, a rate of Rs.2 per 100 copies shall be charged subject to a minimum of Rs.2, and
- (c) if this is not sufficient, a sum equal to one-half more than the actual cost of copying shall be charged.

These charges will be levied in court-fee stamps.

(VI).—When a rent schedule is prepared, the entries regarding principal interest and other interests affected with the actual note of decisions to be entered will be entered in the rent-schedule instead of on the order-sheet.

(VII).—In cases under section 108A the record is to be corrected and, therefore, all *khatians* affected are principal *khatians* within the meaning of the above rules.

18. **Issue of copies to parties, after the decision of the Case Officer.**—Applications for copies of records and other papers should be filed and copies furnished at headquarters, where the records will be sent in accordance with rule 12. Copies applied for in camp before such decision should be furnished from the camp and prepared by one of the camp *muharrirs*. If there is sufficient copying work for a whole-time *muharrir* an extra folio-copyist may be appointed by the case officer with the sanction of the Settlement Officer. The camp *peshkar* will be the comparing clerk and he will keep the register of applications for copies.



No searching fees are required and no expedition fees will be taken in camp.

19. The ordinary staff of a camp will be—  
 1 *Peshkar*.  
 1 *Muharrir*.  
 3 Peons,  
 1 Orderly.

If many schedules have to be prepared a second *muharrir* will be sanctioned.

20. **Camp account.**—The following account register will be kept in the camp:—

- (1) Cash book.
- (2) Bill book.
- (3) Acquittance Roll.
- (4) Register of diet money of witnesses (Form M. 29 modified to show case number).

21. **Registers.**—At head-quarters the following registers will be kept:—

- (1) General register of cases under section 105 .. }
- (2) Ditto ditto section 106 .. } (As prescribed in Appendix B.)
- (3) Headquarters check register .. }
- (4) Register of Execution cases (Form M. 49, page 93 of High Court Rules, Civil, Volume II).
- (5) Register of cases under section 108 (*vide* Appendix B).

The following registers will be kept in camp:—

- (1) Mauzawar register of section 105 cases .. }
- (2) Ditto of section 106 cases .. } (As prescribed in Appendix B.)
- (3) Ditto of section 108A cases .. }
- (4) Camp check register .. }
- (5) Register of processes (Form M. 62, page 106, High Court Rules, Civil, Volume II).
- (6) Register of Court and process fees (Form M. 61, page 105, High Court Rules, Civil, Volume II).
- (7) Register of miscellaneous petitions.
- (8) Register of applications for return of documents (Form M. 58, page 102, High Court Rules, Civil, Volume II).
- (9) Diary (Form M. 59, page 103, High Court Rules, Civil, Volume II).
- (10) Occupation of process peons (Form M. 64, page 107 High Court Rules, Civil, Volume II).

- (11) Peon's diary (Form M. 65, page 108 High Court Rules, Civil, Volume II).

The forms used by the case-work officers will ordinarily be the following:—

- (1) Notice to persons interested in cases under ss. 105, 105A [from (1), Appendix A.]
- (2) Summons for final disposal (Civil process No. 4, page 255)
- (3) Summons for issues (Civil process No. 3, page 254)
- (4) Summons for witnesses (Civil process No. 10, page 261)
- (5) Warrant of arrest of witnesses ..
- (6) Heading of deposition of witnesses, Form No. (M) 153, page 216 ..
- (7) Order-sheets, Form No. (M) 164, page 224 ..
- (8) Heading of decision in original suits (sections 105 and 106) Form No. (M) 159, page 222 ..
- (9) Decree in original suits (sections 106 and 108A) Civil Process No. 20, page 270 ..
- (10) Table of contents, Form No. (M) 172, Page 232 ..
- (11) List of documents admitted in evidence, Form No. (M) 173, page 233 ..
- (12) Title-page, File A (white), File C 1 (yellow), File C 2 (yellow), File D (green and blue), Form No. (M) 165, 167, 168 and 169, pages 225—229 ..
- (13) Form of Schedule in section 105 cases:—  
 For (i) Raiyat .. }  
 (ii) Tenure-holders .. } As prescribed in Appendix A  
 (iii) New rental cases .. }

22. Camps will submit the following returns:—

- (1) A fortnightly progress return (Appendix C).
- (2) A monthly progress return for preparation of Director of Land Records' return (Appendix C).
- (3) A statistical return showing classification both for sections 105 and 106 cases (*vide* forms prescribed in Appendix C).
- (4) Monthly return of court-fees received.

Part II.—Notes relating to trial of sections 105 and 106 cases and their final disposal for information of Case-Work Officers.

#### General.

23. Nature of the proceedings under section 105.—Proceedings under this section are not suits, but are subject to the directions contained in Government Rule 60. The Revenue Officer should adopt as far as it is applicable the procedure laid down in the Civil Procedure Code, 1908, for the trial of suits.



**23A. Defects in plaints and their rejection.**—The trying officer should see if the plaint has any defects. These are indicated in paragraph 4 containing instructions for checking of plaints. If there are defects and they can be amended, the plaintiff should be called upon to do so. If they cannot be amended the plaintiff should be given the opportunity of a hearing before the plaint is rejected. If the defects come under Order VII, Rule 11, Schedule I of the Civil Procedure Code, the plaint shall be rejected. In the case of other defects the plaint may be rejected if it appears to the Revenue Officer that for the ends of justice or to prevent the abuse of the process of the Court it should be rejected (section 151, Civil Procedure Code).

**24. Consequence of non-appearance.**—(Read Rules 1—12, Order IX, Civil Procedure Code.) Before dismissing a suit for non-appearance of the plaintiff either under Rule 8 or Rule 3 of the Order, the trying officer shall satisfy himself that the plaintiff or his pleader or other authorised agent was informed of the transfer of the case to his file and of the date, time and place of hearing. The circumstances must be fully explained in the order-sheet in justification of the orders passed.

Before disposing of a case *ex-parte* for non-appearance of the defendant, the trying officer should obtain proof of service of summons upon the defendant as required by Rules 13 and 14 of High Court's Circular (Civil) Volume I. These rules require primarily that no case should be disposed of *ex-parte* unless the summons has been served upon the party personally or until the Court is satisfied that personal service could not be reasonably affected. The proof of service required before an *ex-parte* order can be passed consists of (i) solemn declaration of the serving peon recorded on the back of the process stating how the summons was served; and (ii) affidavit or solemn declaration of the person who identified the defendant or his place of residence (this affidavit does not require court-fees but should nevertheless be sworn before the Court). This formality need not be observed in cases in which the defendant having appeared at the first hearing failed to appear at an adjourned hearing and in pursuance of the decision in Indian Law Report 23, Cal., 738, the decree is classed as *ex-parte*. In any case it should be clearly explained in the order-sheet how and on what proof an order for *ex-parte* proceeding is passed, and the particular defendant or defendants against whom the order is applicable.

An order for proceeding *ex-parte* may be set aside by the trying officer under Rule 7, Order IX, Civil Procedure Code, if the defaulting party appears subsequently and assigns good cause for his non-appearance.

An *ex-parte* decree may be set aside by the trying officer himself under Rule 13, Order IX of the Civil Procedure Code, but ordinarily petitions for such revision should be entertained by or sent to the Settlement Officer to whom the records of the case may have been sent already.

**25. Death of parties.**—(Read Rules 1 to 6, Order XXII, Civil Procedure Code.) It will be ordinarily sufficient for the substitution of the names of the representatives of a deceased defendant and issue of process against them if the plaintiff files a verified petition and pays the necessary process fees for the issue of process.

**26. Withdrawal of suits.**—(Read order XXIII, Rule 1, Civil Procedure Code.) It will be seen that it is within the discretion of the Court to permit or not a case to be withdrawn with liberty to bring a fresh suit. In a section 105 case it would be clearly wrong to allow it to be withdrawn under certain circumstances, e.g., when the trial has proceeded to some length and the plaintiff foresees

that the existing rents are likely to be settled as fair and equitable. If a suit is withdrawn without the permission of the Court, the plaintiff places himself at a disadvantage in subsequent legal proceedings.

**27. Suits by Minors.**—Read Rules 1, 2, 4, 6, 7, 8, 9, 10, Order XXXII, Civil Procedure Code.

**Suits against Minors.**—Read Rules 3, 4, 5, 6, 7, 11, Order XXXII, Civil Procedure Code.

An application by a plaintiff for appointment of a guardian for a minor defendant should be verified to the effect that the conditions of Rule 4, Order XXXII, are satisfied.

**28. Joint-trial of cases.**—In a joint-trial one judgment may be written but a reference to it must be made in the order-sheet of each case.

In cases in which several cases are joined for common trial or a case split up into two or more cases care should be taken that cross-references are clearly made in the order-sheet of each.

**29. Admission of documentary evidence.**—When documents are accepted in evidence they should be marked with numbers if tendered by the plaintiff and letters if tendered by the defendant. The case officer should fill up with his own hand column 5 of the list of documents filed. Documents should not be received and marked unless they are properly proved or admitted in evidence (see sections 61—90, Evidence Act, and Order XIII, Rules 1 to 5, Civil Procedure Code). Rubber stamps for marking exhibits will be provided. If the same documents is required in more cases than one, a copy of the document or extract can be filed and certified after comparison. The original document can then be returned and used in another case. (Order XIII, Rule 9, Civil Procedure Code.)

**29A. Evidence have to be recorded.**—Every Revenue Officer has been authorised to take down evidence in his own hand in the English language in proceedings under Chapter X of the Bengal Tenancy Act in which an appeal is allowed in accordance with the procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits.

**30. Memorandum of local enquiry.**—When any local enquiry has been made, the facts observed and the manner in which those facts support the Assistant Settlement Officer's conclusion should be specially noted in a memorandum as soon after the local enquiry as possible and filed with the record.

**31. Adjournments and delays.**—Generally, Officers are reminded that in sections 105 and 106 cases the object is to arrive as soon as possible at a satisfactory conclusion not to weary out the parties by constant adjournments. This end is achieved by—

- (1) methodical distribution of cases in the diary;
- (2) prompt preparation of issues and examination of witnesses and avoidance of unnecessary adjournments;
- (3) intelligent appreciation of the relevancy or irrelevancy of evidence; and
- (4) careful adherence to the provisions of the Civil Procedure Code.

**32. Order-sheets.**—All orders, except routine and preliminary orders previous to the date fixed for framing of issues or disposal of the suit, should be entered by the officer himself and should not be left for the *peethkar*.



Specimens of orders of the usual kind are given below:—

1. Plaint filed under section 105—entire, check and report on—Application
2. Plaint defective—returned for amendment before—
3. Plaint in order. Issue process for final disposal or case transferred to Assistant Settlement Officer, for disposal.

All orders on petition are to be passed on the order-sheet and the petition will be endorsed only with the number and date of the order.

The order-sheet must contain every order passed from beginning to end of the trial, including the date of filing the plaint, written statement, settling of issues, amendment of issues, examination of witnesses, delivery of judgment, signing of decree, application for amendment of judgment, as well as the names of witnesses, the fact that a case was adjourned when witnesses were present, and a note of the recording of the evidence of any witness examined on commission.

Reasons for orders when required at length will be written in a separate memorandum to which reference will be given in the order-sheet.

Orders directing parties to do anything should be signed in the margin by parties or their agents.

32A. **Treatment of under-tenants in Status-cases.**—The High Court have \*Jogendra M. Das *versus* held that the under-tenants of a person, regarding whom Janaki Nath Shaha, 21 C. there is a dispute as to whether he is a tenure-holder or W. N., p. 427.

a raiyat, are proper, but not necessary parties. The following rules should therefore be followed in the most common case where a person recorded as a tenure-holder claims to be a raiyat either in a proceeding under section 105A or in a suit under section 106:—

- (1) By virtue of Order 1, Rule 10(2) of the Civil Procedure Code, the Court should make the under-tenants or the landlord of such person, parties, if they have not already been so made.
- (2) In a proceeding under section 105A, as it arises out of an "application", section 22 of the Limitation Act does not apply. Therefore no question of limitation arises and the order will be binding on all persons so made parties. Such "notes" as may be necessary will be made in all the khattans concerned under section 107(2).
- (3) In proceedings under section 106, if the persons are made parties after the expiry of the period of limitation, no decree can be given against them and no note can be made regarding them in their khattans either to their advantage or detriment. The Court will, however, have had the opportunity of hearing the case in the presence of all persons concerned.
- (4) In cases of compromise, regard must be had in Western Bengal to section 109B (3) and in Eastern Bengal to section 109B. It should be noted that in such cases it is unnecessary to make the "third parties" formal parties. In Eastern Bengal the Court must, however, give them reasonable notice to appear and be heard in the matter. Similarly in Western Bengal it should summon and examine them as Court witnesses..

32B. (i) In proceeding under section 105 costs cannot be awarded except for reasons to be recorded in writing. In cases under section 106 costs may be awarded, but this should be done with discrimination.

(ii) Revenue Officers, provided application is duly made, must themselves execute decrees for costs in cases they have decided.

(iii) When a Revenue Officer who has passed a decree has left the district on transfer or at the close of the operations, any other Revenue Officer who would have had jurisdiction to try the case in which the decree for costs was passed or who is in charge of the case can execute it (*vide* the ruling in Indian Law Reports 6, Calcutta, page 513).

(iv) A register of applications for the execution of decrees for costs will be maintained in Form.

#### Section 105 cases.

33. **On compromises [vide section 105(6)].**—The terms of a compromise should be clearly explained to the tenants. The case officer has the power to scrutinise compromises, and should not decree them unless he is satisfied that the rents are fair and equitable. When a tenant accepts a new rent, the case officer should take his signature or thumb-impression on the petition of compromise after he has been identified, unless there is a properly authorised agent in which case the signature of the agent will ordinarily be sufficient.

In satisfying himself that the compromise is fair and equitable, the case officer shall have regard to the principles laid down in sections 6 to 9 (both inclusive), 27 to 36 (both inclusive), 38, 39, 43, 50, to 52 (both inclusive), 180 and 191 of the Bengal Tenancy Act.

When the case officer is not satisfied that the compromised rents are fair and equitable, he will record an order stating his reasons, and will then proceed under section 105, sub-section (4) or (5). If he is satisfied, he will record an order saying so.

If it appears to the Revenue Officer that a compromise filed before him contains provisions which will unfairly or inequitably affect the rights of third parties, and are matters which he is competent to try as issues under section 105A, Bengal Tenancy Act, he shall frame issues under that section and decide them, and he is not bound to accept compromises with regard to such issues.

34. **Contested cases.**—In contested cases the case officer must frame issues and decide each case on its merits. Under Order XIV, Rule 1(3), Civil Procedure Code, each material proposition affirmed and denied must form the subject of a separate issue. The correct framing of issues therefore has these necessary conditions:—

- (a) Each controversy between the parties should form the subject matter of separate issue.
- (b) The issue should nowhere be complicated, but should be expressed as clearly and succinctly as would effectively convey its import to the minds of the parties concerned.

The attention of case officers is drawn to section 105A which materially increases the number of issues that may be decided in a section 105 case.

35. **Section 52, clauses (1) to (5).**—The standard issues for coming to a right conclusion in a claim based under section 52 (1) (a) are ordinarily:—

- (1) Do the defendants or any of them actually hold any area in excess of what they are paying rents for?
- (2) Were the existing rents of the defendants originally settled on the basis of any actual and accurate measurement?



- (3) If so what was the length of the pole or measure used in that measurement?
- (4) What allowance should be given to meet difference resulting from systems of measurement?
- (5) What should be the fair rate of rent for assessment of the excess areas, if any?
- (6) What should be the fair and equitable rents for the defendants' holdings?

The length of the pole being first settled, for the closeness of the cadastral measurement, 10 per cent., that is, 2 kathas per bigha, will, as a rule, be a fair allowance. If the previous measurement appears to have been made with more than the usual accuracy, then 1 katha may be considered generally fair, so as to reduce the survey area and the *jumbhandi* area to a common standard for comparison.

This deduction of 10 or 5 per cent. is to be made from the present survey area. Care should be taken to refer to this deduction in the judgment and to assign reasons for it.

Where excess cultivation is not admitted, the ruling in Gauri Patra's case, Indian Law Reports, 20 Calc., 579, may be referred to, and the provisions of sub-section 5 should be borne in mind.

In all cases in which the application of section 52 (a) brings out a high enhancement exceeding, say, 15 per cent., the case officer should be careful to scrutinise the measurement papers and to ascertain by reference to the parties what is the cause of the great increase in area. He should satisfy himself that no lands held on produce rent or lands not liable to assessment of rent have wrongly been included in the area for which a fair rent is being assessed.

36. Section 30(a).—The following issues may be taken as the standard issues in claims under section 30(a):—

- (1) What clauses of land are held by each defendant, and (2) at what rate of rent does he hold? Are there lands of a similar description and with similar advantages in the village or in neighbouring villages?
- (2) Are there any prevailing rates of rent paid by occupancy riyats for such similar lands?
- (3) What are the prevailing rates?
- (4) If the rates of rent paid by any defendant are below the prevailing rates, is there no sufficient reason for that defendant holding at such rates?
- (5) What is the fair and equitable rent which should be settled in the case of each defendant?

It is necessary that real existing rates be proved and not merely arithmetical incidence of rent upon area. A prevailing rate is not an average rate (*vide* L. R., 21 Calc., 986). The provisions of sub-section 31A can be applied only in the district of Tippera to which the sub-section has been extended.

37. Section 30(b).—The points to be determined in a claim under section 30(b) will be—

- (i) The staple food-crops in the local area.
- (ii) The currency of the present rent of each riyat.
- (iii) The decennial or other period to be selected for purposes of comparison.
- (iv) The extent of rise in prices.
- (v) The amount of enhancement that may be allowed under section 32(b).

It is necessary that the case officer should have at hand the statistics regarding prices in the area with which he is dealing, in order that he may check the rate per rupee claimed under this head. Special tables, one for each subdivision, are prepared and circulated to case officers. Before using the tables, the Revenue Officer shall file a copy with the case record and record an order on the order-sheet calling on the parties to point out mistakes, if any, in them.

38. Section 7, clause (2).—Issue in cases against tenure-holders will be usually the following:—

- (1) Is the rent of the defendant tenure-holder liable to enhancement?
- (2) If so, what is the gross rent payable to the tenure-holder?
- (3) What should be the fair and equitable rent of the area occupied by the tenure-holder?
- (4) What are the total assets of the tenure?
- (5) What should be the fair percentage for collection charges and profit?
- (6) What share of the assets should be paid by the tenure-holder as a fair rent (*vide* note about limits of enhancement of rent of tenures in section 7).
- (7) What should be the fair and equitable rent of the tenure?

39. Assessment of tenures.—In the case of tenure-holders it is necessary first to ascertain what are the assets. The only difficulty will be in the calculation of the assumed assets of lands held *khias*. In determining the assets of such lands, their probable letting value, judged by similar lands in the vicinity, should be considered, and not the net value of their possible produce cultivated with certain crops. The same principle should be followed in determining the gross rent for lands held rent-free or at a beneficial rent under the tenure-holder. As for lands held by produce-paying tenants, or by tenants paying mixed cash and produce rent, the gross rent would be determined by ascertaining what would be the fair rents if the same were commuted under section 40. The next thing is to determine what is the customary rate, if any, paid by tenure-holders or the fair proportion of the assets to be allowed to the tenure-holders and to the proprietor. Section 7 of the Tenancy Act should be studied, and the Land Revenue Policy of the Government of India (Bengal, 1902) gives general principles. The form for the rent schedule shown in the appendix should be used. This should be filled up in the order of the *khairats*. The date of the decision and the year from which the new settlement will take effect, should always be recorded thereon.

When the application of this section results in a very high enhancement, the case officer should explain the cause of this, and should satisfy himself that the share of assets allowed to the tenure-holder is sufficient. He should have regard to the origin of the tenancy and any change of condition that has occurred since the tenancy was first created. Special consideration should be given to tenure-holders where the original lease was for the reclamation of jungle or waste land. In every case, comparison should be made with the existing rent and only that amount of enhancement allowed which appears to be fair and equitable.

40. Further issues.—The lists of issues given in the foregoing paragraph are of course by no means exhaustive. All matters affecting the area, rent, and names of tenants of the holding concerned, should, if disputed by either party, form the subject of issues besides those referred to in section 105A as limited by the proviso to that section. The party raising any issues under section 105A shall pay, in addition to any other court fees for which he may be liable, such court fees as he would have been liable to pay if had claimed relief under section 106.



40A. **Issues which Revenue Officer should not try.**—The Revenue Officer is prohibited from trying such of the issues as has been tried and decided directly between the same parties for between the parties under whom they or any of their claim and between such parties, or is already being tried by a Revenue Officer in a suit instituted before him under section 106, Bengal Tenancy Act.

40B. **When a Revenue Officer is unable to decide issues.**—If a Revenue Officer settling rents finds that he is unable to do so by reason of a suit having been instituted in a Civil Court before final publication or before a Revenue Officer under section 106, Bengal Tenancy Act, involving any of the following issues:—

- (a) whether the land is or is not liable to the payment of rent;
- (b) whether the relation of landlord and tenant exists;
- (c) whether the land is part of a particular estate or tenancy; or
- (d) whether there is any special condition or incident of the tenancy or whether any right of way or other easement attaches to the land;

he must stay proceeding pending a final decision on the issue. After the issue has been finally decided, he shall settle a fair rent, as if the record-of-rights has been framed in accordance with such decision.

41. **Two or more holdings with one rent.**—When rent is paid for two or more holdings in the same village or in different villages and entered in one *khatian*, cross reference being made to the others, care must be taken that the area entered in the fair rent schedule is the actual area for which the rent is paid.

42. **Two distinct holdings of same tenant.**—When a tenant has more than one holding under the same landlord, fair rents should be worked out separately for each holding.

43. **Inclusion of cesses.**—Care must be taken not to include cesses in existing rent from which the fair rent is to be calculated. The rents settled as fair and equitable should also be exclusive of cesses.

"Cess should, however, be calculated on the basis of the new rent in the case of persons treated as cultivating or cess raiyats at the last valuation [vide Attestation Rules 40 and 42 (3)] and entered both in the decision or schedule, if any, and in the final record."

44. **Formula for calculation of the average rate of rent.**—In the calculation of the average rate of rent of a whole holding, *i.e.*, in dividing the existing rent by the *jamabandi* area, it is convenient to use the decimal notation.

45. **Checking of schedule.**—When the fair-rent schedule has been prepared and checked by the *peshkar*, the case officer should himself check a considerable proportion of the entries. He should record with his own hand the actual fair-rent settled and initial and date it. When the fair-rent schedule is prepared in Bengal, the amount of the fair-rent in words should be then written by the *peshkar*. Thereupon the case officer should check these also, and sign and date the fair-rent schedule.

The settled rent should not be in pies other than 3, 6 or 9; and wherever possible whole annas or whole rupes should be settled. The only exception is the case when an existing rent which does not satisfy this rule is settled as a fair-rent.

46. **Decrees in section 105 cases.**—No separate decree in section 105 cases is required. The entry in the rent schedule under Rule 63(9) of the Government Rules shall be held to be a decree. If costs are awarded, a separate decree for

costs in the form prescribed in the High Court Rules (Civil Process No. 20, at page 271), should be prepared and the reason given be definitely stated. If costs are not awarded, this should be definitely stated.

When a landlord or tenant applied for a settlement of rent but fails to proceed further or when such application is rejected or dismissed the Revenue Officer should not settle any rent as a fair rent, but should leave untouched the existing rent recorded as payable. When, however, the Revenue Officer has heard the application and has decided that no sufficient cause has been shown for increasing or diminishing the tenant's rent, he should not dismiss the application but should settle as fair the existing rent legally payable.

#### Section 106 cases.

47. **Scope and procedure.**—The suit may refer to any entry in, or omission from, the finally published record and involve a dispute regarding right or title. Specific examples are given in the section itself, and it is stated that "any other matter" may be the subject of a suit before the Revenue Officer.

(i) A Revenue Officer trying suits under section 106 is prohibited by the proviso to that section from trying any issue which has been or is already directly and substantially in issue between the same parties or between parties under whom they or any of them claim, where such issue has been tried or decided or is already being tried by a Revenue Officer under Section 105-A, Bengal Tenancy Act. He may, however, try and decide all other issues raised in the same unit.

(ii) He is also prohibited from entertaining any suit for the decision of any of the following issues, if a suit involving the decision of any of these issues has been instituted in a Civil Court before final publication, unless in such Civil suit such issue is not in the fact tried or decided:

- (a) whether the land is or is not liable to payment of Rent;
- (b) whether the relation of landlord and tenant exists;
- (c) whether the land is a part of a particular estate or tenancy; or
- (d) whether there is any special condition or incident of the tenancy or whether any right of way or other easement attaches to the land.

(iii) Where the defence raises the question whether the suit or any issue therein is based on any of the ground mentioned above, an issue must be framed on the point and decided.

47A. Suits involving title between neighbouring landlords should be transferred to the Civil Court under the proviso to section 106. Any other suit under this section may also be made over by the Settlement Officer to the District Judge for disposal, but such transfer should not be made without consulting the Director of Land Records and Surveys in the first instance.

48. **Village boundary dispute cases.**—Village boundary disputes are sometimes received under section 106. In case of village or estate boundary dispute under section 106, the point for consideration is "possession" at the time of the final publication and not "possession" at any prior or subsequent date (*vide* Kali Sundari Debnya *versus* Gurja Sanakar Samyal reported in 15 C. W. N., page 974, and quoted in full in Appendix E).

49. **Findings.**—There should be a specific finding for each issue framed (Order XX, Rule 5, Civil Procedure Code).



51. **Preparation of decrees.**—The *peishkar* will draw up the decree in Bengali, copying exactly the words after, "Ordered that, etc." The form of the decree shall be the same as prescribed by the High Court for decrees in original suits [Civil Process No. 20, pp. 270—271, High Court Rules (Civil), Vol. III]. The case officer should give personal attention to the correct wording of the decree. The decree must bear the date of judgment, but it must also bear the date on which it is signed by the case officer. The fact that the decree has been signed should be noted in the order-sheet. The case officer should himself see that the decree corresponds with the judgment. (Order XX Rule 6, Civil Procedure Code). No decree should be delayed more than a week after judgment. No case should be shown as disposed of until the decree has been drawn up and signed.

Clerical or arithmetical errors in judgment, orders or decrees may be corrected under section 152 of the Civil Procedure Code.

## Part III.—Inspection.

(1) Inspecting Officers will examine a few of the records and see that the prescribed procedure is followed out, particularly in the case of *ex-parte* cases.

(2) They should examine the principles on which cases of general interest or importance are decided, and note whether the ordinary law is properly understood.

(3) The rates settled, particularly in the case of compromises or *ex-parte* cases should be examined.

(4) They should check any tendency towards the grant of unnecessary postponements and should examine the service of summonses, etc., by pions.

(5) The adequacy of the court-fees filed should be examined.

(6) The entry in the record of the orders passed should be particularly examined.

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To.....(name and address.)

is hereby served on you, and you are hereby summoned to appear in this Court in person for final disposal of the application. In default of your appearance on the day mentioned the application may be heard and determined in your absence. You should bring or send by your agent on the day fixed any document or evidence on which you intend to rely.

Assistant Settlement Officer.

Schedule of Fair Rent settled under Section 105 of the Bengal Tenancy Act,  
for Raiyat.

(To be treated as degree under rule 63 (9) of the Government Rules under the Act.)

NUMBER AND YEAR OF CASE IN GENERAL REGISTER.	In the Court of		Assistant Settlement Officer at
	District	Name of village	
	Thana No.	Thana	
		Name of plaintiff	

Measure number of case

DATE OF THE DECREE. Name of Defendant

1	Serial No.
2	Khatian No.
3	Name of Raiyats
4	Existing rent.
5	Area for which the existing rent is paid.
6	Area in the possession of raiayat.
7	Excess area, if any, after deducting per cent. from the area in column 6.
8	Fair rent settled for the excess area.
9	Enhancement allowed under section 30, Bengal Tenancy Act.
10	Total of columns 4, 8 and 9.
11	Rent as compromised.
12	Fair rent settled by the Revenue Officer.
13	Date from which the rent settled will take effect.
14	Decisions on issues raised under section 105A, Act.
15	Remarks. (Enter any) costs payable, if

Reverse—

Notice to take back documents.

The parties in the case are hereby required to take back, as soon as the decree shall have become final, the documents produced by them, which are exhibits in the case. If they fail to take them back, the documents will be destroyed at such time as the High Court may prescribe.

*Presiding officer of the Court.*

*Dared*

Signature of plaintiff or his agent  
Signature of defendant or his agent

\*Forms marked A are obtainable from the Forms Department: those marked B are only obtainable under special orders of the Director of Land Records and manuscript headings should ordinarily be used.



Schedule of Fair Rent settled under section 105, Bengal Tenancy Act, for  
tenure-holder.

(To be treated as decree under rule 63 (9) of the Government Rules under the Act.)

NUMBER AND YEAR OF CASE IN GENERAL REGISTER.	In the Court of District 'Thana No. of case	Assistant Settlement Officer at Name of village 'Thana 'Mauzawat Name of plaintiff
DATE OF THE DECREE.	Name of defendant	

DATE OF THE DECREE.	Name of defendant
1870	...
1871	...
1872	...
1873	...
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1880	...
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2040	...
2041	...
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2045	...
2	

1	Serial No.	
2	Khalitan No.	
3	Name of tenure-holder.	
4	Existing rent of the tenure.	
5	Area in khas possession of tenure-holder.	Distribution of total area.
6	Area held by produce-paying tenants.	
7	Area held rent-free or on beneficial rent.	
8	Area held by other cash-rent paying tenants.	
9	Total.	Calculation of gross rent.
10	For area in column (5).	
11	For area in column (6).	
12	For area in column (7).	
13	For area in column (8)	
14	Total.	
15	Deduct collection and profits at per cent.	
16	Difference.	
17	Fair rent as compromised.	
18	Fair rent settled by Revenue Officer.	
19	Year from which the rent settled will take effect.	
20	Decis of issues raised under section 105A.	
21	Remarks. (Enter costs payable, if any).	

Reverse :—*Vide* reverse of raiyat's Schedule, Form No. 2.

Seal and Signature of Court with date.

Schedule of Fair Rent settled under section 105 of the Bengal Tenancy Act for tenant holding without rent.

[To be treated as decree under Rule 63 (9) of the Government Rules under the Act.]

NUMBER AND YEAR OF CASE IN THE GENERAL REGISTER.	In the Court of District Thana	Assistant Settlement Officer at Name of village, Name of plaintiff Name of case
Thana No. _____ Mauzawar No. _____		
DATE OF THE DECREE.	Name of defendant.	

[illegible]

1	Khatian No.		Description of area.
2	Name of tenant.		
3	Plot No.		
4	Kind of land.		
5	Area.		
6	Rate at which assessment made.		
7	Rent calculated at rate in column 6.		
8	Gross assets of tenant for khas and tenanted lands.		
9	Fair rent as compromised.		
10	Fair rent as settled by Revenue Officer.		
11	Date from which settled rent will take effect.		
12	Decisions of issues raised under s. 105A, of the Bengal Tenancy Act.		
13	Remarks (Enter costs payable if any)		

Reverse :—*Vide* reverse of raigai's Schedule Form, No. 2.

Seal and Signature of Court with date.

APPENDIX B—FORMS 1 and 2. (A).

General Register of cases under sections — Bengal Tenancy Act.

DISTRICT \_\_\_\_\_

Serial No.	Date of institution.	Name of plaintiff with parentage and residence if the first name only need be entered with note "and others".	Name of defendant with parentage and residence if the first name only need be entered with note "and others".	Thana.	Village.	Thana No. of village.	Serial No. in No. of war register.	Initial of <i>Prashar</i> .	Remarks
1	2	3	4	5	6	7	8	9	10



## APPENDIX B—FORM 7. (B.)

Register of cases under section 108, Bengal Tenancy Act.

Serial No.	Date of institution.	Name of petitioner, if there is any.	Tianna.	Name and number of manza.	Number of case under section 106 in the General Register.	Initial of <i>Fraskar</i> .	Date of disposal of case under section 108.	Date of notice of decision in Record-of-Rights under 109D. (W.B.) 109C. (E. B.)	Remarks.
1	2	3	4	5	6	7	8	9	10

## APPENDIX B—FORM 8. (B.)

Register of cases under section 108A, Bengal Tenancy Act.

Serial No.	Name of manza and number.	Tianna.	Name of petitioner, if there is any.	Date of institution.	Number of khattians affected.	Date of order.	Purpose of order, i.e., correction is ordered or not.	Initial of <i>Fraskar</i> .	Date of correction of Record-of-Rights.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

## APPENDIX C—FORM No. 1. (A.)

FORTNIGHTLY PROGRESS RETURN. CAMP No. \_\_\_\_\_

NAME OF ASSISTANT SETTLEMENT OFFICER \_\_\_\_\_

	Sec. 105.	Sec. 106.	Sec. 108A.	
	This Fort-night.	Up to date.	This Fort-night.	Up to date.
1. Number of cases on file of A. S. O.				
2. Number of cases disposed of				
3. Number of cases of which records have been returned to Sadar after disposal.				
4. Number of mauzas in which cases on file of A. S. O. lie.				
5. Number of mauzas in which cases have been started.				
6. Number of mauzas in all cases have been disposed of.				
7. Details of tenants disposed of	(a) Withdrawn or dismissed without trial.			
	(b) Existing rent settled.			
	(c) Compromised.			
	(d) Decreed after contest.			
	(e) Decreed <i>ex-parte</i> .			
	(f) Dismissed after trial			
	(g) Liable to rent—rent settled.			



## APPENDIX C—FORM No. 2. (A.)

MONTHLY RETURN. CAMP NO. \_\_\_\_\_

NAME OF ASSISTANT SETTLEMENT OFFICER \_\_\_\_\_

PROGRESS.	Previously.	This month.	Up to date.
1. Section 105.—Number of tenancies in cases disposed of.			
2. Section 106.—Number of cases disposed of.			
3. Section 108A.—Number of cases disposed of.			
STATISTICS.			
Section 105.—Cases in which a fair rent is settled.			
4. Tenure-holders.—Number of tenancies—			
Old rent .. ..			
New rent .. ..			
5. Raiyats.—Number of tenancies—			
Old rent .. ..			
New rent .. ..			
6. Under raiyats.—Number of tenancies—			
Old rent .. ..			
New rent .. ..			
7. Rent-free.—Number of tenancies—			
New rent .. ....			
Section 106.—Cases decided.			
8. Number of cases in which record is modified.			
9. Number of cases in which record is not modified.			

## APPENDIX C—FORM 3. (B.)

Statistical Return of cases under section 105, Thana

District

, Name of Assistant Settlement Officer

[N.B.—A separate register should be kept for each thana.]

General Register No. of case.	Number of tenancies in the case.	Number of tenancies of all classes in respect of which the—	Rent-free tenancies.		Raiyats.
			Rent-paying.	Rent is altered*—	Land adjudged liable for rent.
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24

Raiyats.		Under-raiyats.		Tenure-holders.	
Analysis of variations of rent as per columns 17, 18, 20, 21.		Cases compromised.		Cases decreed.	
Amount of increase due to—		Amount of decrease due to—		Number of tenancies in respect of which rents settled.	
22	23	24	25	26	27
28	29	30	31	32	33
34	35	36	37	38	39

\* Rent free tenancies will best be entered in these columns.



**APPENDIX C—FORM No. 4 (B)**  
**Classification Register of cases under section 106, Bengal Tenancy Act.**

General Register No.	Correction of rent.	Rent free.	Status.	Incidence of tenure.	Possession of the land.	Result.
1	2	3	4	5	6	7
Landlord plaintiff.	Tenant plaintiff.	Issues raised by landlord.	Issues raised by tenant.	Tenure-holder or raiyat.	Raiyat or under-rayat.	Landlord plaintiff.
Tenant plaintiff.	Issues raised by landlord.	Issues raised by tenant.	Tenure-holder or raiyat.	Raiyat or under-rayat.	Landlord plaintiff.	Tenant plaintiff.
Occupancy raiyat or non-occupancy raiyat.	Permanency.	Landlord plaintiff.	Tenant plaintiff.	Landlord vs. Landlord.	Landlord vs. Tenant.	Tenant vs. Landlord.
Landlord plaintiff.	Tenant plaintiff.	Landlord vs. Landlord.	Landlord vs. Tenant.	Tenant vs. Landlord.	Tenant vs. Tenant.	Other classes.
Records modified.	Records not modified.	Remarks.				

**APPENDIX D (1).**

No. 3789 L.R.—The 3rd April 1922.—In exercise of the power conferred by section 35 of the Courts Act, 1870 (VII of 1870) as amended by the Devolution Act, 1920 (XXXVIII of 1920), and in modification of the Government of India's Notification No. 1897 F., dated the 24th March 1911, published at page 222, Part I of the Gazette of India of the 25th idem, and No. 3119 F., dated 22nd May 1911, published at page 366, Part I of the Gazette of India of the 27th idem, the Governor in Council is pleased to reduce the fee chargeable under clause (iii) of Article 17 of Schedule II of the Courts Act, 1870 (VII of 1870) as amended by the Bengal Courts Amendment Act, 1922, in suits relating to suits instituted under section 106 of the Bengal Tenancy Act, 1885 (VII of 1885), to the amount of an ad valorem fee chargeable under Article I of Schedule I of the Act in cases where the amount of such fee would be less than twenty rupees.

**APPENDIX D (3).**

No. 6954 L.R.—The 21st July 1922.—In exercise of the powers conferred by section 105 sub-section (3) of the Bengal Tenancy Act, 1885 (VIII of 1885), as amended by the Devolution Act, 1920 (XXXVIII of 1920), and in modification of the Government of India's Notification No. 2254 F., dated the 8th August 1918, published in the Calcutta Gazette of the 14th idem, and re-published at page 445, Part I of the Calcutta Gazette of the 14th idem, the Governor in Council is pleased to direct that an application made under the said section for a settlement of rent during the preparation of a record-of-rights under Chapter X of the Bengal Tenancy Act, shall bear—

(a) a stamp of twelve annas for each tenant making or joining in an application, and  
 (b) if at any time during the hearing of the application an issue is raised by the applicant under section 105A of the said Act, in addition, a stamp to the amount of an ad valorem fee chargeable under Article I, Schedule I of the Courts Act, 1870 (VII of 1870) as amended by the Bengal Courts (Amendment) Act, 1922 (IV of 1922), subject to a maximum of twenty rupees.

In both cases, the valuation may conveniently be expressed in terms of a multiple of the rent, but the multiple must be based on the rates of *salami* prevalent in the districts concerned. These rates vary in different localities, and it would not be fair to fix an arbitrary multiple of 15 times or 5 times the rent for the whole province. The Settlement Officer should accordingly fix a multiple for each district, and in selecting a multiple should have regard to—

- (a) in the case of *mukarrari* claims to the sums usually paid as *salami* when variable rents are converted into invariable, and  
 (b) in the case of transferability claims, to the rate of sale *salami* which prevails in the district.

4. As regards rent free claims a more logical basis would be the difference in the sale price of rent-paying and rent-free lands in the district. The Settlement Officer should fix a valuation rate, not exceeding Rs.100 per acre, for cases of this kind. In fixing the rate he should have regard to the difference in the sale price of rent-paying and rent-free land in the district, e.g., if rent-paying land sells at Rs.180 per acre, while rent-free land sells at Rs.250 per acre, the Settlement Officer should take Rs.70 as his standard. A rent-free claim for 14 acres would then be valued at Rs.70+35=Rs.105. If the Settlement Officer thinks fit, he may fix one figure for tenures and another for holdings, both to apply throughout the district.

**APPENDIX D (4).**

No. 2254 F., dated the 8th August 1918.—In exercise of the powers conferred by section 105 sub-section (3) of the Bengal Tenancy Act, 1885 (VIII of 1885), and in supersession of the Notification of the Government of India in the Department of Finance and Commerce, No. 3225-R., dated the 19th January 1899, published at page 31 of Part I of the *Gazette of India* dated the 21st idem, so far as it relates to the Presidency of Bengal, the Governor-General in Council is pleased to direct that an application made under the said section for a settlement of rent during the preparation of record-of-rights in the Presidency of Bengal under Chapter X of the said Act, shall bear—

- (a) a stamp of eight annas for each tenant making or joining or joined in the application, and  
 (b) if, at any time during the hearing of the application, an issue is raised by the applicant under section 105A of the said Act, in addition a stamp to the amount of an ad valorem fee chargeable under Article I, Schedule I, of the Courts Act, 1870 (VII of 1870), subject to a maximum of ten rupees.

**APPENDIX E.**

**(Civil Appellate Jurisdiction.)**

Appeal from Appellate Decree No. 2278 of 1908.

CHITTY, J.  
 N. CHATTERJEE, J. 1911,  
 Heard, 16th June.  
 Judgment, 26th June.

KALI SUNDARI DEBVA and others, Defendants Appellants,  
 GURU SANKAR SANAYAL, Plaintiff, and others, Defendants Respondents.

Bengal Tenancy Act, (VIII of 1885), section 106, suit under, proper scope of—Suit for ejectment—: If it can be brought under this section.

Where plaintiff not only seeks for the correction of an entry in the record-of-rights in favour of the defendant but also for recovery of possession from the latter who he concedes has been in possession from before the date of final publication.

*Held*—That these reliefs could not properly be secured by a suit under section 106, Bengal Tenancy Act, and the proper course for the plaintiff was to bring a civil suit.

As between landlords of neighbouring estates the only question that can be raised in a proceeding under section 106 is as to possession at the date of the final publication.

Mohunt Padmalab Ramurju Das versus Lukini Rani (1) and Jogendra Nath Roy versus Krishna Promoda Das (2) referred to.

This was an appeal from a decision of G.N. Ray, Esq., Special Judge of Pabna and Bogra, dated the 28th of May 1908, affirming that of Boro Radhika Lal Dey, Assistant Settlement Officer of Pabna, dated the 25th of August 1907.

The suit out of which this appeal arose purported to have been instituted under section 106 of the Bengal Tenancy Act. The defendant-appellant, Kali Sundari Debva, was *darpanidhar* of Sahum No. 9 of village Jagotolain, and the plaintiff, respondent paritdar of the adjoining Sahum No. 4. During a recent settlement made at the instance of the officers of Sahum No. 9, Kali Sundari was recorded as owner of certain plots of land, which the plaintiff claimed to belong to Sahum No. 4. The records were finally published on 27th March



1907, but prior to that on 5th February 1905, Mr. Marr, Settlement Officer, had decided a dispute as to boundaries between the parties which decision the plaintiff alleged had the effect of dispossessing the plaintiff from the plots in suit. The plaintiff in this suit prayed that "the Court might be pleased to award plaintiff a decree establishing his rights to the lands in suit by ejecting the defendant and her tenants, the *pro-forma* defendants therefrom."

The Assistant Settlement Officer had decreed the plaintiff's suit and an appeal by the defendant was dismissed by the District Judge. The defendants preferred this second appeal.

The Judgement of the Court was as follows—

This is an appeal by defendants Nos. 1 to 10 in a suit purporting to be brought by the plaintiff under section 106 of the Bengal Tenancy Act. Both the Courts below have decided in favour of the plaintiff declaring his right and title to the disputed lands and ordering them to be left out of the settlement proceedings.

The dispute arises in consequence of butwara proceedings and is, shortly, whether the disputed land appertain to Saham No. 4 allotted to the plaintiff or to Saham No. 9 subsequently allotted to Kail Sundari whose tenants the other defendants Nos. 2 to 10 are. Although the plaintiff is heard "under section 106 of the Bengal Tenancy Act, VIII of 1885" it contains no allegations appropriate to a suit under the section. It is in its form and in the relief claimed a title suit, in which all that the plaintiff asks for is possession by ejectment of the defendants. No claim is preferred for the correction of any entry in the record-of-rights. The suit was, however, entertained by the Assistant Settlement Officer, who held that the suit was maintainable in its present form. He noticed that there was no prayer for the correction of records, but thought that this was immaterial. The matter went on appeal before the District Judge, who, although he announced his intention of not looking into the title except incidentally in order that he might say nothing which might be prejudicial to the parties in subsequent proceedings, has in effect done nothing else. He eventually held that Kail Sundari was not in possession of the plots in question, but he has omitted to state at what date. This, of course, is all important. The plaintiff's case is that Kail Sundari only got into possession of these plots on the date of Mr. Marr's order in February 1905, but he concedes that she has been in possession ever since. At the date therefore of the final publication of the record-of-rights in March 1907, the entry recording her to be in possession was correct. The plaintiff's true remedy was to bring a suit in the Civil Court and thus establish his title and obtain possession. The learned Pleader for the plaintiff admitted that the present decree could not stand in its entirety, but he suggested that perhaps the last portion might be upheld, viz., "that the plots must be left out of settlement proceedings as fallign within Saham No. 4 for the present. This is manifestly impossible.

The scope of a suit under section 106 was discussed in the case of Mohunt Padmalab Ramanuj Das *versus* Lukmi Rani (1).

As between the landlords of neighbouring estates the only question is as to possession and that must mean possession at the date of the final publication of the entry. The case of Jogendra Nath Roy *versus* Krishna Pramoada Dasi (2) cited by the plaintiffs Pleader has no application to the present, and, moreover, has been twice discussed from. See *Gulab Misir versus Kailmand Singh* (3) and *Pandav Dowari versus Annada Kisan* (4).

There are only two alternatives open to us, one to allow the appeal and dismiss the plaintiff's suit, the other to remand the case for a retrial *de novo* after an appropriate amendment of the plaint. In the matter of time and expense it will be as easy for the plaintiff to file a fresh suit in the proper Court as to have the present suit tried over again from the beginning. Moreover the real remedy which the plaintiff seeks, namely, a declaration of his title and the ejectment of the defendants from the disputed lands cannot be secured by a suit under section 106 of the Bengal Tenancy Act. We accordingly allow the appeal, set aside the decree of the lower Courts, and dismiss the plaintiffs suit with costs throughout.

*Appeal Allowed.*

(1) 10 C. W. N. 8 (1907).  
(2) 12 C. W. N. 1023 (1908).

(3) 14 C. W. N. 884 : s. c. 12 C. L. J. 107 (1910).  
(4) 14 C. W. N. 897 : s. c. 12 C. L. J. 195 (1910).

# APPENDIX F. Standard Rates of Contract Workers in Settlement.

Branch of work.	Standard rate.	Remarks.
(1) Kistwar .. ..	Rs. 11-4 per 100 acres.	For 16" sheet. The rate may be less in very easy and more in difficult areas.
(2) Khanapuri .. ..	Rs. 2 per 100 plots	For 32" scale of survey up to 50 per cent. in excesses. For 64" scale survey up to 100 per cent. And for 128" scale survey up to 150 per cent. in excess of the rate fixed for 16" may be recommended by Settlement Officers.
(2A) Khanapuri-cum-Bujharat.	(1) Rs. 2-4 per 100 plots. (2) Not exceeding Rs. 2-8 per 100 plots in special cases.	
(3) Preliminary recess—		
(a) Copying complete parchas with area, both in acres and local measure.	Annas 10 per 100 Khatians.	
(b) Copying parchas with area in acres.	Annas 9 per 100 Khatians.	
(c) Copying parchas without area.	Annas 8 per 100 Khatians.	
(d) Copying area in acres in parchas.	Annas 4 per 1,000 plots.	
(e) Copying local area in parchas.	Annas 4 per 1,000 plots.	
(f) Entry of area in khatra with totalling.	Annas 6 pacer 1000. plots.	
(g) Entry of area in Khatians with total.	Annas 8 per 1,000 plots.	
(h) Entry of local area in Khatians.	Annas 8 per 1,000 plots.	
(i) Copying of complete last settlement Khatians with area in acres x and local measure.	Annas 15 per 100 Khatians.	
(j) Copying of last settlement Khatians with area in acres.	Annas 13 ples 6 per 100 Khatians	
(k) Copying of last settlement Khatians without area.	Annas 12 per 100 Khatians.	



## APPENDIX G.

। ॐ नमो भगवते वासुदेवाय ।

Bengal Tenancy Act.

<p>আবদানকারীর নাম, পিতার নাম ও শাকিন।</p> <p>Name and father's name of applicant and residence.</p>		<p>উপস্থিত মালিকের নাম ও ঠিকানা।</p> <p>Name and address of the immediate superior landlord.</p>	<p>আবদানকারীর স্বাক্ষর।</p> <p>Signature of applicant.</p>			<p>তারিখ।</p> <p>Date.</p>
<p>যে জমিটির জন্য ভাড়া নান, কে, এবং, নং ও ধারনার নাম।</p> <p>Name, J.L. of the person to whom name of mauza is sold and which is situated.</p>	<p>খতিয়ান নং।</p> <p>খাতিয়া No.</p>	<p>কোটি বর্গফুট।</p> <p>Total area of the holding.</p>	<p>কোটি বর্গফুট।</p> <p>Total rent of the holding.</p>	<p>বৎসর বা জামানার পরিমাণ।</p> <p>The extent of the arrears of rent.</p>	<p>কোয়ান্টা যে পরিমাণ জমি লান, কিংবা যা হস্তান্তর করা হইয়াছে।</p> <p>The extent of the holding of the person to whom the holding is transferred or encumbered.</p>	<p>নাম এবং No. of estate.</p>



Serial No.	Name and No. of the Common boundary Maauza.	No. of the Common Maauza plot.	Class of land i.e., whether a river bed or khali.	Khatian No.	Share of the plot, in the Maauza.	Total area of the plot.	Area reoccupied in the Maauza.
1	2	3	4	5	6	7	8

Name and No. of the owner of the most bonny dairy maauza.	No. of the common dairy plot in this maauza.	Class of land i. e., whether a wetland, or khal.	Khalian No.	Share of the plot in this maauza.	Total area.	Area occupied in the maauza.	Remarks, Signature and date of completion.
9	10	11	12	13	14	15	16

In this Index the following abbreviations have been used:—

A. E.	..	Area Extraction.
At.	..	Attestation.
Ca.	..	Cadastral Survey.
Com.	..	Commutation.
C. W.	..	Case-work.
D.	..	Diara.
D. P.	..	Draft Publication.
D. S.	..	Drawing Section.
F. B.	..	Field Bugharat.
F. C.	..	Fair Copying.
Ins.	..	Inspection of Cadastral Survey and Khanapuri.
Jamaa.	..	Jamabandi.
Jan.	..	Final Janch.
Kh.	..	Khanapuri.
K. S.	..	Khasra Section.
Misc.	..	Miscellaneous.
P.	..	Printing.
Tr.	..	Traverse.
Van.	..	Calculation of the number of copies of Vandyk's

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