

ing the assessment of each village within the group and will be submitted to the Director of Land Records together with the recorded opinions of the Commissioner and Deputy Commissioner. The Director of Land Records will forward the assessment report and enclosures to the Local Government with such remarks as appear necessary. The rates for each class of land in each village which are accepted by the Local Government as *prima facie* suitable shall be published in the Gazette and simultaneously by the Settlement Officer in each village, and a period of six weeks shall be allowed, for the submission of objections to the Settlement Officer who shall forward them to the Director of Land Records with his remarks for submission to the Local Government. The orders of the Local Government shall be communicated to the Settlement Officer by the Director of Land Records.

Revenue
attestation.

69. On receipt of the Local Government's orders on the assessment report the Settlement Officer shall calculate accordingly the total revenue payable by each *raiyat* and shall enter it in the draft *jamabandi* used at record attestation. The revenue attestation of each village shall be taken up by the Settlement Officer or Assistant Settlement Officer, hereinafter called the Attestation Officer, at a convenient place in or near the village. A proclamation shall previously be published in the village giving due notice to the *raiyats* calling on them to appear before the Attestation Officer bringing with them their extracts from the draft *jamabandi*. As each *raiyat* appears before him the Attestation Officer shall read out to him the total area entered against his name in the draft *jamabandi* and the total assessment which is proposed in his case. The Attestation Officer shall hear and decide any objections which may be put forward by the *raiyat*. If an objection be raised to the classification of a field which has not yet been inspected by an officer above the rank of Kanungo, the Attestation Officer shall personally inspect the field and shall decide on its classification. The Attestation Officer shall make known to the people such orders as may be in force regarding the progressive enhancement of land revenue, and, in consultation with the *raiyats*, shall prepare lists of persons who are entitled to the benefit of these orders. If at the time of revenue attestation a person produces his extract from the draft *jamabandi*, the Attestation Officer shall cause to be entered on it the revenue, as finally proposed, both field by

field and in total. After revenue attestation the Settlement Officer shall submit through the Director of Land Records for orders any cases requiring special consideration under the rules for the progressive enhancement of land revenue and any cases in which on further consideration he would alter the classification of rate of a whole village.

70. After receipt of the orders of the Local Government and subject to such orders, the Settlement Officer shall make a final copy of the *chitha* and *jamabandi*. This final copy shall be the record-of-rights within the meaning of section 40 of the Regulation. The Settlement Officer shall also prepare, sign and seal periodic or annual leases, as the case may be, which shall correspond in all particulars with the entries in the record-of-rights. The Settlement Officer shall then issue a proclamation which shall be posted in a conspicuous place in each village informing the *raiyats* of the date and place on which their leases will be distributed. On such date and at such place the Settlement Officer, or such other officer as he may depute in this behalf, shall distribute the leases, to the *raiyats* in whose names they have been made out. Such distribution of leases shall be equivalent in each case to an offer of settlement within the meaning of sections 31-39 of the Regulation.

Offer of settlement.

70(A). Nothing in this section shall prevent the Settlement Officer under the orders of Government from making a temporary re-settlement after the expiry of the term of the last settlement pending final settlement and all orders passed by him as to the amount of revenue payable by a settlement-holder pending final settlement according to the directions of Government shall be binding on the settlement-holder.

71. (1) If the *raiyat* refuses to take settlement, he shall, within thirty days from the date on which settlement was offered to him, return the lease to the Settlement Officer, noting on it in writing that he refuses to take settlement.

Acceptance and refusal of settlements.

(2) In those local areas in which section 33, clause (2), of the Regulation is in force, the *raiyat*, if he is willing to accept settlement, shall deliver to the Settlement Officer within thirty days as aforesaid an acceptance in writing under his hand in Form No. 7A.

SECTION IV.

RULES FOR THE GRANT OF LEASES AND SETTLEMENT OF
LAND REVENUE IN RESPECT OF TOWN LANDS.Defini-
tions.

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

Town land means any land comprised in any municipality constituted under any municipal law for the time being in force and any other area to which the Local Government may by notification extend these rules, but does not include any part of a military cantonment or any permanently-settled land.

Short lease means a lease which is granted for any period not exceeding three years, which confers upon the lessee no right in the soil beyond a right of user for that period, and in particular which confers no right of inheritance or transfer in the land.

Periodic lease for town lands means a lease which is granted for more than 3 years, and which confers a permanent, heritable and transferable right of use and occupancy in the land, subject always to the due payment of land revenue and local taxes, cesses or rates, to the reservation in favour of Government of all quarries, mines, minerals, mineral oils and all buried treasure, to the absolute forfeiture of the lessee's interest in the land on his refusal to take the renewal of the lease on the expiry of its term, and to the special conditions of any engagement into which the landholder may have entered with Government.

The *settlement* of a town means a special operation carried out under the provisions of sections 17 to 42 of the Regulation for the formal revision of the land revenue demand of that town.

The *terminal year* of a town means the year up to which the rates of land revenue shall, according to the orders passed by the Local Government, at the last settlement of that town, remain in force.

The term *was'e land* means unoccupied land, the property of Government, which the Government has not disposed of by lease, grant or otherwise.

73. The Local Government may from time to time, by notification in the local official gazette, exempt from the operation of these rules any town land on the ground of the backward conditions of the locality, and dispose of it by lease for such term and at such rates as they may think fit. Exemption.

A.—Initial leases of waste lands in towns.

74. Waste land in towns shall be settled by the Deputy Commissioner in accordance with rules 75-78 of these rules, subject to confirmation by the Commissioner. In subdivisions the functions of the Deputy Commissioner shall be exercised by the subdivisional Officer, subject to the control of the Deputy Commissioner. In these rules, unless the contrary is apparent from the context, the expression "Deputy Commissioner" includes a Subdivisional Officer. Officers empowered to settle town lands.

75. Leases of waste land in towns shall be obtained by formal application only. Applications for leases of waste land in towns shall be in writing and shall be presented to the Deputy Commissioner, who will have a map prepared of the land or have it indicated on an existing map, and after making such local enquiry as he thinks fit, either by himself or by a gazetted officer, shall pass an order allowing the application in whole or in part or disallowing it altogether. Applications for land.

Provided that, except in the case of temporary leases granted in accordance with the proviso to rule 76, the lease may, if the Deputy Commissioner thinks fit, and shall, whenever the Local Government have by general or special order so directed, be put up to auction and granted to the highest bidder.

76. If a lease is granted, it shall ordinarily be a periodic lease for town land and shall run from the year in which it is granted to the terminal year of the town in question. Form of lease.

Provided that the Deputy Commissioner may grant short leases for terms not exceeding three years of lands which it is not considered desirable to lease except for temporary purposes.

77. The land revenue which is payable shall be determined in accordance with the principles laid down in rule 80. Land revenue.

*B.—Settlement operations.*Forecast
report.

78. Not less than one year before the terminal year of any town the Commissioner, after consulting the Deputy Commissioner, shall submit to the Local Government a report showing whether in his opinion the rates of land revenue in such town should remain in force for a further period after the terminal year or a new settlement of the town should be undertaken. If the Commissioner recommends that a new settlement shall be undertaken, he will submit a forecast report regarding the financial prospect of the proposed settlement. The Local Government after considering the report may pass orders declaring that the town in question shall be brought under settlement, or such other orders as they may consider necessary.

Appoint-
ment of
Settlement
and Survey
Officers.

79. When the Local Government have declared that a town is under settlement they may, for the purpose of carrying out the operations, appoint under section 133 of the Regulation a Settlement Officer and if necessary an Assistant Settlement Officer, and also under section 134 a Survey Officer and if necessary an Assistant Survey Officer:

Provided that the same officer may be vested with the powers of a Settlement Officer and Survey Officer or with the powers of an Assistant Settlement Officer or Assistant Survey Officer.

Rate
revenue.

80. Town land shall be settled at a fair and equitable revenue and at a rate not exceeding the annual letting value of the site. This value will depend upon local circumstances and on competition and must be determined by enquiry in each case. The revenue will be fixed with reference to this value after such modifications and reductions, if any, as may be deemed necessary. The general principle is that where competition exists, the land revenue should be assessed at full rates and that where other conditions come into play the land revenue should be assessed at a rate not exceeding 33 per cent. of the letting value. With the exception of leases granted for temporary purposes every lease of town land shall be renewable from time to time on expiry at the option of the settlement-holder, subject to his agreeing to pay the revenue, taxes, cesses and rates which may be assessed or imposed in respect of the land at the re-settlement, and these rates shall apply to every such renewal whether the expiring lease was or was not granted under them.

81. Settlement shall be made by granting short leases or periodic leases for town lands as defined above. Except for lands taken up for temporary purposes, periodic leases for town lands shall ordinarily be granted. Grant of leases.

82. The term for which a periodic lease for town lands should be issued shall ordinarily be thirty years. Term of lease.

83. Rules 65-69 above laying down the manner in which the Settlement Officer should report for sanction his rate and method of assessment for any local area, shall, so far as may be, apply to the settlement of towns also. Assessment report.

C.—*Relinquishments.*

84. Rule 55 above which provides for the relinquishment of land settled for ordinary cultivation shall, so far as may be, apply to town lands also. Relinquishment.

Chapter 1A.—Rules for the allotment of grazing grounds.

Survey and demarcation of grazing grounds.

85. Whenever it may appear to the Deputy Commissioner, after local enquiry, to be necessary that any land should be allotted from the land referred to in section 12 of the Assam Land and Revenue Regulation, 1886, to the inhabitants of any village or villages as a grazing ground, the Deputy Commissioner shall cause such land to be demarcated with temporary boundary-marks and, if it has not been already cadastrally surveyed, a map of it to be prepared on the scale of 16 inches to the mile.

Preparation of notice.

86. When the land which it is proposed to allot as a grazing ground has been temporarily demarcated and the map, if required, has been prepared, the Deputy Commissioner shall cause a notice to be prepared of the proposal to allot the said land as a grazing ground.

Publication of notice.

87. This notice shall be published in English and in the vernacular at the office of the Deputy Commissioner, and at the subdivisional office, circle office and police station within the jurisdiction of which the land which it is proposed to allot as grazing ground is situated, and in the Assam Valley on the notice board of the gaonbura or gaonburas concerned, and published by beat of drum in the vicinity.

Hearing of objection.

88. The Deputy Commissioner shall receive and enquire into any objection which may be presented to him against the allotment of the proposed grazing ground within one month after the date of publication of the notice referred to in rule 87, and on such enquiry may add any available adjacent waste land to the proposed grazing ground or remove any land from it.

Powers of Deputy Commissioners to alter the area and boundaries.

89. If, on enquiry into objections under rule 88, the Deputy Commissioner makes any alteration in the area or boundaries of the proposed grazing ground, he shall publish a revised notice in the manner prescribed in rule 87, and shall cause at the same time the revised boundaries to be temporarily demarcated and shown on the map. He shall receive and enquire into any objections which may be presented within one month of the publication of the revised notice, as provided in rule 88.

Confirmation of proceedings.

90. When all objections presented within one month of the publication of a notice under rule 87, or of a revised notice under rule 89, have been disposed of, and no altera-

tion or no further alteration of the area or boundaries of the proposed grazing ground appears to the Deputy Commissioner to be necessary, he shall report his proceedings to the Commissioner for confirmation, or when so directed by the Commissioner he shall himself confirm the proceedings and report particulars of the areas reserved to the Commissioner for information.

91. As soon as the proceedings have been confirmed, the Deputy Commissioner shall prepare an estimate of the cost which may be incurred in demarcating the grazing ground with such boundary-marks as may be required and notify the amount of such cost to the inhabitants of the village or villages concerned in such manner as he may deem fit, requiring it to be deposited at the treasury within such time as he may direct.

Cost of demarcation.

92. Notwithstanding anything contained in rules 85 to 90, all grazing grounds with areas and boundaries defined, constituted, out of any land over which at the time they were constituted no person had the rights of a proprietor, landholder or settlement-holder, by the Settlement Officer at the regular settlement or resettlement of a district, shall be deemed to have been constituted under the said rules.

Extinction of rights.

93. As soon as the cost of demarcation has been deposited, the Deputy Commissioner shall cause to be published in the manner prescribed in rule 87 a final notice declaring the land to be allotted as grazing ground. He shall also cause the grazing ground to be entered in the register of grazing grounds and the boundaries thereof to be demarcated with such boundary-marks as may be required.

Declaration of grazing grounds.

94. After the issue of the final notice declaring any land to be allotted as grazing ground, such land may be used as a grazing ground free of charge by persons other than professional graziers, and shall not be occupied or disposed of for any other purpose unless the Commissioner shall so direct.

Use of grazing ground free of charge after issue of final notice.

95. The Deputy Commissioner may, if he thinks it desirable to do so, prescribe conditions on which a grazing ground may be used, and in such cases may issue passes either generally or by name to persons entitled to use it.

Conditions for use of grazing grounds.

96. Professional graziers, as defined in the rules framed under the Forest Regulation, are not entitled to use village grazing grounds, except in quite exceptional circumstances. In such circumstances the Deputy Commissioner may charge entirely at his discretion for any halt exceeding 7 days at

Rate of fees for the use of village grazing grounds.

a rate not exceeding twice the annual grazing fee obtaining in the district concerned for the cattle so kept. For a period of 7 days only or less the Deputy Commissioner may at his discretion charge at a rate not exceeding the annual grazing fee obtaining in the district concerned for the cattle so kept. If the Deputy Commissioner finds it possible to require his previous permission to the use of village grazing grounds in either of the two cases above referred to, he may exercise his discretion accordingly.

Punishment for contravention of rule.

97. When any grazing ground has been finally demarcated under rule 91, no person shall occupy any part of such grazing ground for purposes other than grazing. Whoever contravenes this rule shall be punished with fine, to be imposed by the Deputy Commissioner which may extend to fifty rupees.

Delegation of Deputy Commissioner's power to Subdivisional Officer.

98. The Deputy Commissioner may direct a Subdivisional Officer to make the preliminary enquiry, issue notices, and hear objections in regard to the allotment of grazing grounds in his subdivision.

*Correction slip to the Assam Land Revenue Manual, 1921
(Fourth edition).*

No. 42.

Insert the following as a foot-note to rule 97 at page 80 of the Manual.

All Subdivisional Officers in the province of Assam have been invested with the powers of a Deputy Commissioner under this rule, *vide* Notification No. 1575R., dated the 10th June 1927.

[N.B.—The correction should also be made at page 84 of the 1926 reprint of the Manual.]

Chapter II.—Rules under Sections 27 and 152 (survey and demarcation of land).

99. When a survey and demarcation of land in any local area or class of estates is ordered to be made under Part B of Chapter III of the Assam Land and Revenue Regulation (I of 1886), operations shall be initiated by a traverse based on theodolite observations, which shall, if possible, be connected with two or more points which have been fixed by previous surveys.

Traverse
survey.

100. For each village a large scale cadastral map, based on the traverse survey and showing roads, rivers, railways and other physical features of the country, as well as homesteads and other fields, shall be prepared. Where a suitable large scale map is already in existence, it will not be necessary, unless the Survey Officer so directs, to prepare a fresh map: the existing map may be brought up to date.

Map.

101. Where the village has not already been demarcated in an adequate manner, boundary-marks of a permanent nature shall ordinarily be erected at every point where the boundaries of three villages meet. Traverse stations shall also be marked by trees or such other suitable marks as the Local Government may from time to time direct.

Boundary-
marks.

102. The total cost of the traverse and cadastral surveys, of compensation due on account of anything done under the orders of a Survey Officer and all expenses incurred in erecting and repairing boundary-marks shall be realised from the proprietors, land-holders and persons entitled to receive rent in respect of any land included in the local area or class of estates covered by the survey and demarcation above mentioned:

Recovery
of cost.

Provided that in the case of temporarily-settled estates only the cost of boundary-marks shall be realised.

103. The amount to be recovered under the last preceding rule shall be levied as an arrear of land revenue and shall be apportioned in the manner described in the next following rule with the exception of the cost of boundary-marks of estates, which shall be realised in the manner described in rule 106 below.

Levy of
cost as an
arrear of
land revenue.

104. When a survey carried out under the provisions of Part B of Chapter III of the Assam Land and Revenue Regulation has been completed, the Survey Officer shall submit to the Deputy Commissioner a statement showing

Apportion-
ment
of
cost.