

**GOVERNMENT OF EAST BENGAL**  
**FINANCE AND REVENUE (Revenue) DEPARTMENT**  
**Land Revenue Branch**

East Bengal Tenancy Rules, 1954 (Chapter I-IV) And East Bengal Tenancy Rules, 1955  
(Chapter V-IX)

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(Published in the "Dacca Gazette, Part I dated the 7th April, 1955) GOVERNMENT OF EAST BENGAL. FINANCE AND REVENUE (REVENUE) DEPARTMENT. Land Revenue Branch. NOTIFICATION. No. 4205-L.R.-9th March, 1955 In exercise of the power conferred by section 152 of the East Bengal State Acquisition and Tenancy Act, 1950 (East Bengal Act. XXVIII of 1951), the Governor is pleased to make the following rules, namely:--

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**EAST BENGAL TENANCY RULES, 1954.**

**CHAPTER I.**

**Preliminary.**

- 1. Short Title.** These rules may be called the East Bengal Tenancy Rules, 1954.
- 2. Interpretation.** In these rules, unless there is anything repugnant in the subject or context, (1) "The Act" means the East Bengal State Acquisition and Tenancy Act, 1950 (East Bengal Act No. XXVIII of 1951); and (2) "Section" means a section of the Act.

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**CHAPTER II.**

**Incidents of raiyati holdings and transfer, purchase and acquisition of lands.**

- 3. Abatement of rent on account of diluvion, under section 86.-** (1) An Application under sub-section (1) of section 86 for abatement of rent shall be in Form No. I appended to these rules. (2) When the entire land of a holding is diluviated, the entire amount of rent payable for such holding shall be abated and when only a part of a holding is diluviated, the amount by which the rent of the holding shall be abated shall bear the same proportion to the rent of the entire holding as the area of the land diluviated bears to the area of the land comprised in the entire holding, provided that the rent assessed for the undiluviated part of the holding shall always be calculated to the nearest full anna and pies shall be eliminated. (3) The abatement shall take effect from the first day of the agricultural year in which the application for abatement is made or from the first day of the agricultural year following the year in which the land was diluviated, whichever is later.

**4. Grant of certificates under sections 87 and 90 and form, and manner of service, of notice under sub-section (3) of section 87.-**

(1) The authority for granting a certificate under the proviso to sub-section (2) of section 87 or under the proviso to sub-section (2) of section 90 or for giving the permission under sub-section (3) or sub-section (5) of section 90 shall be the Collector or Additional Collector of the district. The certificate shall be in the Form No. II appended to these rules. (2) The notice referred to in sub-section (3) of section 87 shall be in the Form No. III appended to these rules and shall be served in the manner provided for the service of a revenue process or by registered post.

**5. Notices of transfer and process fees referred to in section 89.-**

(1) The notices of transfer under section 89 shall contain, so far as may be possible, the particulars given in the Form No. IV appended to these rules. The party concerned shall file before the Registering Officer, Civil Court or Revenue Authority, as the case may be, one notice giving the particulars of the transfer and the correct postal address of the Revenue Officer and also, in cases coming under sub-section (4) of the said section, the names of all co-sharer tenants who are no parties to the transfer, with correct postal addresses, and as many copies of such notice giving the said particulars as are necessary, in order that two copies may be sent to the Revenue Officer and also one copy to each such co-sharer tenant and one copy may be affixed in the Court House or in the Office of the Revenue Authority or of the Registering Officer, as the case may be. Provided that where several tenancies held with same co-sharer tenants are included in one document of transfer, all such tenancies may be included in one notice for each such co-sharer tenant. (2) Except in cases coming under sub-rule (3), with each copy of the notice meant for the service on the Revenue Officer or a co-sharer tenant the party shall file-

- (i) an envelope with the name and address of the party on whom the notice is to be served duly written thereon.
- (ii) requisite postal stamp for sending the notice by registered post with acknowledgement due together with an acknowledgement slip duly filled in, and
- (iii) a process fee of twenty-five paise to be paid in court-fee stamp for meeting the cost of labour involved in sending the notice, maintenance of registers, etc. (3) Where the Office of the Registering Officer, Civil Court or Revenue Authority and that of the Thana Revenue Circle Officer (collection) or the Thana Revenue Circle Inspector, as the case may be, are located at the same station of the thana where the property under transfer is situated, a process fee of Re. 1, to be paid in Court-fee stamp, shall be paid with each notice meant for service on the Revenue officer. (4) The Registering Officer, Civil Court or Revenue Authority, as the case may be, shall, in cases coming under sub-rule (2), forthwith serve the notices by registered post with acknowledgement due, and in cases coming under sub-rule (3), shall serve the notices by immediately sending them by messenger peons to the office of the Thana Revenue Circle Officer (collection) or the Thana Revenue Circle Inspector, as the case may be, and obtain acknowledgement therefor.

**5A. Procedure for taking possession of land vested in Government.-** (1) Where any land vests in the Provincial Government under sub-section (5) of section 90, the Deputy Commissioner shall cause a notice to be served upon the transferor and the transferee of the land intimating them about the vesting and declaring the intention to take possession of the land. (2) Such notice shall state the particulars of the land vested and shall require transferor and the transferee to appear personally or by agent before the Deputy Commissioner at a time and place mentioned therein and to state their objections, if any, to the taking of possession of the land. (3) The Deputy Commissioner shall after hearing the objections, if any, record his decision about the taking of possession. (4) When the Deputy Commissioner has ordered taking possession of the land under sub-rule (3), it shall be lawful for him to enter the land and take possession thereof.

**6. Surrender of holdings, and entry on holdings in which the interests of raiyats have been extinguished under section 92.-** (1) The notice for the surrender of a holding under clause (b) of sub-section (1) of section 92 shall be in the Form No. V appended to these rules and given either personally or by registered post with acknowledgement due or through the Civil Court in the manner provided for the service of a summons on a defendant under the Code of Civil Procedure, 1908, on payment of the process fee prescribed in the rules made by the High Court. The notice shall reach the Revenue Officer at least three months before the end of the agricultural year. (2) A notice for entry on a holding under sub-section (3) of section 92 shall be published by affixing a copy thereof each in the notice board of the office of the Revenue Officer and of the Union Board, Sarpanch or Village Panchayet. A copy of the notice shall also be published by beat of drum upon or near the holding concerned. Another copy of the notice, with the report of the serving officer thereon stating the fact of such publication, the date on which the publication at each such place was made and the names and addresses of the witnesses, if any, in whose presence the notice was so published, shall be returned to the Revenue Officer for record in his Office. (3) The period to be specified in the notice referred to in sub-rule (2) for filing objections under sub-section (3) of section 92 shall not be less than thirty days from the date of publication of the notice upon or near the holding concerned under the said sub-rule.

**6A. Extinguishment of the interest of a malik in a holding or part of holding.** (1) When the interest of a malik in a holding or part of a holding is extinguished under sub-section (2) of section 93, the Deputy Commissioner may enter on the holding or part of the holding under section 93 (2). (2) Before entering on the holding or part of the holding, the Deputy Commissioner shall cause a notice to be served on both the sub-lessor and sub-lessee, with particulars of the holding or part of the holding vested in the Provincial Government under sub-section (2) of section 93, declaring his intention to so enter on it and specifying the reasons thereof and also inviting objections from them and shall consider any

objections that may be submitted to him within the period specified in that behalf in the notice and shall record a decision.

**7. Transfer of encumbrances under section 94.-** The Lands to be selected for the transfer of encumbrances under section 94 shall be approximately of the same market value as that of the original lands subject to such encumbrances and shall, as far as possible, be of the same nature. Before making such selection, the Revenue Officer shall give both the parties an opportunity of being heard.

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### CHAPTER III.

#### Subdivision and Consolidation of Holdings

**8. Application for subdivision of a holding under section 117.-** (1) An application under sub-section (1) of section 117 shall contain the following particulars-

- (a) Description of the holding.
  - (b) Area and plot numbers (with specific area of each plot) of the lands included in the holding.
  - (c) Name of the thana and mauza with J. L. No. in which the holding is situated.
  - (d) Annual rent and cesses of the holding.
  - (e) Name of the applicant with address and extent of his share in the holding and the plot or plots (with area) in his possession according to that share.
  - (f) The names and addresses of the remaining co-sharer tenants in the holding showing specific share against each and the plot or plots (with area) in their specific possession.
- (2) Along with his original application, the co-sharers applicant shall file copies of the same for service on all co-sharers in the holding. (3) On receipt of an application for subdivision of a holding, the Revenue Officer shall cause a notice to be served on the applicant and his co-sharer tenants informing them of the date and place fixed for hearing of the application and calling upon the co-sharers other than the applicant to file objections, if any, to the subdivision of the holding applied for. On the day so fixed, the Revenue Officer shall hear all the co-sharers or their representatives, receive relevant papers and documents, take evidence of possession and pass orders allowing or rejecting the prayer for subdivision. The record of the proceedings shall contain brief summary of the evidence taken and the reasons for making the order. The application shall not be disposed of in the absence of any of the co-sharers or their representatives unless the Revenue Officer is satisfied that the notice was duly served on the persons concerned. (4) When an order for subdivision of a joint holding is passed under sub-section (1) of section 117 the Revenue Officer shall cause such sub-division to be demarcated on the ground and also show the same on the cadastral survey map by assigning bata numbers of plots, where necessary, and make corollary corrections in the Plot Index and record-

of-rights under his signature and official seal. Such demarcation on the ground shall be made in presence of all the parties interested with due notice to them.

**9. Consolidation of holdings-** (1) An application for consolidation of holdings under sub-section (1) of section 119 shall be in the Form No. VI appended to these rules. (2) The enquiry under sub-section (1) of section 120 may be made with reference to the relevant records and also locally if the Revenue Officer considers it necessary. When the Revenue Officer decides to make local enquiry, he shall give previous notice thereof in the village or villages concerned by beat of drum and allow the raiyats having lands in the locality to present to him their objection or suggestions in writing at the time of the enquiry. (3) The superior Revenue Authority referred to in sub-section (1) of section 120 shall be-

(a) where the Provincial Government has made an order under clause (iii) of sub-section (1) of section 122 directing that the consolidation of holdings be effected in any particular area, the Settlement Officer, Land Consolidation, of that area, and

(b) in any other case, and in respect of any other area, the Deputy Commissioner of the district. (4) In examining agreed schemes for consolidation under section 121, the Revenue Officer shall have regard to the principles laid down in sub-sections (3), (4), (5), (6), (7), (8) and (9) of section 122 and sub-rule 5 of this rule. (4a) In determining the amount of compensation referred to in sub-section (4) of section 122, or in transferring any encumbrance referred to in sub-section (1) of section 129, the Revenue Officer shall have regard to the market value of the land and the trees or other things, if any, attached thereto and also the suggestion of the Advisory Committee, if any, in this respect. (5) In preparing schemes for consolidation under sub-section (1) of section 122, the Revenue Officer shall also have regard to the distance between the homestead of a raiyat and the block of land proposed to be allotted to him and also to the irrigation, drainage and transport facilities originally enjoyed by him. (5a) When the Provincial Government makes an order under clause (iii) of sub section (1) of section 122 directing that consolidation of holdings be effected in any area, the Revenue Officer shall cause a proclamation to be made in the area to which the order relates informing all concerned that the consolidation operation shall start in that area. Such proclamation shall be made by beat of drum in the mauzas concerned and by affixing copies of the same at places of public assemblies, local markets, Government Offices, offices of the Union Councils and other conspicuous places in the area under consolidation. The Revenue-officer shall, also, either in the same proclamation, or at any time thereafter but before the draft publication of the scheme under sub-section (1) of section 123, by a general notice, to be published in the same manner, require all beneficiaries of encumbrances attached to any land in the area, to declare in writing before the Revenue-officer, their interests, within 15 days of the date of affixing the copy of the proclamation or general notice at the office of the Union Council within whose jurisdiction the land is situated. (6) An Advisory Committee to be appointed under sub-section (2) of 122 shall consists of non-officials, preferably

persons of representative character, holding lands in, or having interest in the welfare of the locality. The number of the members of the Committee shall not exceed five. (6a) In preparing a scheme for consolidation of holdings under sub-section (1) of section 122, the Revenue Officer may, of his own motion, or, on application, correct any entry in any record-of-rights, including map, if he is satisfied that such entry has been made owing to a bonafide mistake, or correction of such entry is necessary as a result of succession to, or transfer of, the interest of a raiyat. (7) A draft scheme for consolidation shall be published under sub-section (1) of section 123 by pacing it for public inspection, free of charge, during a period of not less than one month, at such convenient place in the locality as the Revenue Officer may determine. A proclamation shall previously be published in the village or each of the villages concerned informing all interested persons of the place at which the draft will be open to public inspection, the period during which it will be open to such inspection and the last date on which objections under the said sub-section may be filed. Notwithstanding anything contained in the proclamation, the Revenue Officer may extend the period during which the draft will be open to inspection and during which objections may be filed. Before disposing of such objections the Revenue Officer shall give the parties concerned an opportunity of being heard. (8) An appeal under sub-section (1) of section 124 shall be preferred within 60 days of the date of the order appealed against and shall lie to the Settlement Officer, Land Consolidation, of the area where an order under clause (iii) of sub-section (1) of section 122 has been made in respect of such area, and, to the Deputy Commissioner of the district in any other case, and in respect of any other areas. A second appeal under sub-section (2) of section 124 shall be preferred within 30 days of the date of the order appealed against. Every such appeal and second appeal shall state the grounds on which it is based and be accompanied by certified copy of the order appealed against. (8a) When an encumbrance is transferred from the original holding to a new holding under sub-section (1) of section 129, the Revenue Officer shall note such transfer on the document of encumbrance under his own official seal, when such document is produced before him. The transfer of encumbrance shall also be noted in the new khatian to be prepared under sub-section (1) of section 126. (9) The costs of Proceedings of consolidation to be assessed under section 132 shall include the following:

- (a) Pays and allowance of the staff, if any, specially entertained by the Revenue Officer for the purpose, Travelling and daily allowances of the Revenue Officer and other staff for journeys undertaken in connection with the scheme.
- (c) Cost of demarcation of boundaries under section 127.
- (d) Cost of service of notices and publication of draft scheme and proclamations and other contingent expenditure incurred in connection with the scheme.
- (e) Other incidental expenses actually incurred. The total cost shall be apportioned amongst the parties in proportion to the area of land allotted to each party under the scheme and the

Revenue Officer shall serve a formal notice of such apportionment to the parties concerned asking them to pay the cost within one month of the date of the service of the notice. In default, the cost may be recovered under the Bengal Public Demands Recovery Act, 1913.

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#### **CHAPTER IV.**

##### **Payment and realisation of rent.**

- 10. Instalment of rent.** The first and second instalments of rent referred to in sub-section (1) of section 135 shall fall due on the last day of the Bengali months of Aswin and Chaitra, respectively.
- 11. Tender of rent by postal money-order.-** When rent is sent by postal money-order, the money-order shall be prepared in the form provided for rent money orders and shall be made payable at the local Tahsil office and addressed to the Tahsilder of that office.
- 12. Form of rent receipts.** The written receipt referred to in section 138 shall be in the Form No. VII appended to these rules. Where the recovery of arrears of rent under certificate is involved the rent receipt shall be in form No. VIIA appended to these Rules.
- 13. Application of the Bengal Public Demands Recovery Act for realisation of arrear rents.-**  
(1) For the recovery of arrears of rent, the certificate procedure shall be resorted to not as a matter of course but only when attempts at amicable realisation fail. While care shall be taken to file certificates in time to save limitation, they shall ordinarily be executed during harvesting seasons when the raiyats are expected to have means to pay. (2) To avoid hardship to a defaulting raiyat, it shall be competent for a Certificate Officer in executing a certificate for arrears of rent to order the payment of the amount of such certificate by the certificate debtor by instalments within a period not exceeding three years from the date of such order and to stay the execution of the certificate for such period. Provided that in default of payment of any instalment, the certificate may be executed for the whole of the outstanding balance thereof. (3) When an order is passed under sub-rule (2) for the payment of any certificate amount by instalments, no interest shall be charged on such amount or any period subsequent to the date of such order: Provided that in default of payment of any instalment, interest may be charged for the whole of the outstanding balance of the certificate demand from the date of such default.
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## RELEVANT FORMS

(Note: The forms contained in the text (Forms I to VII) are outlined below for your reference.)

FORM No. I [Rule 3 (1)] - APPLICATION To The Revenue Officer, The entire/A portion of the land of my holding specified below having been lost by diluvion during the (Period)... I hereby apply for abatement of rent in respect thereof under section 86(1) of the East Bengal State Acquisition and Tenancy Act. 1950 (East Bengal Act No. XXVIII of 1951):- Specification of the land: (i) District. (ii) Thana. (iii) Mauza with J. L. or R. S No. (iv) Khatian No. of the holding. (v) Total area of the holding. (vi) Annual rent and cesses payable for the holding- (a) Rent... (b) Road and P. W. Cess... (c) Education Cess..... (d) Local Rate. (vii) Approximate area of the land diluviated with plot Nos.....

FORM No. II. [Rule 4 (1)] - CERTIFICATE. This is to certify that... (name of the person)... of... (full address)... son of... has undertaken large scale farming by the use of power-driven mechanical appliances and that he may be allowed to possess up to... acres of land for the purpose under the provision of the proviso to sub-section (2) of section 87/90 of the East Bengal State Acquisition and Tenancy Act, 1950.

FORM No. III. [Rule 4 (2)] - NOTICE. Please take notice that under the provision of sub-section (8) of section 87 of the East Bengal State Acquisition and Tenancy Act, 1950... it has been decided that the land measuring, more or less... acres and situated within the boundaries stated below, which accreted to the holding bearing Khatian No... of mauza... thana... District... is at the disposal of the Provincial Government, being in excess of the limit laid down in section 90 of the said Act :-

FORM NO. IV. [Rule 5 (1)] - Registered Transfer notice/Mutation Case No. (Contains detailed fields for Mouza, Thana, District, Transferor/Transferee details, and a tabular schedule of land covering Khatian numbers, C.S. plot numbers, area shares, and remarks).

FORM No. V [Rule 6(1).] - NOTICE. Please take notice that I... hereby surrender the holding bearing khatian No... at the end of the agricultural year... under the provision of clause (b) of sub-section (1) of section 92 of the East Bengal State Acquisition and Tenancy Act, 1950.

FORM No. VI [Rule 9 (1).] - APPLICATION. We, the undersigned raiyats, hereby apply under sub-section (1) of section 119 of The East Bengal State Acquisition and Tenancy Act, 1950... for the consolidation of our holdings specified in the attached schedule.

FORM No. VII. (Rule 12) - RENT-RECEIPT (Includes tables for District, Estate, Tahsil, Village, Thana, Pargana, Jamabandi number, Holding number, Area, Cash-rent, Cesses, Interest, and Arrears).

## **EAST BENGAL TENANCY RULES, 1955.**

### **CHAPTER V.**

#### **Enhancement and reduction of rent.**

**14. Powers of Revenue-officers under Chapter XIV of the Act.-** (1) When a Revenue-officer is appointed for the purpose of determination of rent-rates and for settling fair and equitable rents under Chapter XIV, of the Act, within any district, part of a district or local area, he shall be appointed either with or without the additional designation of "Settlement Officer" or "Assistant Settlement Officer". Every such officer shall have -

- (a) The power to cut and thresh the crop of any land included within the area, in respect of which an order under section 96 has been made, and to weigh the produce with a view to determine the productive capacity of the soil;
- (b) The power to take down evidence in his own hand in English language in proceedings held under the said chapter in accordance with the procedure laid down in the code of Civil procedure, 1908, for the trial of suits.
- (c) To enter upon any land included within the area, in respect of which an order u/s 99 has been made, and to survey demarcate and prepare a map of the same.

(2) A Revenue-Officer appointed with the additional designation of "Assistant Settlement Officer" shall also have all the powers of an Assistant Superintendent of Survey and of a Deputy Collector under the Bengal Survey Act, 1875 (Act V of 1875). (3) A Revenue Officer appointed with the additional designation of 'Settlement Officer' shall also have all the powers of Superintendent of Survey under the Bengal Survey Act, 1875 (Act V of 1875). (4) A Revenue Officer appointed with the additional designation of "Settlement Officer" or "Assistant Settlement Officer" shall also have all the powers exercisable by a Civil Court in the trial of suits under the Civil Procedure Code, 1908 (Act V of 1908). (5) A Revenue Officer appointed with the additional designation of 'Settlement Officer' may, by general or special order, make over, for disposal to any Assistant Settlement Officer subordinate to him, proceedings relating to-

- (a) Determination of rent-rates.
- (b) Preparation of Table of rent-rates under sub-section (1) of Section 101.
- (c) Settlement of fair and equitable rent.
- (d) Preparation of a Settlement rent-roll under sub-section (1) of section 107. and
- (e) Objections under sub-section (2) of section 101 and sub-section (1) of section 108.
- (6) A Revenue Officer appointed with the additional designation of "Settlement Officer" may also withdraw from the file of any Assistant Settlement Officer or Revenue Officer subordinate to him any of the proceedings under Chapter XIV of the Act and may dispose

of them himself or transfer them for disposal to any other Assistant Settlement Officer or Revenue Officer subordinate to him. He is also declared to be the confirming authority for the purpose of sub-section (1) of section 109. (7) Where no special Settlement Officer has been appointed for any district, the Deputy Commissioner of that district may discharge all the functions of a Revenue Officer under Chapter XIV of the Act and shall have all the powers of a Settlement Officer under sub-rules (1), (3), (4), (5) and (6). (8) In respect of all Operations under Chapter XIV of the act which have been placed under the administrative control of the Director of Land Records and Surveys, East Pakistan, the said Director may perform all the functions of a Revenue Officer under the said Chapter and shall have all the powers of Settlement Officer under sub-rules (1), (3), (4), (5) and (6). In respect of such operations, he shall be the Superior Revenue Authority under sub-section (3) of section 101 and sub-section (1) of section 110.

**15. Determination of rent-rates under Chapter XIV of the act.-** (1) The Revenue-Officer shall determine the rent rate of each class of land, separately. (2) The Revenue-officer shall verify the classifications of land by local enquiry and make additions and alterations, where necessary, in the existing classifications on record with the approval of the Revenue-officer immediately superior to him. (3) For each unit of area, the Revenue-officer shall determine by local enquiry the normal yield per acre of different crops for different classes of land. He may also make crop cutting experiments for determining the normal yield of any crop, per acre, for any class of land in the unit. (4) When the Revenue-officer has determined the normal yield under sub-rule (3), he shall cause the figures relating thereto to be published at some convenient place or places in the unit with a general notice informing the tenants concerned that they may file objections to such figures within thirty days from the date of such publication. The fact of such publication and the last date on which objections may be filed shall also be proclaimed in the unit by beat of drum on the date of such publication. (5) The Revenue-officer may, after considering the objections, if any, filed under sub-rule (4), revise the figure of the normal yield for any class of land.

**16. Preparation of the table or rent-rates and publication of the table.-** (1) The table of rent-rates referred to clause (a) of sub-section (1) of section 99 of the Act, shall be prepared in Form No. VIII appended to these rules and shall contain the particulars specified therein. (2) The draft table of rent-rates shall be published under sub-section (1) of section 101 of the Act by placing it for public inspection free of charge, during a period of not less than thirty days at such convenient place or places in the unit as the Revenue-officer may determine. A proclamation shall previously be published in the unit informing the tenants concerned of the place or places at which the draft table will be open to public inspection, the period during which it will be open to such inspection and the last date on which objections under sub-section (2) of section 101 may be filed. (3) Blank forms of objection shall be supplied free of charge, and objections shall, as far as practicable, be

made in such forms. The Revenue-officer shall issue notices informing the objector of the date and place fixed for the hearing of the objection. An objection shall not be disposed of in the absence of the objector, unless the Revenue-officer is satisfied, for reasons to be recorded in writing, that the notice was duly served on the objector.

**17. Settlement of fair and equitable rents and preparation of Settlement Rent-roll under Chapter XIV of the Act.-** (1) When the Revenue-officer proceeds to Settle fair and equitable rents under Chapter XIV of the Act, he shall prepare a Settlement Rent-roll for each village. (2) The Settlement Rent-roll shall be prepared in Form No. IX appended to these rules and shall contain the particulars specified therein. (3) Before preparing the Settlement Rent-roll, the Revenue-officer shall issue a proclamation informing all persons in whose names Khatians have been opened, of the time and place at which the preparation of the Settlement Rent-roll will begin. If any person be absent, the Revenue-officer shall make no entry in the Settlement Rent-roll which would have the effect of altering the rent or fixing a new rent of that person until a special notice has been duly served on that person. (4) When determining the final entries to be made in the Settlement Rent-roll, the Revenue officer shall read out or cause to be read out in his presence the principal entries relating to the Khatian of each person whose rent is to be settled and shall enter in the Settlement Rent-roll with his own hand the fair and equitable rent settled for each such Khatian.

**18. Draft publication of Settlement Rent-roll and disposal of objections under sub-section (1) of section 108 of the Act:-** (1) A draft Settlement Rent-roll shall be published under sub-section (1) of section 108 of the Act by placing it for public inspection, free of charge, during a period of not less than one month, at such convenient place as the Revenue-officer may determine. A proclamation shall previously be published in the village, informing all tenants of the place at which the draft Settlement Rent-roll will be open to public inspection, the period during which it will be open to such inspection and the last date on which objections under the said sub-section may be filed. Notwithstanding anything contained in the proclamation, the Revenue-officer may extend the period during which the draft Settlement Rent-roll will be open to inspection and during which objections may be filed. (2) Blank forms of objections shall be supplied free of charge, and objections shall, as far as practicable, be made in such forms. Along with the original objection, the objector shall file a copy or copies of the same for service on all other persons who, in the opinion of the Revenue-officer, are materially interested in the case. The Revenue-officer shall issue notices informing the objector and all other persons so interested of the date and place fixed for the hearing of the objection, and with each notice to a person, other than the objector, he shall forward a copy of the objection. Objections shall not be disposed of in the absence of any of the parties materially interested or their representatives, unless the Revenue-officer is satisfied, for reasons to be recorded in writing that the notice was duly served on the person concerned.

**18A. Confirmation of the Settlement Rent-roll under section 109.-** When all objection under sub-section (1) of section 108 have been disposed of and after necessary corrections of the Settlement Rent-roll on the basis of decisions on such objections and after incorporation of corresponding corrections, if any, in the said rent-roll on basis of decisions on objections and appeals, if any, relating to record-of-rights under chapter XVII of the Act, when revision of record-of-rights is undertaken simultaneously with an operation under chapter XIV of the Act, the Revenue-officer shall submit the Settlement Rent-roll to the prescribed confirming authority, as required under sub-section (1) of Section 109. While making any correction in the draft Settlement Rent-roll on the basis of orders on objections or appeals referred to above, the Revenue-officer shall keep a suitable reference to that effect under his signature in the remarks column of the Settlement Rent-roll.

**19. Final publication of Settlement Rent-roll under sub-section (3) of section 109 of the Act.**

A settlement Rent-roll shall be finally published under sub-section (3) of section 109 of the Act by placing it for public inspection, free of charge during a period of not less than one month, at such convenient place as the Revenue-officer may determine. A proclamation shall previously be published in the village informing the tenants of the place at which the final Settlement Rent-roll will be open to public inspection and the period during which it will be open to such inspection. A certificate of final publication shall be signed by the Revenue-officer on the roll.

**20. Manner of presenting an appeal under sub-section (1) of section 111 of the Act.-**

An appeal under sub-section (1) of section 111 of the Act shall be in writing, shall state the grounds on which the appeal is based and shall be accompanied by a certified copy of the order appealed against.

**21. Incorporation in the Khatian of changes in the Settlement Rent-roll.**

If an order under section 110 or section 111 of the Act purports to amend or alter any entry in the Settlement Rent-roll, the change shall be incorporated in the Khatian concerned by the Revenue-officer and certified by him with a suitable reference in the remarks column to that effect.

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## CHAPTER VI.

### Maintenance of record-of-rights under section 143 of the Act.

**22. Duties of Tahsildars** (1) The Tahsildar or Patwari shall be primarily responsible for reporting promptly to the Revenue-officer immediately superior to him apparent clerical mistakes in the record-of-rights, all changes in the ownership of land, all cases of alluvion, diluvion and reformation of land and the particulars of unsettled lands, in his area. He shall also promptly bring to the notice of the Revenue officer all cases of contravention of the provisions of sections 90 and 93 and cases of extinguishment of the interest of tenants under clauses (a), (c) and (d) of sub-section (1) of section 92 or under the second proviso to sub-section (4) of section 90 of the Act. (2) In the cases of succession, intestate or testamentary, the report shall contain the names and addresses of all heirs and their respective shares and nature of interests according to the law of inheritance applicable to the deceased or according to the terms of the testament, as the case may be, and also the description of the holding or holdings they have inherited. The report shall also state if any area of land inherited by any heir is acquirable under section 91 of the Act. (3) In the case of alluvion, diluvion and reformation of land, the report shall state its nature, area and location and, in the case of reformation or accretion, also the Khatian number of the holding to which it relates and the area which the raiyats concerned is entitled to possess under the provisions of section 86 or section 87 of the Act, as the case may be. (4) In the case of apparent clerical mistakes in the record-of-rights, the report shall state the mouza and Khatian number of the holding to which such mistakes relate.

**23. Duties of Revenue Officers** (1) The Revenue-officer shall, if he is vested with necessary powers in this behalf under the Act, incorporate, and, if he is not vested with such powers, send up proposals to the officer vested with such powers for incorporating, necessary changes in the record-of-rights.-

- (a) when mutation of names is allowed as a result of inheritance either on the report of the Tahsildar under rule 22 or on the application of the heirs or otherwise;
- (b) when mutation of names is made as a result of transfer on receipt of the notice of transfer under section 89 of the Act;
- (c) when the rent of a holding is abated under sub-section (1) of section 86 of the Act, or on account of abandonment or acquisition of land.
- (d) when any land vests in or is at the disposal of, the Provincial Government under the first proviso to sub-section (2) of section 86, sub-section (2) of section 87, the second proviso to sub-section (4) of section 90, sub-section (5) of section 90, sub-section (2) of section 92, sub-section (2) of section 93 or clause (b) of sub-section (8) of section 97 of the Act;
- (e) when new settlements of lands are made;

- (f) when any raiyat is entitled to repossess or hold any land under sub-section (2) of section 86 or sub-section (1) of section 87 of the Act;
  - (g) when orders are passed by the Court under sub-section (7) of section 96 of the Act on applications for pre-emption;
  - (h) when parcels of land are amalgamated under section 116 or a holding is subdivided under section 117 or the interest of a co-sharer tenant in a holding is transferred under section 118 of the Act;
  - (i) when a scheme for consolidation of holdings is finally confirmed under section 125 of the Act or;
  - (j) when for any other reason, correction of the record-of-rights become necessary.
- (2) Before sending any report under this rule, the Revenue-officer shall satisfy himself about its correctness and for this purpose he may make such enquiries and take such evidence as he thinks fit. (3) The Revenue-officer shall, either on application or on receipt of a report under sub-rule (1) of rule 22, for the correction of apparent clerical mistakes in the record-of-rights, after consulting the previous settlement records, preliminary rent-rolls, Collector's copy of record-of-rights and Register II, and making such other enquiries as he considers necessary, direct correction of such clerical mistakes, and the record-of-rights maintained by the Collector or the Subdivisional Officer or in the Tahsil Officer and Register II shall accordingly be corrected and the corrected copies of the record-of-rights shall be given to the parties concerned. (4) The Revenue-officer shall, either on application or on receipt of a report under clause (j) of sub-rule (1), for the correction of an entry that has been procured by fraud in the record-of-rights after final publication thereof, after consulting the previous settlement records, preliminary rent-rolls, draft record-of-rights, subdivisional and tahsil copies of records modified under section 46 of the Act, holdingwari rent-rolls and Register II, and making such other enquiries as he considers necessary, direct excision of the fraudulent entry, and his act in doing so being a ministerial act, shall not be open to appeal. At the same time the Revenue-officer shall make the correct entry, leaving a note against the excised entry that is fraudulent, and make in the record a reference to a proceeding in which the reasons for excision have been stated. He shall also direct similar correction in the record-of-rights maintained in the sub-divisional record room and the tahsil office and shall supply corrected copies of the record-of-rights to the parties concerned.

**24. Duties of officers entrusted with the work of maintaining the record-of-rights.** (1) Subject to the provision of sub-rule (2), the officer entrusted with the work of maintaining the record-of-rights shall promptly incorporate therein all changes reported to him under rule 23. (2) Before incorporating any change in the record-of-rights, the officer shall carefully examine the report on the basis of which the change is to be made and shall satisfy himself about its correctness and for that purpose, he shall follow such procedure and take such

action as may be directed by the Board of Revenue. (3) Every change made by the officer in the record-of-rights shall be signed by him and dated and reference of the document on the basis of which the change is made shall be given against it. (4) When any land vests in or come to the possession of the Provincial Government, it shall be recorded in the Khas Khatian and if such land formed the whole or a part of an existing holding, the Khatian of that holding shall be cancelled or modified, as the case may be. (5) When any Settlement of land is made, a new khatian shall be opened, in the name of the new tenant or if he has a khatian covering the same ownership already, necessary addition or alteration shall be made in such khatian and he shall be furnished with a certificate copy of the new khatian or of the so changed, as the case may be, free of cost.

**25. Abatement of rent.** When any abatement of rent of any holding is necessary on account of abandonment, escheat or any other cause, the authority competent to grant such abatement shall, where no other provision of law or rule applies, be guided by the principles laid down in the rule made under sub-section (1) of section 86 of the Act in the matter of determining the amount by which the rent shall be abated.

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## **CHAPTER VII.**

### **Revision of record-of-rights under section 144 of the Act.**

**26. Particulars to be recorded.** When an order is made under sub-section (1) of section 144 of the Act, for the revision of record-of-rights in respect of a district, part of district or local area, the particulars to be recorded shall include, either without or in addition to other particulars, some or all of the following, namely :-

- (a) the name, father's name and address of each tenant or occupant;
- (b) the class to which each such tenant or occupant belongs;
- (c) the situation, class, quantity and one or more of the boundaries of the land held by each tenant or occupant;
- (d) the rent payable at the time the record-of-rights is revised;
- (e) the amount payable in respect of any rights of pasturage, forest-rights, rights over fisheries and the like at the time the record-of-rights is being revised, the conditions and incidents appertaining to such rights, and if the amount is a gradually increasing one, the time at which and the amount by which, it increases;
- (f) the mode in which the rent has been fixed whether by contract, by order of a Court, or otherwise;
- (g) if the rent is a gradually increasing one, the time at which and the steps by which it increases;
- (h) the rights and obligations of each tenant in respect of- (i) the use by tenants, of water for agricultural purposes, whether obtained from a river, jhil, tank or well, or any other

source of supply, and (ii) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant or for prevention of the onrush of flood-water, whether or not such appliances be situated within the boundaries of such land;

- (i) the special conditions and incidents, if any, of the tenancy;
- (j) any right of way or other easement attaching to the land for which a record-of-rights is being revised.

**27. Stages of the work.** The work shall ordinarily consist of the following stages, namely:-

- (i) traverse survey;
- (ii) cadastral survey;
- (iii) erection of boundary marks;
- (iv) preliminary record-writing (Khanapuri);
- (v) local explanation (Bujharat);
- (vi) attestation;
- (vii) publication of draft record;
- (viii) disposal of objections;
- (ix) filing of appeals and disposal thereof;
- (x) preparation and publication of final record. Provided that all or any of the first six stages may be omitted, or a new stage added, according to the circumstances of the case, with the approval of the Director of Land Records and Surveys.

**27A Cadastral Survey** (1) In the course of proceedings under section 144, a large scale map showing therein roads, rivers, railways, homestead, fields and other physical features of the country shall be prepared for each village, as a unit of survey and record. (2) When the area contained within the boundaries of a village map of any previous survey is unsuitable as a unit of survey and record, the Revenue-Officer having the additional designation of Settlement Officer, shall, after ascertaining, as far as possible, the opinions of the local people submit his proposal for the determination of the area to be adopted as a unit of survey and record to the Board of Revenue, through the Officer to whom he is subordinate. The unit shall, if sanctioned by the Board of Revenue, be declared and adopted as a village for the purpose of preparation and revision of record-of-rights.

**28. Procedure of work up to Attestation.** The work of the stages up to attestation, as mentioned in rule 27, shall be completed in accordance with the Technical Rules and Instructions of the Settlement Department, as modified, from time to time, by the Director of Land Records and Surveys and under such other instructions as may be issued in this behalf by the Director of Land Records and Surveys or by the Revenue-officer appointed with

the additional designation of Settlement Officer in any district or part of a district or local area.

**29. Publication of draft record-of-rights.** After completion of attestation the Revenue-officer shall publish the draft record-of-rights by placing it, for public inspection free-of-charge during a period of not less than one month, at such convenient place as he may determine. A proclamation shall previously be published in each village informing the maliks, tenants and local representative of the Deputy Commissioner of the place at which the draft record-of-rights of that village will be open to such inspection and the last date of filing objections. Notwithstanding anything contained in the proclamation, the Revenue-officer may extend the period during which the draft record-of-rights will be open to inspection and during which objection under rule 30 may be filed.

**30. Objection.-** Blank forms of objection shall be supplied free-of-charge, and all objections shall, as far as practicable, be made in such forms. Along with the original objection, the objector shall file a copy or copies of the same for service on all other persons who, in the opinion of the Revenue-officer are materially interested in the case. The Revenue-officer shall issue notices informing the objector and all other persons so interested of the date and place fixed for the hearing of the objection, and, with notice to a person, other than the objector, he shall forward a copy of the objection. Objection regarding the ownership or possession of land or of any interest in land shall be decided summarily by the Revenue-officer. The record shall contain a brief summary of the evidence taken and an abstract of the reasons for the decision. Objections shall not be disposed of in the absence of any of the parties materially interested or their representatives, unless the Revenue-officer be satisfied, for reasons to be recorded, in writing, that the notice was duly served on the person concerned.

**31. Appeal.** (1) Any person aggrieved by an order passed by the Revenue-officer on any objection made under rule 30 may appeal to the Revenue-officer appointed with the additional designation of Settlement Officer or to such Revenue-officer appointed with the additional designation of Assistant Settlement Officer as may be empowered by him in this behalf, within 30 days from the date of the order appealed against. Every such appeal shall be in writing and shall state the grounds on which the appeal is based and shall be accompanied by a certified copy of the order appealed against and a process fee in court fee stamps as specified below:

- (a) For each notice whether directed to one or more persons where such persons reside in the same Village-Rupee one and twenty five paisa; and
- (b) Where the notice is to be served in different villages, a separate fee shall be charged for service in each village at rates as in clause (a) above.

(2) Before passing the final order on any such appeal, the Appellate Officer shall give the parties an opportunity of being heard and shall record in the proceedings an abstract of the reasons for his decision.

**32. Preparation of Final Records.** When all objections under rule 30 and all appeals under rule 31 have been disposed of and when the draft record of rights has been corrected in accordance with the original and appellate orders on all objections, the Revenue-officer shall proceed to frame the final record-of-rights. In cases, however, where operations under Chapter XIV of the Act have been undertaken and fair and equitable rents have been settled and the settlement rent-roll has been finally framed under sub-section (3) of section 109, the Revenue-officer shall, after the draft record-of-rights has been corrected in accordance with the original and appellate orders on all objections, incorporate in the draft record-of-rights the rent determined in respect of each holding or tenancy on the basis of such finally framed settlement rent-roll and then proceed to frame the final record-of-rights. Provided that in case where the fair and equitable rent have not been so settled and the settlement rent-roll has been finally framed by the time the record-of-rights is ready for final publication, the Revenue-officer instead of withholding final publication of the record-of-rights, may finally frame and finally publish the same noting the existing rents therein without incorporating the fair and equitable rent settled under Chapter XIV of the Act. The final records shall be prepared in conformity with the draft records corrected as above and shall consist of a series of khatians prepared in forms which are generally similar to the forms used for the khatians of the draft record-of-rights. The Khasra shall not form part of the final record-of-rights. The final record shall be printed or prepared in manuscript according to the direction as may be given by the Provincial Government, by general or special order.

**33. Publication of Final Records.** The Revenue-officer shall publish the final record-of-rights by placing it, for public inspection, free of charge, during a period of not less than 30 days, at such convenient place as he may determine. A proclamation shall previously be published in each village informing the Maliks and tenants and the Deputy Commissioner of the place at which the final record-of-rights of that village will be open to public inspection and the period during which it will be open to such inspection.

**34. Certificate of final Publication.-** (1) When a record-of-rights has been finally published under rule 33, the Revenue-officer shall, within sixty days from the date of final publication, make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official title. (2) The Provincial Government may, by notification in the official Gazette, declare, with regard to any specified area, that record-of-rights has been finally published for every village included in such area, and such notification shall be conclusive proof of such publication.

**35. Presumption as to the correctness of record-of-rights :-** (1) When a record-of-rights is finally published under rule 33, the publication shall be conclusive evidence that the

record has been duly revised under section 144 of the Act. (2) Every entry in a record-of-rights finally published shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until it is proved by evidence to be incorrect.

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## CHAPTER VIII

### **Powers of Revenue Officer in Revising Record-of-Rights under section 144.**

**36. Power vested in Revenue Officers-** When a Revenue-officer is appointed for the purpose of revision of a record-of-rights under Chapter XVII of the Act within any district, part of a district or local area, he shall be appointed either with or without the additional designation of "Settlement Officer" or "Assistant Settlement Officer". Every such Officer shall have,-

- (a) the power to take down evidence in his own hand in English language in proceedings held under the said Chapter, 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; and
- (b) to enter upon any land included within the area in respect of which an order under section 144 has been made to Survey and demarcate and prepare a map of the same.

**37. Further Powers vested in Assistant Settlement Officer under Bengal Act V of 1875.** A Revenue-officer appointed with additional designation of "Assistant Settlement Officer" shall have all the powers of an Assistant Superintendent of Survey and of a Deputy Collector under the Bengal Survey Act, 1875.

**38. Further Powers vested in Settlement Officer under Bengal Act V of 1875.-** A Revenue-officer appointed with the additional designation of "Settlement Officer" shall have all the powers of Superintendent of Survey under the Bengal Survey Act, 1875.

**39. Further powers vested in Settlement and Assistant Settlement Officers.-** A Revenue-officer appointed with the additional designation of "Settlement Officer" or "Assistant Settlement Officer" shall have all powers exercisable by a Civil Court in the trial of suits under the Civil Procedure Code, 1908 (Act V of 1908).

**40. Power of Settlement Officers to make over certain matters to Assistant Settlement Officers:** A Revenue-officer appointed with the additional designation of "Settlement Officer" may, by general or special order, make over, for disposal to any Assistant Settlement Officer subordinate to him, proceeding relating to.-

- (a) Objections under rule 30, and
- (b) Appeals under rule 31.

- 41. Power of Settlement Officer to withdraw and transfer cases,** A Revenue-officer appointed with the additional designation of "Settlement Officer" may also withdraw from the file of any Assistant Settlement Officer or Revenue Officer subordinate to him any of the proceedings under Chapter XVII and may dispose of them himself or transfer them for disposal to any other Assistant Settlement Officer or Revenue officer subordinate to him.
- 42. Special Power of Revenue-officer appointed with the additional designation of Settlement officer.** A Revenue-officer appointed with the additional designation of 'Settlement Officer' may, at any time before the publication of final record-of-rights, direct that any portion of the proceedings referred to in rules 28 to 32 in respect of any district, part of a district, or local area shall be cancelled and that the proceedings shall be taken up fresh from such stage as he may direct.
- 42A. Correction of fraudulent entry before final Publication of record-of-rights.** The Revenue officer, with the additional designation of 'Settlement Officer' shall, on receipt of an application or on receipt of an official report for the correction of an entry that has been procured by fraud in record-of-rights before final publication thereof, after consulting relevant records and making such other enquiries as he deems necessary, direct excision of the fraudulent entry and his act in doing so shall not be open to appeal. At the same time, the Revenue-officer shall make the correct entry after giving the parties concerned a hearing and recording his finding in a formal proceeding for the purpose of future reference.
- 42B. Correction of obvious clerical errors before final publication of record-of-rights.** The Revenue-officer, with the additional designation of Settlement Officer, shall have inherent jurisdiction to correct obvious errors, e.g., arithmetical or clerical errors, before final publication of the record-of-rights. The Settlement Officer may delegate the said power to some other Revenue-officer, with the additional designation of Assistant Settlement Officer, subordinate to him.
- 43. Power of Deputy Commissioner where no Special Settlement officer is appointed.** Where no Special Settlement Officer has been appointed for any district, the Deputy Commissioner of that district may discharge all the functions of Revenue-officer under Chapter XVII of the Act and shall have all the powers of a Settlement Officer under rules 36, 38, 39, 40, 41, 42, 42A and 42B.
- 44. Powers vested in Director of Land Records and Surveys:-** In respect of all operations under Chapter XVII of the Act which have been placed under the administrative control of the Director of Land Records and Surveys, East Pakistan, he may discharge all the functions of a Revenue-officer under the said Chapter and shall have all the powers of a Settlement Officer under rules 36, 38, 39, 40, 41, 42, 42A and 42B.
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## "CHAPTER" IX

### Exemption of rent.

**45. Exemption of land from payment of rent under section 151A of the Act-** (1) An application under sub-section (1) of section 151A shall be made in Form No. X appended to these rules. (2) If the Deputy Commissioner, after such enquiry as he deems fit, is satisfied that the land specified in the application or any portion thereof is actually used for any of the purposes mentioned in sub-section (1) of section 151A as stated in the application, he shall proceed to determine the area of such land in the manner prescribed below:-

- (a) He shall cause an enquiry and survey of the land specified in the application by a Kanungo or Surveyor under the supervision of a responsible officer.
- (b) The Kanungo or the Surveyor, after due enquiry, shall demarcate the area of the land actually in use as a place of public prayer/religious worship/public graveyard/public cremation ground on the field on the lines of the 'explanation' given at the end of section 151A, calculate the area thereof and submit a report to the Deputy Commissioner. He shall also carve out new plots, where necessary, in the mouza map when parts of plot or plots are found to be so used with corollary corrections in the plot index.