

The AP TA Land revenue Rules

THE ANDHRA PRADESH (TELANGANA AREA) LAND REVENUE RULES, 1951

[dated 3rd January, 1951]

In exercise of the powers conferred by Section 172 of the 'Andhra Pradesh (Telangana Area) Land Revenue Act, 1317F. [Act No, VIII of 1317 F.] the H.E.H. The Nizam is pleased to make the following rules:

1. Short title, extent and commencement:— (1) These rules may be called the 'Andhra Pradesh (Telangana Area) Land Revenue Rules, 1951.

(2) They shall come into force in the whole of the (Telangana Area) of the A.P. State from the date of their publication in the Gazette, (Published in Hyderabad Gazette No. 3, dated 18th January, 1951).

(3) *Definitions:*— In these rules—(i) 'Act' means the 'Andhra Pradesh [(Telangana Area) Land Revenue Act of 1317 F.]

(ii) 'From' means the from appended to these rules.

(4) *Repeal:*— 'The Andhra Pradesh (Telangana Area) Settlement Rules, of 1318 F and all Gashtis and Orders issued before the commencement of these rules, in so far as they are a repetition of, or inconsistent with the provisions of these rules are hereby repealed; but nothing herein contained shall affect anything done under the said Settlement Rules, Gashtis and Orders before the commencement of these rules.

PART – I General

A — Occupant's Right to Improvements

2. Occupant shall be entitled to full benefit of improvements:—

Subject to the provisions of these rules, every occupant of land shall be entitled to the full benefits of all improvements made by him in the land at his own expense by way of construction of or repairs to farm-buildings and wells or planting of trees or otherwise, and no additional assessment shall be levied in respect of such improvements:

Provided, however, that no occupant shall construct any tank or kunta without

obtaining the previous permission of Government. The Government may grant such permission subject to such conditions as it may deem fit according to the circumstances of each case. The Collector may order the demolition of any tank or kunta constructed without such permission, without prejudice to any other action that may be taken against the occupant under the law for time being in force. The village officers shall be responsible to see that provisions of this rule are not contravened and shall in case of failure, render themselves liable to dismissal.

B—Transfer of Registry of Holdings

3. Areas to which these rules shall be applicable:— The provisions of these rules relating to transfer of registry of holdings shall apply to those areas where the record of rights has not been introduced under the Record of Rights in Land Regulation, 1358 F., and shall continue to apply till the said Regulation is made applicable. In areas where the record of rights has been introduced under the

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1. Subs. as per A.P. Act 9 of 1961.

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said Regulation, transfer of registry of holding shall be governed by provisions of that Regulation and of the rules made thereunder.

4. Conditions on which the registered holder may alienate:— (1) Save as otherwise provided in the Act or in any other law for the time being in force, a registered holder of land may alienate, sub-let, mortgage, sell, give, bequeathe or otherwise dispose of the whole or any portion of his holding.

Provided that:

- (1) The registered holder of land shall remain liable to pay the assessment and all other legal charges on the land as if no such transfer or disposal has taken place unless and until such transfer or disposal is registered in the Sethwar or Index of Lands and Record of Rights Registers:

- (2) Upon the registration of the transfer in the Sethwar or Index or Lands and Record of Rights Registers, the transferee shall take the land subject to payment of any arrears of assessment or other legal charges thereon, and be liable to the same obligations and conditions, special or general as the transferor.

5. General rules for transfer of registry of holding:— (1) An accurate and upto date register of holdings shall be maintained in every village showing, as far as possible, the names of persons who are the real owners of land or who by virtue of their title, whatever; its nature are in enjoyment of land. The procedure laid down in the following rules, shall be adopted for effecting changes of registry in the revenue accounts when any transfer of land takes place.

- (2) Alteration in the Registers in respect of all transfers of property, either by way of voluntary action of the owners or by virtue of decree of court, revenue sale, or succession shall be made in conformity with the procedure laid down hereunder.

6. Voluntary transfers of title:— (1) In all cases of absolute transfers of title, the registry of a holding shall be so altered as to correspond with the transfer of its ownership on the application of either or both the parties to the transfer, provided the application for change of registry shall subject to the provisions of Rule 11 be made in writing and signed by the party or parties making it. The application may be presented in person or by duly authorised agent or be sent by registered post. The application may be attested by the Patwari and Patel of the village in which the land is situated, such attestation being taken as evidence of the identity of the party or parties.

- (2) Where an application under sub-rule (1) is presented by both the parties one of whom is the registered holder the change of registry may be ordered at once. But where the application is made only by one of the parties to the transfer to a notice of the same shall be taken out to the other party, who may be served either in person through a peon or the village staff or by registered post. If the correct address of the party is

not known, the registered letter may be directed to his last known place of residence. In case Personal Service is not possible, service should be effected in the manner prescribed in the Act.

- (3) Where the registered holder is not a party to the transaction, a notice shall also be given to him whether the application for transfer of registry is presented by either or both the parties. Where only one party to the transaction makes the application, the parties should be connected by a complete chain of documents whether the other party raise any objection or not. In case the chain is not completed, it may be completed through other evidence, such as statements of respectable ryots, kist receipts, etc. One month's time shall be allowed for filing objections if any and an enquiry be held in respect of the same. Thereupon transfer of registry shall be ordered unless the objection is found to be valid. The transfer of registry thus ordered shall be entered in the Records of the Jamabandi taking place immediately after the passing of the said order.

7. Compulsory transfers of title:— (a) In cases of transfer of title of holding in the name of decree-holder pursuant to a decree of a Civil Court or of purchaser in auction sale held in execution of decree of a Civil Court, change or registry may be ordered at once on the application of any of the parties to the suit or of the auction purchaser and on the production of a certified copy of the decree or a certificate of sale as the case may be and a certificate of delivery of possession in pursuance thereof provided the transfer is from a registered holder. When the transfer is from a person who is not a registered holder, a notice shall be given to the registered holder in the manner provided in Rule 6 before change of registry is ordered. In cases where any certificate of delivery of possession cannot be produced; as for instance, where in the decree itself possession is conferred without execution proceedings and the decree is apparently final, the case should be dealt with as provided in Rule 6 in regard to application for change of registry presented only by one of the parties to the transfer.

(b) In cases where transfer of registry is sought under a declaratory decree on which

no execution can be taken out i.e., where the decree merely declares the title to be vested in a particular person, so as to entitle him to registration, the Collector or other authorised officer may on production of a certified copy of such decree at once order the transfer of registry. The transfer of registry thus ordered shall be entered in the records of the Jamabandi taking place immediately after the passing of the said order.

8. Cases where no application for transfer is made:— (a) The Patwari shall prepare every month a statement in Form-A showing therein all cases of transfer in which neither party has applied the revenue officers for transfer of registry. Each case shall be entered in a separate form in duplicate. The Patwari shall, if possible obtain the signatures of the transferors and the transferee and also of the registered holder where he is not a party to the transaction. The statement shall be sent to the Tahsildar or Naib Tahsildar within whose jurisdiction the village is situated. On receipt of statement the Tahsildar or Naib Tahsildar or shall dispose of cases forthwith where the signatures, of all the parties have been taken and there is no dispute or doubt. Other cases shall be dealt with in accordance with the provisions of Rule 6 or 7, as the case may be. One copy of the statement together with the orders thereon shall be sent back to the Patwari and the other shall be retained in the Tahsildar's or Naib Tahsildar's office.

(b) The Girdawar shall inspect every village in his circle once at least in each half year and submit his report about every case of transfer of land in the village to the Tahsildar and Naib Tahsildar as provided in Rule 11. The Tahsildar and Naib Tahsildar shall check Girdawar's work atleast in one or two villages in each circle annually.

9. Transfers of title by succession:— All cases of change of registry necessitated by the death or the prolonged absence for more than seven years, of the registered holder shall be disposed of under this class of transfers.

Succession by heirship:— (a) In dealing with claims to succession by heirship, if the succession is not disputed, the Collector or other duly authorised officer may direct the transfer of registry either at once or at the Jamabandi; If the succession is disputed he

shall hold a summary enquiry as to who has the right to succeed to the property of the deceased registered holder, according to the principles of law of succession by which the deceased was governed and shall give notice in the manner provided in Rule 6 to all persons known or believed to be interested in the matter to the effect that registry either will be made in the name of the person found to be entitled, unless any person objecting to the registry files a declaration within three months from the date of such notice, stating that he has instituted a suit in a Civil Court to establish his title and produces a certified copy of the plaint in the suit. If no declaration is filed, the registry shall be made on the expiry of three months. Where a declaration is filed further action shall be stayed pending the result of the suit. When entering the names of the heirs, in the case of undivided families, the name of the managing member or members shall be registered while in other cases, the names of all the heirs entitled to shares in the property shall be registered.

Succession in case of registered holder not heard of for more than seven years:— (b) In case of a registered holder of a holding who has not been heard of more than 7 years, in the absence of any evidence to show that he is still alive, he shall be presumed to be dead and registry transferred accordingly. In all cases in which there are no heirs who claim the registry, it shall be made in the name of the person in possession of the lands after giving notice in the Gazette to the effect that the registry will be made in his name unless any person objecting to the registry files a declaration, within three months from the date of such notice, stating that he has instituted a suit in a Civil Court to establish his right and produces a certified copy of the plaint in the suit. If no declaration is filed, registry shall be made on the expiry of three months. Where a declaration is filed, further action shall be stayed pending the result of the suit.

(c) Where the land is not in the possession of any person, action shall be taken under Section 60 of the Act.

IO. Transfer in favour of persons proving possession for twelve years:— Where in a summary enquiry parties who have no documents of title, are shown to have been in possession of holding as reputed owners of land for twelve years or more, transfer of registry shall be made after notice, as provided in Rule 6. Action under this rule of

shall be taken by the revenue officers either on their own motion or on the application of the parties concerned. Payment of revenue as evidenced by the production of kist receipts or by the testimony of the village officers may be taken as proof of possession. In the absence of such proof, oral evidence of possession may also be accepted.

11. To whom applications should be made:— (1) Applications for transfer of registry under the provisions of Rule 6 or Rule 7 shall be made to the Collector or Deputy Collector and all other applications for transfer of registry shall be made to a Revenue Officer not lower in rank than a Girdawar in whose jurisdiction the land, the registry of which is sought to be changed, is situate or to registration officers when any deed of conveyance is presented for registration. The Patwari of the village shall immediately report the death of a registered holder to the Tahsildar or Naib Tahsildar within whose jurisdiction the village is situated, giving the names of heirs of the deceased so far as may be ascertained. The Collector, Deputy Collector, Tahsildar or Naib Tahsildar, as the case may be, shall dispose of finally all applications for transfer filed before him and shall direct change of registry either of his own motion or after enquiry and report of an officer not lower in the rank than a Girdawar.

(2) No appeal shall lie in cases of transfers registry ordered by a Tahsildar or a Naib Tahsildar. The Deputy Collector and the Collector may, in the exercise of their general powers of revision, entertain revision petitions at any time against the orders of their subordinates in such cases and shall entertain such application when there is a likelihood of Government being involved in a civil suit. The Girdawar after making personal enquiry in the village where the land is situated may dispose of such of the applications for transfer of registry as are presented to him and also such of the outstanding cases of transfer of registry ascertained by him during his inspections as provided in Rule 8 (b) which do not involve any dispute or formation of new sub-divisions. Disputed cases and cases involving sub-divisions shall be submitted to the Tahsildar or Naib Tahsildar, as the case may be, for orders.

12. Action to be taken by registering officers:— In every case of absolute transfer of

landed property by a deed of conveyance, or of transfer of possession by any other kind of instrument, registered in any registration office, the registering officer shall obtain from the party presenting the instrument an application in Form B-1 for the transfer of revenue registry of the land conveyed or transferred by the document. If both transferer and transferee appear before the registering officer, he shall obtain the signatures of both of them on the application, The Registering Officer may also receive an application in writing for such transfer from the party to such a document who does not appear before him. If neither the transferor nor the transferee is willing to make such an application, the registering officer, himself shall prepare a notice of the transfer on Form-A filling in of the columns therein of which information is available with him. The Registering Officers shall such transmit all applications presented to them which shall be in Form B-II as well as notices prepared by them to the Tahsildar or Naib Tahsildar of the Circle in which the property is situated, who shall take action on them as of they had been received by revenue officers direct.

13. Withdrawal of application for transfer:— In the case of applications for change of registry made before registration officers as well as those made before revenue officers, no transfer of registry shall be effected if before such transfer is made, the registered holder gives notice intimating about the withdrawal of his application. But where there is a duly executed and registered document evidencing the transfer, the procedure prescribed in the later portion of Rule 6 should be followed as if an application were made only by the transferee.

14. Stamp duty:— Applications for transfer of registry in the revenue account shall be exempt from stamp duty.

15. Change of names in joint pattas:— (a) On account *of death* :—In the case of change of names in joint pattas on account of death the procedure shall be the same as that specified in Rule 9 for cases of deceased in single pattas.

(b) Joint *registry of the name of a transferee*:— Where a joint holder of holding has transferred his interest in a joint holding, the name of the transferee

may be registered jointly with the other co-sharer's the transferor's name being removed, unless his interest has been transferred only in part. The consent of the other co-sharers shall not be necessary, but due notice shall be given to all joint holders of a holding in the manner provided in Rule 6 and their objections shall be carefully considered before the transfer is registered.

(c) *Sub-division and separate registry of joint holdings* :— Sub-divisions and separate registry of a joint of holding may be effected at the instance of any one of the joint holders of a holding or of the persons to whom the whole or part of his share has been transferred provided that the shares are marked on the ground by well-defined boundaries. The consent of the joint holders shall not be necessary but notices shall be issued to all persons interested in the manner provided in Rule 6 and their objections shall be duly considered.

C—Relinquishment of land

16. Relinquishment of land:— A registered holder may relinquish his land by submitting an unconditional razinama in writing to the Tahsildar or Naib Tahsildar before the end of April in any year. Such razinama need not be stamped but shall be in Form 'C' and the declaration therein shall be attested by two respectable witnesses. The Patwari shall, if requested to do so by the registered holder, write the razinama himself without charging any fees for the same. If the razinama is prepared by the Patwari, he shall affix his signature beneath the words written on the lower left hand corner of such razinama. The Tahsildar or Naib Tahsildar, as the case may be, who receives such razinama shall certify it in his own hand according to the certificate prescribed in Form 'C'. He shall exercise due care in ascertaining the identity of the person who has signed the same, notwithstanding that such notice has been duly endorsed as hereinbefore required. The relinquishment shall have effect from the close of the current year.

17. Procedure when razinama is sanctioned:— After the razinama has been certified, the certifying officer shall give a written intimation to the applicant that his razinama has been sanctioned and shall also inform the village officers of the same. The village officers shall make an entry regarding the

relinquishment in the village register.

18. Certification of razinama:— A registered holder may get his razinama certified by appearing before any revenue officer not lower in rank than a Naib Tahsildar.

19. Certification of razinama on commission:— Where a registered holder cannot appear in person and present his razinama for certification on account of the old age, sickness, or other infirmity or because the registered holder is a purdhanashin woman or for any other reasonable ground the razinama may be certified on commission.

20. Certification of razinama by Jail Superintendent:— If a registered holder is in prison the certificate of the Jail Superintendent shall be deemed to be sufficient for the purposes of sanctioning the relinquishment.

21. Razinama by minor:— In the case of razinama by a minor registered holder, the attestation of his guardian shall be deemed sufficient.

22. Razinama to be refused for arrears:— A razinama shall not be accepted if there are any arrears due on the land which is proposed to be relinquished.

23. Procedure when razinama is withdrawn:— A registered holder whose razinama has been certified may withdraw the same at any time before the order for excluding his name from the land records has been passed in Jamabandi, by submitting an application in writing to the Tahsildar withdrawing his razinama. On receipt of such application, the Tahsildar shall not take any further action on the razinama and shall pass orders that the patta of the land shall continue in the name of the applicant.

24. List of lands relinquished:— The Village Officers shall affix to the Chavidi of the village, a list of all lands relinquished in the month of April for information of persons who may apply for the grant of the relinquished lands. The list shall be kept affixed to the Chavidi till the 15 of May when a copy thereof shall be sent to the Tahsildar with a certificate of five respectable persons to the effect that the list was kept affixed to the Chavidi. *D—*

Alluvion and Dilution

25. Alluvion and diluvion:— In case of alluvion diluvion, if the limit of two guntas in the case of wet land and one acre in the case of dry land prescribed in Sections 55 and 56 of the Act is exceeded and the change is of a durable nature, the increase or decrease shall be surveyed and assessed and the Sethwar corrected accordingly. But

if the change is of a temporary nature, one year's increase or decrease may be made in the Jamabandi. *E—Cultivation of Pot-Kharab*

26. Levy of Assessment:— If in settlement any area has been deducted from the area of any survey number for pat-kharab (for example, rocks, stones, etc.,) and the occupant makes such area cultivable with his capital and labour, no assessment shall be levied on it during the term of settlement but if wet cultivation is done from Government water the difference between wet and dry assessment shall be levied as water rate till the next revision where full wet rate shall be levied. Nothing in this rule shall entitle any occupant to obstruct or cultivate the area deducted for tracks, or any other land such as tope, kunta, well, burial ground, saltpan, etc., reserved for a public purpose.

26-A. Such portions of any survey number for which Pot-Kharab has been given on account of Sendhi and Toddy trees standing thereon shall be charged the assessment at the rate fixed for the survey number.

27. Tank Bed land not to be granted on patta:— No unoccupied land situated in the bed of a Government source irrigation shall be granted on patta.

F—Tank Bed

28. Auction of right of cultivation for a specified crop:— If any land mentioned in Rule 27 emerges from the water in any year and is fit for cultivation it shall not be leased for cultivation.

Provided however that in years of drought or scarcity, such lands may be assigned to persons of the Scheduled Castes, Scheduled Tribes, Harijans and Backward Classes with permission of the Collector on eksala basis, subject to the condition that the lessee—

- (1) Shall have no right to take water from the Government source;
- (2) Shall not use such manure as may spoil the tank water and
- (3) Shall, after the crop is harvested clear the land of all obstruction so that the usual collection of water may not be affected. Provided further that nothing in condition (1) of the first proviso shall apply to the tank bed

lands in all the districts of the Telangana area of the State till the onset of the monsoon or till the end of Fasli 1382 whichever is earlier, for cultivation of the irrigated dry food crops or fodder crops with help of the water taken from Government sources.

29. Grant of remission for bed lands:— If after the bed land is cultivated water comes into the source due to unseasonal rains and the land or any portion of it is submerged and cultivation is not possible, (the lease amount) of the merged area shall be remitted. If, after land is cultivated, the crop is submerged and destroyed, remission shall be given in accordance with the provisions of Rule 45.

• 30. Lease of bed lands of rivers and nalas:— (1) The bed lands of rivers and nalas which come out due to recession of water and area fit for cultivation may be leased on Eksala basis for cultivation, preference being given to persons belonging to Scheduled Castes, Scheduled Tribes, Backward Classes or Harijans and subject to the condition that cultivation is restricted to creepers such as cucumber, melons, mustard and the like, and that all the crops on the land shall be completely removed by the 31st May, so as not to obstruct the free flow or cause silting or general raising of the river bed.

(2) The provision of Rule 29 shall apply also to bed of rivers and nalas coming under this rule. *G—Rights of Inamdars and Qaldars to Irrigation from Government sources*

31. Rights of Inamdars to Government water:— If an Inamdar who, by virtue of Sanad or usage, is entitled to free irrigation of a particular crop from Government source, takes water for a second crop or for sugarcane, he shall be charged full assessment in respect of the additional crop. Provided that the seth-sindies, neeradhies, balutedars shall be charged only 3/4th of the full assessment in respect of the additional crop.

32. Irrigation of Qual land from Government source:— If a Qaldar irrigates his qual-lands from a Government source within the period of qual three-fourths of the full assessment of the land shall be recovered from him besides the qual amount. After the expiry of the period of qual, the full wet assessment shall be levied after deducting dry assessment due to Government, in Inam land.

33. Orders relating to remissions applicable to Government share in Inam land:—

The Provisions of these rules relating to grant of remission shall also apply to the share of the Government.

34. [Deleted] H—Wells situated outside the Ayacut of Government Patasthal sources

35. Ryots free to sink well:— If a ryot sinks new wells in dry land in his occupancy situated outside the ayacut of Government patasthal sources, or repairs dilapidated or dried up wells with his own capital and does wet or baghat cultivation therefrom or plants trees, etc., he shall be entitled to the full benefit of such improvements and no additional assessment except the dry assessment fixed by settlement shall be levied on such lands. If such lands come within the ayacut of a Government source in future due to the construction or extension of or repairs to a source of irrigation, the ryots of such land shall not be compelled to irrigate their land from such source. They shall be free to take water from such source or not. If Government water is taken patasthal wet assessment shall be levied as before. It shall not be necessary to obtain any permission for sinking wells or repairing existing wells. The Village Officers shall maintain a record of all such wells giving details of land irrigated thereunder and send an annual statement to the Tahsil Office where entries shall be made in the concerned taluq register.

36. Pucca and kachcha bhurkies and dry lands:— Dry lands under bhurkies constructed on the banks of natural rivers and nalas shall be charged $1 \frac{1}{8}$ the maximum dry rate of the village in the case of pucca bhurkies and $1 \frac{1}{4}$ the maximum dry rate in the case of kachcha bhurkies until the next revision settlement. Provided that when the lifting of water is done by means of Mechanical pumps the assessment levied shall be the maximum dry rate of the village under both the categories of Bhurkies mentioned above and Provided further that if such lifting involves the stoppage of perennial flow of water in natural rivers and streams prior permission of Government is necessary.

I—New wells constructed within the Ayacut of Government Patasthal sources

37. Wells constructed by ryots within the ayacut:— (1) Ryots shall be free to

sink wells in their lands situated within the ayacut of Government Patasthal sources. If water from the Government Patasthal source is not available and cultivation is done from such wells,¹[no] dry assessment shall be levied in the manner specified below:

"(a) In a single crop patasthal wet land if the first crop is cultivated with water taken from the Government source and the second crop is cultivated with water taken from the well the land shall be treated as single crop wet land and no charge shall be levied for the second crop irrigated from the well".

(b) If water is not available from Government source even for the first crop and such crop is cultivated with water taken from the well dry assessment shall be levied for such crop also, but it shall not be compulsory to cultivate such crop under the well.

(c) In double crop patasthal wet land, if patasthal water is not available for a crop and cultivation is done with water taken from a well, no additional assessment ²[* * *] shall be charged for such a crop.

(2) If on account of repairs to or extension of a Government source such land can be irrigated from such source for both the crops, the ryot shall be bound to take Government water for both the crops.

(3) This rule shall apply also to quali wells construed by ryots in accordance with quals granted under Government Resolution No.38 of 1303 F.

38. New bhurkies in Patasthal wet lands:— New Bhurkies situated in Patasthal wet land on which no assessment has been fixed by settlement and which are constructed by ryots on the banks of natural vivers and nalas shall be governed by the provisions of the foregoing rules :

1. Subs. by G.O.Ms.No. 791. dt. 20-8-1969.

2. The words "except dry assessment" omitted by *ibid*.

provided that in the case of pucca bhurkies $1\frac{1}{8}$ the maximum dry rate of the village and in the case of kachcha bhurkies $1\frac{1}{4}$ the maximum dry rate shall be levied.

Provided further that:

- (i) When the lifting of water is done by means of mechanical pumps only the maximum dry assessment of the village shall be levied under the categories of Bhurkies mentioned above
- (ii) if such lifting involves the stoppage of perennial flow of water in the natural rivers and streams, prior permission of the Government is necessary. J—*Levy of Local Cess*

39. [Omitted by G.O.Ms.No. 7510, Revenue, dated 3-12-1959]

K—*Kists of Land Revenue*

40. **Kists of Land Revenue:**— The following dates are fixed for the payment of land revenue to Government. Karif and Abi Crops From 1st January to 31st January.

Rabi Crop From 1st to 21st April

Tabi Crop From 1st June to 15th June

41. **Record of rainfall:**—The record of rainfall year shall be maintained from 16th May and rainfall entries should be made in rainfall statements.

PART II

Assessment of Land and Remissions

A—Dry Lands

42. **No remission for dry land and no additional assessment for a second crop in such land:**— (1)¹* * * 1

- (2) No additional assessment shall be levied if a second crop is raised or Asmani Tari wet cultivation by rain water is cultivated on dry land. Provided that if Asmani Tari is cultivated on the bed of a Government source of irrigation or

with water which flows into such source, the lowest wet assessment shall be levied.

(3) No assessment shall be levied during the first period often years in case of lands in which tamarind trees are newly reared, provided that the pattadar obtains prior permission for Tahsildar in writing to rear such trees and provided also that no other crop is raised on the land.

²[42-A. Where a wet crop is raised on dry land the water cess would be the difference between wet and dry assessment and that on irrigated dry crop raised on dry land would be one-third of the difference between wet and dry assessment subject to maximum Rs.30 per acre in the case of wet crop and Rs.20 per acre in the case of dry crop. The Water cess so levied should be in addition to the existing dry assessment.]

B—Wet Lands *under Patasthal sources*

43. Wet cultivation compulsory in all lands under patasthal sources:—

³(1) In the cases of all patasthal wet lands whether classed by Statement as

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1. Sub-rule (1) of Rule 42 omitted by G.O.Ms.No. 1693, Revenue, dt. 1-11-1962.

2. Added by G.O.Ms.No. 904, dt. 5-7-1975.

1. Subs. by G.O.Ms. No. 904. Rev. (1-C), dt. 5-7-1975 and by G.O. No. 1191. dt. 24-9-1979.

single crop abi, single crop tabi or double crop, the abi crop shall be deemed to be first crop and tabi the second crop. Cultivation of all such lands in the abishall be compulsory, if the water is available at the source cultivation in tabi shall also be compulsory if water is available. In the case of all wet lands, whether single crop or double crop, full assessment shall be levied for the abi crop and the same assessment shall be charged for Tabi crop and if third wet crop is also raised on the same land the charge levied shall be the same as for the the Tabi crop. (2) No remission shall

be granted for any such land if it is left fallow without any reasonable grounds.

Explanation I:— For the purposes of this rule the following shall be deemed to be reasonable grounds:— (a) Scarcity of water at the source, (b) If the cultivation is impossible due to excess of water slush, (c) If the land has any inherent defect which renders it uncultivable during abi or tabi. (d) If due to excess of rain, it is not possible in abi for water to reach the cultivation through the channel, (e) If it is dangerous to open the sluice under which the land is situated due to water being very deep, (f) Any other reason beyond control of the ryots;

Explanation II :— Aslesha Karti is the last period for abi cultivation and if there is sufficient water in the source in that Karti, cultivation in abi shall be compulsory.

Explanation III:— Uppalwat Bonda (a spring from which water flows naturally as from a patasthal source) shall be treated as a patasthal source for the purpose of this rule.

44. Remission of assessment of patasthal wet lands when they are not cultivated for any reasonable grounds:— If a whole survey or pote-number of Patasthal wet land is left fallow for any of the grounds mentioned in the foregoing rule, remission of assessment shall be granted, on an application by the parties or on a report of the local Patwari and Girdawar. For the purposes of Jamabandi such remission shall be called "Karne eksala".

45. Remission of assessment of patasthal wet lands when their crop is destroyed:— (1) If after a wet crop is sown in any Patasthal wet lands, the crop is destroyed on account of scarcity of water or any other cause beyond the control of the ryots, remission shall, subject to the other provisions of the rule, be granted according to the following scale :—

If the estimate of the produce of the whole survey of the pote-number is :-	not more than 1/8	full remission
	more than 1/8 but not more than 1/4	2/3 remission
	more than 1/4	1/3 remission
	more than 2/3	no remission

For the purposes of Jamabandi such remission shall be called 'moafi eksala'.

Explanation:—The expression 'produce' means every kind of produce grown on land

exclusively under a Patasthal source and includes paddy, sugarcane, panmalla, baghat etc., but it does not include the grass of paddy crop.

(2) Every ryot who wishes to claim remission under this rule shall submit an application in writing on unstamped paper to the Tahsildar or Naib Tahsildar not later than 22nd of November in the case of abi crop and not later than the 15th of April in the case of abi crop. In the case of sugarcane crop, if the crop does not germinate, the application shall be submitted before the end of June and if it is destroyed after germination, the application shall be submitted not later than the 15th of November but in special circumstances an application presented between the 15th November and 30th of December may be accepted. The Patwari shall, if requested to do so by the ryot, write the application free of charge.

(3) As soon as an application is received, the Tahsildar or Naib Tahsildar shall transmit it to the Girdawar who shall, without any delay inspect the crop and make a panchanama of the crop in Form 'D' and submit it to the Tahsildar or Naib Tahsildar as the case may be. The Panchanama shall be made in the presence of well informed panchas after making a proper estimate of the produce.

(4) A Revenue Officer not lower in rank than a Naib Tahsildar shall personally inspect every land in respect of which an application for remission is made under this rule within 15 days from the date prescribed in sub-rule (2) for submitting such application and shall record his opinion on the panchanama after making an estimate of the produce. Tahsildar or Naib Tahsildar shall be held responsible if this important work is not completed within the prescribed time limit.

Report showing the progress of this work shall be sent by the certifying officer to the Deputy Collector and Collector every fortnight. If the Deputy Collector is himself the certifying officer, he shall send such report to the Collector. If the number of applications is large, the work may be distributed among the Naib Tahsildars, Tahsildar and Deputy Collector. The ryots shall be bound to

preserve the crop till the inspection of the certifying officer and shall not be entitled to any remission if they fail to do so. The Collector shall exercise strict supervision over the subordinate officers in order to ensure completion of this work within the prescribed time limit;

- (5) After the Panchanamas have been certified by the Tahsildar or Naib Tahsildar, they shall be submitted to the Deputy Collector for sanction. When such sanction is received, it shall be communicated to the Village Officers and final accounts of such lands shall be settled in the Jamabandi.
- (6) The Collector shall be competent to sanction of remission for destruction of crop, after the Jamabandi goshwars have been despatched to the Revenue Department but intimation of such sanction shall be given to the Revenue Department within a week so that a record of the financial result of such sanctions may be maintained.

46. Sugarcane cultivation:— (1) The assessment for sugarcane shall be ¹ [* *] twice the abi assessment. The minimum area for sugarcane cultivation shall be ten guntas and if it is cultivated in less than ten guntas, assessment shall be levied on full ten guntas.

- (2) If sugarcane crop is standing in a field it should be given priority for supply of water from the patasthal source.
- (3) For the second and third crop of sugarcane commonly known as *modam* and *makarmudam*, the same assessment shall be charged as for first tabi crop.

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1. Words "one taabi and two tabis or" deleted by G.O.Ms.No. 1191, dt. 24-9-1979.

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