

the total cost incurred in the traverse and cadastral survey and in erecting and repairing boundary-marks, <sup>including *traverse stations*</sup> within the area included in the survey. The Deputy Commissioner, on receipt of such statement, shall proceed to apportion the amount among the proprietors, land-holders, and persons entitled to receive rent in respect of the land included in the survey.

Method of  
apportion-  
ment.

105. In making such apportionment in areas other than the permanently-settled <sup>*estates*</sup> portions of Sylhet and Goalpara, the Deputy Commissioner shall charge each proprietor, land-holder or person entitled to receive rent in respect of land included in the survey and assessed at full rates of revenue, with such sum per rupee of revenue payable by him as shall suffice to cover the total cost of the survey and demarcation.

In the permanently-settled estates of Sylhet and Goalpara the total cost of the survey and demarcation of the settled area shall be recovered from each proprietor and tenure-holder in proportion to the area of land under survey held by him. If the tenure is rent-free, the whole cost shall be recovered from the tenure-holder. If the tenure is permanent, three-fourths of the cost shall be recovered from the tenure-holder and one-fourth from the proprietor. If the tenure is temporary, half the cost shall be recovered from the tenure-holder and half from the proprietor, unless the tenure has less than 5 years to run from the date of final publication, in which case the proprietor should pay the whole cost.

When land is held at privileged rates of revenue or where no revenue is payable by any proprietor and land holder of land included in the survey, the land shall, for the purpose of apportionment, be assessed at the rates applicable to similar land in neighbouring estates paying full revenue: provided that when any land has already been permanently demarcated at the cost of the proprietor, land-holder, or person entitled to receive rent in such a manner that it would, in the opinion of the Deputy Commissioner, be inequitable to lay any further charge on him on account of the survey, the land so demarcated may, with the previous sanction of the Commissioner, be omitted from the apportionment.

*Explanation.*—For the purpose of the present rule, the term 'tenure-holder' shall be held to mean a person having

a permanent and transferable interest in land intermediate between the proprietor and the *raiyat* but not having occupancy right.

106. When any land is demarcated under sections 22 and 24 of Regulation I of 1886, the cost of all marks supplied by Government, together with any other charges which may be incurred in connection with the demarcation, shall be recoverable from the proprietor, land-holder, or other person entitled to receive rent in respect of the estate, as an arrear of land revenue. When any marks have to be put up on the boundary between two estates, the Survey Officer shall apportion the cost as he thinks equitable, having regard to the question whether the marks are required to complete the demarcation of both.

Apportionment of demarcation charges.

107. When the Deputy Commissioner has in this manner apportioned the amount payable by each person liable in the area covered by the survey, he shall cause each such person to be served with a notice, in such manner as the Local Government may from time to time direct, of the amount payable by such person accordingly.

Notice to persons liable.

108. The Local Government may declare that all or any portion of any of the above rules shall not apply in the case of any local area or class of estates.

Barring of the operation of rules.

109. *Cancelled.*

Recovery of cost.

*The 4th June 1930.*

No. 2503R.—The following amendment to rule 110 of the Rules relating to registration at page 84 of the Assam Land Revenue Manual, 1921, framed under chapter IV of the Assam Land and Revenue Regulation, 1886 (I of 1886), is published for general information:—

**AMENDMENT.**

*Substitute the words "redeemed leases" for the words "grants commuted to fee simple" in line 8 of rule 110 against "Part III".*

**C. K. RHODES,**

*Offg. Secretary to the Government of Assam  
in the Revenue Department.*

### Chapter III.—Registration Rules under Chapter IV.

General Register of revenue-paying estates.

110. The General Register of revenue-paying estates in each district, prescribed by section 48 of the Land and Revenue Regulation, shall consist of three parts, *viz.*,—

Part I.—Permanently-settled estates.

Part II.—Temporarily-settled estates other than waste land grants.

Part III.—Waste land grants other than fee-simple and grants commuted to fee-simple.

Part I shall be kept in Form No. 19 or in such other form as may be specially prescribed by the Local Government.

Part II shall be kept in ordinary periodic *jamabandi* form until the district has been resettled, when it will be the *Jamabandi* Register which is prepared by the Settlement Officer.

Part III shall be kept in Form No. 20.

General Register of revenue-free estates.

111. The General Register of revenue-free estates prescribed by section 48 of the Land and Revenue Regulation shall be in Forms Nos. 21 to 24 according to the district in which it is kept.

General Registers where to be kept.

112. The General Register of revenue-free estates and the General Registers of revenue-paying estates, (a) permanently-settled and (b) waste land grants, shall be kept for each district in the office of the Deputy Commissioner of the district. The General Registers of revenue-paying temporarily-settled estates other than waste land grants shall be kept at the headquarters of the subdivision or district, as the Deputy Commissioner may direct.

Registers of Intermediate mutations. Language in which registers are to be kept.

113. *Cancelled.*

114. All registers prescribed by these rules shall ordinarily be written in the language of the district in which they are kept. Registers of waste land grants for special cultivation may be kept in English.

Power of Local Government to order new registers to be prepared.

115. The Local Government may, whenever they think fit, order new registers to be prepared from the registers existing at the time of such order, and from the entries of subsequent changes recorded in the Intermediate Register, and from any other authentic information available

to the Deputy Commissioner ; and such additions to, omissions from, and alterations in the entries as they appeared in the previous registers shall be made as subsequent changes have rendered necessary, and the authority for every change shall be expressly referred to.

116. Whenever, after the preparation of the General Registers, it may be necessary to bring any estate on to any part of such registers on which it is not already borne, such estate shall be brought on to such part under a new number in continuation of the last number of such part.

Entry of estates on part of registers on which not previously borne.

All new entries under this rule shall be made in chronological order.

117. A note shall be made from time to time in the General Registers of revenue-paying and revenue-free estates—

Alterations to be noted in General Registers.

- (a) of every alteration ordered by the competent authority in the amount of revenue assessed on any estate ;
- (b) of every case in which lands entered as revenue-free may be declared liable to assessment, and assessed by competent authority ;
- (c) of every partition or union of an estate ;
- (d) of every removal of an estate from the part of the register on which it is borne ;
- (e) of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the register ;
- (f) of every relinquishment of an estate or of portion of an estate ;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the General Registers space shall be left for entries of the above description.

All changes, other than those above mentioned, affecting entries as they stand in the General Registers, may be recorded in the Intermediate Register as provided in rule 113, and a reference shall be made in the General Registers against the estate affected to every entry which may be made in the Intermediate Register recording any such change.

Alteration  
of entries  
in General  
Registers  
by Deputy  
Commis-  
sioner.

118. Whenever it comes to the notice of the Deputy Commissioner that any change has occurred which affects any entry in the General registers, and renders necessary any alteration therein, the Deputy Commissioner, after making such enquiry as may be necessary, shall make such alteration :

Provided that no such alteration shall be made without giving due notice to the recorded proprietors or land-holders, and managers of the estate which the alteration will affect, and to every person whose name it is proposed to register as proprietor, land-holder or manager of such estate before such registration is effected ; and any objections, which may be preferred against the proposed change or registration, shall be duly considered by the Deputy Commissioner before the change or registration is made.

Power of  
Deputy  
Commis-  
sioner to  
order the  
name of a  
proprietor,  
etc., to be  
struck out  
of register.

119. Whenever it comes to the notice of the Deputy Commissioner that any person whose name is recorded in the General Registers as proprietor, settlement-holder or manager of an estate is no longer in possession of any such interest in the estate, the Deputy Commissioner may order the name of such person to be struck out from the Register :

Provided that the Deputy Commissioner shall not strike out the name of any recorded proprietor, or land-holder, or manager on behalf of a proprietor or land-holder, without giving him due notice, and hearing any objections he may prefer against his name being struck out.

Informa-  
tion to be  
supplied to  
Deputy  
Commis-  
sioner on  
requisition.

120. Every proprietor, land-holder, and manager of an estate and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the Deputy Commissioner, to furnish any information required by such officer for the purpose of preparing, making or correcting any entry in the General Registers of revenue-paying and revenue-free lands, or to show to the satisfaction of such officer that it is not in his power to furnish the required information.

Such requisition shall be made by a notice requiring the production of such information before a date mentioned in such notice.

If any person bound to give information under this rule voluntarily or negligently omits to do so, or to show to the satisfaction of the Deputy Commissioner that it is not in his power to furnish such information, he shall

be liable to such fine as the Deputy Commissioner may think fit to impose, not exceeding Rs. 100, for such omission, and the Deputy Commissioner may impose such further daily fine as he may think proper, not exceeding Rs. 50, for each day during which such person shall omit to give the required information after a date to be fixed by the Deputy Commissioner in a notice warning the said person that such daily fine will be imposed :

Provided that whenever the amount levied by the Deputy Commissioner under this rule exceeds Rs. 500, he shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

The date fixed by notices issued under this rule shall not be less than 15 days after service thereof.

121. Whenever any Civil Court makes a decree confirming any transfer of possession of a transferable estate, or gives effect to any decree transferring any such possession, such court may order the transfer to be registered in the General Registers of the Deputy Commissioner, and the Deputy Commissioner shall register such transfer accordingly.

Alteration of registers on decree of Civil Court.

121A. When any Revenue Court grants a sale certificate under section 85 of the Regulation to the purchaser of a temporarily-settled estate or portion of a temporarily-settled estate at a revenue sale, the Deputy Commissioner shall order the auction-purchaser's name to be registered in the General Register in place of that of the defaulter.

Registration of auction purchaser's name.

122. Application for registration or mutation may be presented by the applicant or by any person duly authorised by him in that behalf. The application, if it refers exclusively to a temporarily-settled estate, shall bear a stamp of one anna only. [Act VII, 1870, Schedule II, Article (a), paragraph 2.] Separate application shall be made by every person having a separate interest or share as proprietor or manager. Joint applications may be made when the proprietors or settlement-holders applying for registration hold an estate jointly without specification of shares.

Application for registration or mutation.

If the applicant is a joint proprietor or settlement-holder in charge, or a manager, he shall in his application specify the names of the persons on whose behalf he is in charge or manager and the character and extent of the interest of every such person.

The Revenue Officer duly empowered to entertain applications for registration shall satisfy himself that every heading has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under a declaration that the particulars contained therein are true to the best of his knowledge and belief. If the application is not in form as above directed, it shall be returned to the applicant for correction.

Registra-  
tion and  
Mutation  
Register.

123. Every Revenue Officer duly empowered to entertain applications for registration or mutation of names shall keep a Registration and Mutation Register in Form No. 27. All applications for registration or mutation will be entered in this register :

Provided that applications which it is intended to deal with as field mutations, need not be entered in this register.

Publication  
of notice.

124. (1) The notice that is issued under section 52 of the Land and Revenue Regulation shall be published by affixing a copy of the same on or at the following places :—

- (a) The cutcherry (if any) of the proprietor or landholder of the estate or [other place where rents are ordinarily received.
- (b) Some conspicuous place in at least one village appertaining or near to the estate to which the application relates, and if the estate comprises lands situated in more than one pargana or fiscal division, then in at least one village in each pargana or division containing such lands.
- (c) The office of every Deputy Commissioner or Subdivisional Officer or Circle Sub-Deputy Collector and, in the Surma Valley, of every Tahsildar and Sub-Registrar within whose jurisdiction any of the land to which the application relates are known to be situated :

Provided that, if arrangements have been made to establish village public notice boards, it shall suffice under clauses (a) and (b) above if the notice be affixed to such a board in the village that includes the land or a portion of the land to which the notice relates :

Provided also that in respect of applications which will be disposed of after local inquiry in the village concerned a notice shall be published, a copy being posted on the village public notice board.

(2) No fee shall be charged for the issue of a notice under this rule. But a fee of four annas shall be charged upon the copy of the notice which may be served upon the person who has succeeded to the estate or share, and also upon the copy which is served upon the transferor in cases where the succession has been by transfer.

(3) In such tracts as may from time to time be notified by the Local Government, service of the copy, or copies, of the notice referred to above may be effected by despatch by registered post.

125. The Deputy Commissioner or Subdivisional Officer shall keep a register of applications for registry of *talukdari* and other similar tenures under section 55 of the Land and Revenue Regulation, and also a register of such tenures actually registered under that section. Every application shall be made and may be presented by the applicant or any person duly authorised by him in that behalf. Every such application shall bear a stamp of 8 annas, and no application shall be received unless it states that all persons interested in the tenure join in the application.

Registers of applications to register and of registered *talukdari* tenures.

The Revenue Officer duly empowered to entertain applications for registration shall satisfy himself that every heading has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under a declaration that the particulars contained therein are true to the best of his knowledge and belief. If the application is not in form as above directed, it shall be returned to the applicant for correction.

126. All costs of any enquiry or proceeding held by Revenue Officer under Chapter IV of the Land and Revenue Regulation shall be payable by the parties concerned as such Revenue Officer may direct.

Payment of cost.

127. Notwithstanding anything contained in section 58 of the Land and Revenue Regulation, no fine shall be imposed under that section on any person who shall, at any time after the expiration of the time fixed for registration by section 50, of his own motion, and otherwise than after the issue of a notice under section 58, apply for the registration of his name, and of the character and extent of his interest.

No penalty on persons applying for registration suo motu.

128. Fees at the following rates shall be levied by the Deputy Commissioner, Subdivisional Officer, or other officer duly empowered to register transfer on the registry of any

Fees on transfers.

transfer under Chapter IV of the Land and Revenue Regulation, and no application for mutation or registration shall be entertained until such fees have been paid :

- (1) In the case of revenue-paying lands, excluding *nisf-khiraj* estates in the Assam Valley and waste land grants for special cultivation, 4 annas per cent. on the annual revenue payable to Government from the extent of interest transferred :

Provided that no fees shall be leviable when the land revenue payable from the extent of interest transferred is less than Rs. 50.

- (2) In the case of *nisf-khiraj* estates in the Assam Valley, 8 annas per cent. on the annual revenue payable to Government from the extent of interest transferred.
- (3) In the case of waste land grants for special cultivation assessed to revenue or assessable at some future date during the term of the grant, 8 annas per cent. on the maximum revenue payable during such term.
- (4) In the case of revenue-free lands,  $2\frac{1}{2}$  per cent. on the annual value of the extent of the interest transferred, such annual value being calculated as laid down in the Assam Local Rates Regulation and in rules issued thereunder. In the case of fee-simple grants no portion of which is under cultivation, the annual value shall be calculated at the rate of one rupee eight annas an acre on the amount of land transferred :

Provided that no fee for the registry of any one transfer shall exceed Rs. 100 or be less than 8 annas when the transfer relates to a revenue-free estate, or less than 4 annas when the transfer relates to a permanently-settled or *nisf-khiraj* estate, or to a waste land grant, and for any fraction of an anna a full anna shall be levied.

All fees under this or the following rules shall be levied from the persons in whose favour the transfer is registered, and shall be carried to the credit of Government,