

## 1. CHANGING ROLES OF THE REVENUE OFFICERS : TALATHI'S.

After learning and reading this module, the talathis, who are the cutting edge cadre in providing the service delivery at the village level, will be able to, describe their changing roles and contribution in the development administration.

The roles and the scope of responsibilities of the revenue officers are undergoing extensive changes with respect to the passage of time. The administration and the governance is fast progressing towards e-governance and from e-governance to Good governance. It is expected that the attitudes, of the officers and sub-ordinates, towards their role and responsibilities need to change in this times of transformation. This change can be:

- From regulatory to de-regulatory, from de-regulatory to free state
- From invitation to co-operation, and from complexities to simplicities.

**While working at village level, and performing the traditional tasks, the talathis, have to be aware of their role as follows:**

1. **Representative Role:** Talathi is the representative of the Government. He has to work with the microscopic vision. He has to perform his duties such as Land Administration, Govt Recovery and Public Relation, as professional and competent officer.
2. **Executive Role:** This is the regulatory role. This includes, enforcement of Govt. rules, regulation and acts. While performing his duties, he also has to keep the public informed about various Govt policies, Schemes, acts and rules, and legal sanctions in case of default.
- 3 **Role of a coordinator:** Coordination at village level among various Govt depts. such as police,agri, health, land records, gramsevak by keeping continuous liaison with them and also

cooperate to solve particular difficulties, for prompt implementation of various govt development schemes. In fact talathi is truly the leader of the govt administration at the village level.

- 4 **Facilitator and role as a social welfare:** This role of talathi is very important. In that, he is supporter of the needy and helps the correct beneficiary. He honors the citizen's rights and facilitates to solve the problems of general public.

**Besides performing the basic duties of talathi, he also has to play a vital role in implementing various govt schemes such as:**

1. Sanjay Gandhi niradhar anudan Yojana
2. Sanjay Gandhi swavalamban Yojana
3. Indira Gandhi, landless, old Agriculture labour assistance scheme.
4. Tri card yojana
5. Extension of Gaonthans and provision of house sites
6. Zopadi (Hut) Insurance Scheme
7. Baliraja suraksha yojana
8. Social security Scheme
9. Annarpuna yojana
10. National Old age Pension yojana
11. National Family benefit scheme
12. National Maternity benefit scheme
13. Jijamata Mahila Adhar vima yojana
14. Maharashtra shramjivi family welfare scheme
15. Employment Guarantee scheme
16. National Distorts assistance scheme
17. Scarcity – Remedial measures
18. Crop Insurance Scheme
19. Crop cutting programme
20. Small Saving
- 21 . Selling of Loan Bond

Revenue Department is the oldest dept of the Government administration, and in the agrarian society, role of the talathi as a land administrator is highly important at village level. Land is considered as the most important resource in the development process. Land has the pivotal role in the development process and the entire process revolves around the revenue and land records.

After independence the policy of welfare state and end of Zamindari effected the concept of ownership of land.

### **REMARKABLE CHANGES IN OWNERSHIP OF THE LAND .**

- As per the land ceiling act excess lands were taken away from the excess land owners and the same was allotted to the landless as such the number of controlled land holders was increased.
- “Cultivator is the owner ” policy gave rise to the number of owners of the land.
- In order to fulfill the need for food grains in the country, “ grow more food grain” campaign was launched. Under this scheme encroached lands, were regularized and allotted to the private owner.
- As per the policy of abolition of Zamindari, some hereditary estates comes under the control of the Government and those lands were again allotted with new conditions to their heirs, hence the administrations and its scope was increased.
- Government and private land were acquired for implementing developmental schemes/ projects and thus the object to using land changed with ownership of land.
- As a result of that, lands were allotted to the affected persons within the project area.
- Small farmers and marginal farmers were considered as focal point of the development program, for getting benefit under such schemes. Instead of land lords who had recorded their family members and relatives as users.
- As a result of that the productive lands were re-distributed. For consolidation and imposing restriction on distribution of such lands the Government has enacted the legislation but was not followed strictly. This gave rise to the disputes such as ownership of land, transfer of land and actual cultivation of land.

- As impact of green revolution, many fallow lands, potkharaba lands and lands which are not under cultivation were brought under cultivation, hence the area of cultivable land increased considerably but all changes were not recorded exactly in a record of right.
- Non agriculture use of land increased because of industrialization and urbanization. Further work to make changes in ownership and land records, regarding the object of using land, change in imposition of tax, changes in maps and entries in respective registers become more complicated.
- Government lands were allotted to different social segments for agriculture and non agriculture purposes, hence the lands which were not in use and free of cess becomes the land under agriculture and non agriculture categories.
- All the changes were recorded in regular revenue official record but accordingly, the updation work of land record was not done effectively. Hence the record with Talathi were considered as a standard record.
- As such, the land records which was suppose to used as reference lost their consistency with present record of right.
- Hence the overall decision making process pertaining to estimation of land revenue and recovery, land development, agriculture census, planning of agriculture production, became complicated.
- Departments such as revenue, registration and land records are equally responsible to keep, maintain and update, record of land transfer and land registration under the above circumstances.

## 2. OFFICE RECORD AND RECORD OF RIGHT

1. The Maharashtra Land Revenue code, 1966 Chapter-10
2. Maharashtra land revenue official record and registers (to prepare and maintain properly) Rule 1971
3. Maharashtra land revenue rule book part – 4
  - Page 142 to 157 – Instructions to Talathis who records and Inspecting Officers who check and certify the record.
  - Page 160 to 175 – Explanation regarding Village namuna seven – twelve
4. Hindu Succession act 1956.

### Design

- 2.1 Objective
- 2.2 Introduction
- 2.3 Essential Information
- 2.4 Reasons normally which could effect Change is in the right of land
- 2.5 Precautions to be taken while recording
- 2.6 Recordings to be done at the time of crop cutting
- 2.7 Verification of record
- 2.8 Record of actual land possession
- 2.9 Village namuna No.11

#### 2.1 Objective :-

After being studying this chapter, it provides for the information regarding protection of land owners right and corresponding changes in the record, procedure of recording, acts and rules related to recording and precautions to be taken while recording.

#### 2.2 Introduction :-

Record of rights contains an information regarding Rights and liabilities of person over a piece of land. The main principle behind this is, there should not be any change in rights without permission of due authority and to maintain consistency in Land

record. If record of right is updated properly it will help in reducing number of legal disputes.

### 2.3 Essential Information :-

1. Maharashtra Land Revenue Act, 1966, Section 148 – Record of right contains.

- Owner who is in possession of the land.
- Tenant as per the tenancy act.
- Conditions and liabilities  
Liabilities to pay revenue.  
Other things which can be specified by the state  
Government by making the rule.

2. **Maharashtra Land Revenue Act, 1966, section 149, 150, 151**

- Obtained right should be informed to Talathi within three months period.
- Exemption has been given from supplying prativrut to Talathi if the record of right is received through collectors permission or registered documents.
- Copy of mutation of entries should be affixed on the notice board of chavadi.
- All concern persons should be issued/ supplied with the notice of mutation of entries.
- If there is any objection on mutation entries the same should be recorded in dispute case register and a acknowledgement is to be given to the concern person.
- Unless the entry is certified it should not be recorded in the record of right.
- If the information regarding record of right is not given in time then such person shall be liable for fine.

The Article 150 (2) in Maharashtra Land Revenue Code is an important section. It is illegal to make changes related to ownership rights, tenancy right or any other rights in record of right, unless reasonable opportunity of being heard is given to concern person.

3. Maharashtra land revenue record of right and registers. (to prepare and maintain properly) Rule 1971, sub rule 31.

If the land is in possession of the person other than which is shown in the record of right in such cases as per the rule 31, the entries of the same should be made in form-14 (village form-7b) and the proposal is to be forwarded to Tahsildar.

Actual possessor of the land

1. Land owner
2. Tenant as per tenancy act.

If any party other than mentioned above is in actual possession of land, it should be duly supported by legal documentary evidence.

Talathi :- Mr. Ramrao it seems that, as per record Laxman is in possession of the land, then, how is it that, you are cultivating?

Ramrao :- He has borrowed Rs.2000/- from me. I will be possessing land till he repays the entire amount to me.

Talathi :- sorry ! I can not fill up Form No-14 for you and also make you as a possessor.

Talathi: - Mr. Shamrao it seems that, as per record Sitaram is in possession of the land then, how is it that, you are cultivating?

Ramrao: - I am having registered document and on that basis I have taken possession of this land. Hence record my name in the document.

Talathi :- Ok. As you are having registered document I will send your Form No.14 to Raosaheb.

## 2.4 The general reasons for possibility of change in right of the land.



## **2.5 While recording be Cautious for this**

- Ban on pieces of land - Transactions against Consolidation of land
- Transaction of Controlled land.
- Purchase of land by non - agriculturist without taking the permission under tenancy act.
- Transactions against article 43 in Mumbai tenancy and agriculture land act .
- Transactions against land ceiling act.
- Transaction against various abolition of hereditary act.
- Transfer entries without having registered documents.
- With having burden of Bank/society on the land, shown in other right and in such case without informing and without getting no objection certificate from them recording the transaction of land.
- Transfer of Inami land.
- Recording of overruling the act of land acquisition.
- Transfer of land, of scheduled caste without prior permission.
- Recording against land ceiling act.

## **2.6 How to serve/issue notice..**

- The notice can be served on person or his legal advisor by personally serving the copy of notice to them. if notice can not be served by above method, then it can be served by affixing the copy of the notice at the conspicuous place where such person last reside or in a village where he owes.
- If the person is absent from resident or if he does not have any legal representative the service of notice can be made on any adult members living with him in his family.

- When the copy of notice is served personally on person or his legal representative then the serving officer must require such person to sign an acknowledgement of service to be endorsed on the original notice.
- In such circumstances the person to whom the notice issued should return the original copy of the notice along with the copy of panchnama stating the facts of serving notice to the serving officer. When the notice is served by affixing it on persons last dwelling house then panchnama should contain the name and address of such person who acknowledge the house.

### **2.7 Precautions to be taken while Certifying the entries.**

All rights related to certifying the mutation entries are vested in officer not below the rank of Awal karkoon or superior officer. Competent authority should get confirmed the above matters and provide special attention on following things.

- Local enquiry should be done before recording the names of inheritor, and then get approval in inheritance register. Precautions should be taken that, there should not be any objection from any inheritors to the inheritance right.
- Enquiry should be done if there is any dispute regarding to inherit ants right. Inherit ants entries should be done according to the provisions Hindu succession act 1956.
- Precautions should be taken, that, entries which have been delivered by the orders of civil courts and revenue courts, should take the effect after expiry period of appeal.
- Transfer of new conditional land should not be effected without the permission of competent authority.
- If the complaint regarding entry is received in time, then decision should be taken after proper enquiry.

- See that, the mutation entries had taken on the basis of actual transactions.
- Whether the conditions or special right, concessions mentioned in the transaction are recorded in mutation entries.
- See that notices are executed and published.
- Ensure that, the documents regarding mutation entries or its copies or A form with sub register is available with Talathi and verify the details in that papers should with the entries recorded.
- If due to entries there is division of survey number, then ensure that it is recorded in *Namuna-6D*.

### **2.8 Action to be taken by Talathi after certification of the entries.**

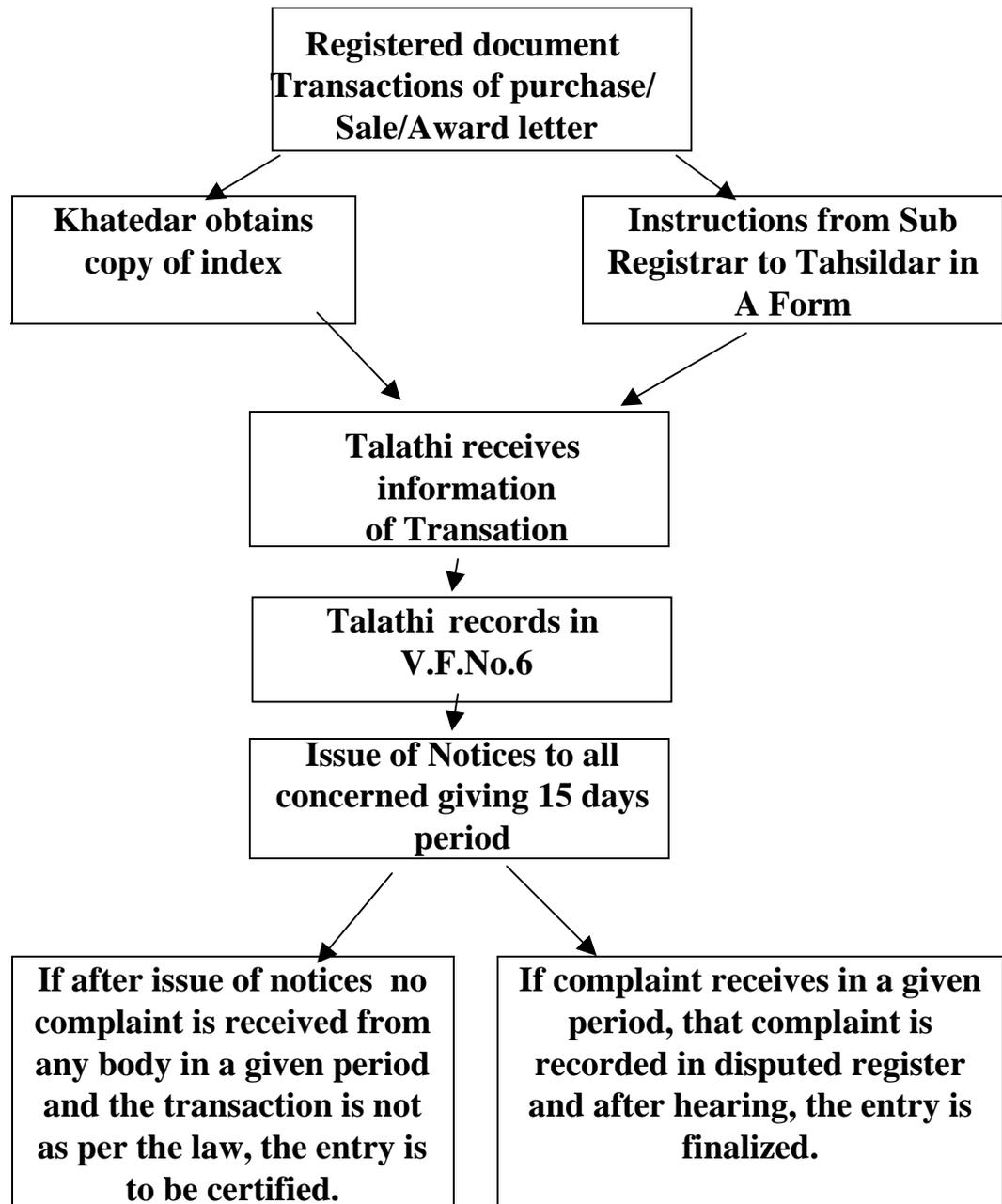
Concerned person should be informed regarding the mutation of entries. After mutation of entries necessary corrections should be done in village Form No.7/12, 8A, 8B, Also if their change in occupants name, survey number then necessary changes should be made by writing the mutation number.

2

### **.9 Disputed Mutation Entries.**

If there is any objection is being raised after getting the notice of Form N0.9, Then the concerned Talathi should record the entry in Village Form No.6A and issue a receipt in Namuna-10. The description of objection should be written in Village form No. 6A, column-4 and the survey numbers included in disputed transaction should be noted in column No.3.

## 2.10 Steps to Certify the Mutation Entries.



## 2.11 A will.

A will is legal declaration of intention of the testator with respect to his property, which (intention) he desires to carried in to effect after his death.

- A will limited to the property earned by testator or his share in hereditary property.

- Contents of will should get effect, only after the death testator.
- Rights to determine the legality of will are vested only in civil courts. Revenue court has no jurisdiction over such matters.
- Will relates to moveable and immovable property. It should be capable of explaining legacy of will.
- Will should specify that, it has made in after having fully understood the implications thereof and in sound state of health and mind. The testator should signs or put his thumb impression at the bottom of the will.
- Will should be signs by at least two witness. Beneficiaries of will must not sign the will.
- If will registered then it is easy to prove its legality but there is no mandatory provision that it must be registered sub registrar.
- If the will is registered, then after the death of the testator any person can obtained the copy of will from the registrar by providing relevant certificates.
- If the person made more than one will, then the will has made last amongst the all wills, will get the effect.
- Will made by minor/unknown person will not take effect.

### **2.12 Entries of Inheritor.**

If the person dies before making the will, then the rights of the inheritor should be recorded in the record of right, immediately after the death of owner of the property. It is very important point of view of inheritor as well as the village administration, because if it is not recorded accordingly, then discrepancies will arise at the time of crop estimation and Government recovery.

Talathi should update the entries at least once in a month after being analyzing the Birth/Death register with the Gramsevak and local enquiry.

## **1. Procedure regarding Inheritance entries.**

- In the absence of the will, if a person dies, then the inheritor has to apply to concern Talathi along with the death certificate, for recording inheritor entries in the record of right.
- On reading of the 8A before Khatedars, Talathi should obtain the death certificate from Gramsevak along with the death certificate.
- Local enquiry can be done as regards inheritor.
- Inheritor is subject to local enquiry, hence if complaint is not received then, the entry can be approved.
- Entry of real inheritor will be done in Village Form No.6 after doing local enquiry.
- 15 days notice should be issued to all concerned persons.
- If no complaint is received within a given period, then the entry will be certified. And if there is complaint, then after enquiry the case will be finalized as per rules.

Radhabai :- Please take this my written document on stamp paper. I Don't want share in my brothers estate.

Talathi :- Aunti, I could not accept this paper. Bring the registered letter from Sub Register regarding reliving the right on property.

Conclusion :- Unless the document is registered it should not be recorded.  
Exception – Will Paper/ Letter

Kisan :- This is my application and death certificate of my father. Kindly record the names inheritor of my Mother Yamunabai, sister Shantabai, my self Kisan and brother Yashwant.

Talathi :- I will do. Wait some days.  
( Meanwhile Talathi enquired locally.  
After some days Kisan enquired. )

Talathi :- YE! Kisan, Godabai is your sister? Why her name is dropped.

Kisan :- YE! She is my big mothers daughter. She is not having issue.  
Why her name should be recorded.

Talathi :- As Godabai is inheritor of your father I have to record her name.

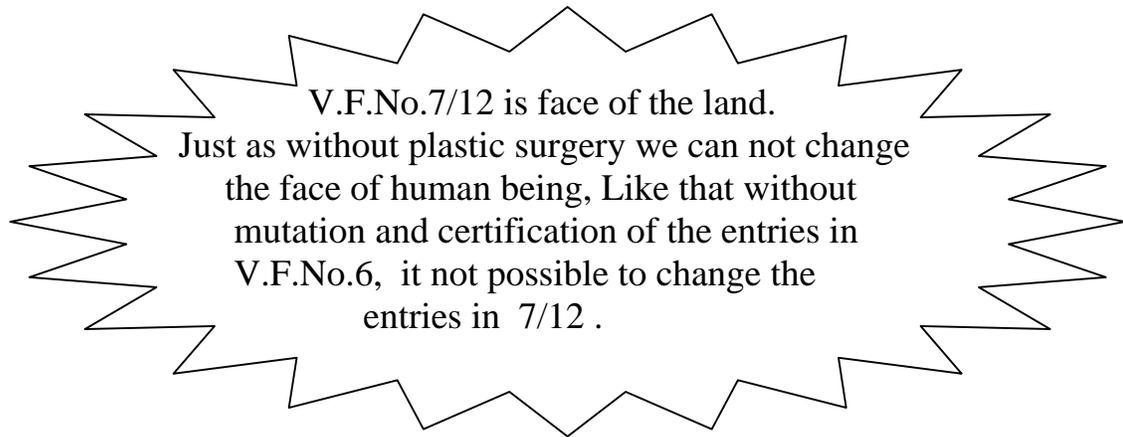
Conclusion :- while recording the name on record of right Local enquiry should be done properly.

Dashrath :- You have penalized three rupees to me, for not submitting the application for recording inheritors names but you have not penalized a single rupee to Yamunabai that she has submitted her application after one year why ?

Talathi :- See Gentleman! there is concession from penalty to widows, Minor, Soldiers and Disabled persons.

### **2.13 Village Form Seven Tweleve.**

- In Village Form No.7/12, the upper part of the V.F. 7 means, entries regarding record of right and lower part of 7/12, i.e. 12 shows figures of area under crop and follow land.
- While writing 7/12, separate page should be used for each division (hissa) and sub division (pot hissa). The number of pages in the 7/12 booklet should be certified by Tahsildar with his signature and there should be round seal of Tahsil Office on each page of the booklet.
- If due to the reason of purchase, sale, distribution or by any other circumstances addition pothissa is created then for that purpose separate page should be created and for that purpose last page of that booklet should be used. While preparing new booklet of 7/12 (At the time of Ten year re writing period) all pot gat should be brought together serially.



● **While writing in Record of Right.**

- 1) Don't scratch any word or figure in V.F. No.7.
- 2) Cancel the figures, names and words which are not required in future showing that in bracket (one thin line on that ) so that can be read again.
- 3) If some names are to be taken out through mutation same procedure should be adopted.
- 4) Booklet of 100-150 pages should be prepared with index.
- 5) It should be binded with thick cover.
- 6) Write survey number in column-1 and hissa number in column-2.
- 7) Write type of cultivator in column-3 (cultivator class-1, class-2, etc.)
- 8) Write name of actual possesses in column- 4
- 9) Write the details regarding having right other than possesses in column- 5. Also entries of boundaries and the symbols of land survey should be recorded in this column.
- 10) In lower part of the column of authority/power record the area of land. The land should be categorized as cultivable and pot kharaba.  
( Pot Kharaba – A - Rocky land, nala, mining, quarrying  
Pot Kharaba - B – Road, smashan bhoomi, water tank, canal,  
residential purpose etc.)
- 11) After recording the land as cultivable and pot kharaba, record the entry of taxation on those land.
- 12) Khate number of the holder should be written in Village form No.8.

● **Re-Writing and Promulgation**

Village Form No.7/12 will have to be written after every 10 years. The following procedure should be adopted while re-writing Promulgation.

- 1) See that all updated mutation entries are recorded in V.F.No.6

- 2) Ensure all perfect mutation entries are certified.
- 3) Complete the corrections in 7/12 and check it.
- 4) Ensure that, all entries in V.F.No.6 are taken in 7/12
- 5) Prepare the copy of V.F.No.7/12 showing all current entries at the last stage excluding the entries which are erased and shown in bracket.
- 6) For continuing links with old re-written numbers the copy of the entries of old mutation number re-written last time should be prepared. Old 7/12 should be return to Tahsil. New copy should be published through notice with the permission of the Tahsildar, objections should be called for the notice and to ensure accuracy the Inspecting Officer should check 10 percent entries. Then on a specific day and time as fixed in the notice, the Revenue Officer not below the rank of Tahsildar will promulgate 7/12. At the time of promulgation, the declaration is made saying, “that from that date the re-written record will be the record of right of that village”.

<p>The entries in record of right and certified entries in the mutation register will be treated as correct entries unless to be proved against that, or up to entering the new entry legally as against that entry.</p>
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### **3. CROP CUTTING EXPERIMENT / INSPECTION**

#### **Procedure of Crop Cutting Experiment/ Inspection and it's Time Table -**

Ref- Maharashtra Land Revenue Manual part-4 (Description regarding Village Form No.7/12)
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#### Design

- 3.1 Objective
- 3.2 Introduction
- 3.3 Period crop inspection
- 3.4 Procedure of crop inspection
- 3.5 Entries to be done at the time of crop inspection
- 3.6 Verification of entries
- 3.7 Recording entry of actual possession of land
- 3.8 V.f.No.11

#### **3.1 Objective :-**

Through this part of lecture, we will get the information regarding, procedure of crop inspection and its timetable, things which needed the special attention while inspecting the crops and what is mean by actual possession of land.

#### **3.2 Introduction :-**

India is a agricultural prone country. Over 70% of the population is depends upon agriculture as their principle means of livelihood, there is close relation between crops grown from the land and its income to economy of the country. For establishing correlation between agriculture income and economy it is necessary that their should be proper study analyzing Estimated income form agriculture, land under different crops and the agricultural produce taken on such land. For having proper planning it is necessary to have exact information of crops and area under different crops.

Every year the estimation of the position of the crop and its productivity along with the reliable information of crop entries forms a great deal of help while giving concessions and help to the farmer.

The only means of having all and exact information related to crops is nothing but the crop entries made in 7/12 (Record of Rights) which operates at village level. At the village the important work to make crop entries in V.F.NO..12 vests with talathi and it is important that such work should be performed accurately .

#### Accuracy in crop inspection

Their should be a physical survey of the land in that village. Only the crops which have actually grown in the filed should be recorded in the record of rights. As the result of computerization and right to information act all the entries in 7/12 are available at all levels with transparency. The officer will be answerable in case of wrong entries.

### **3.3 Period for crop inspection**

- According to Maharashtra land revenue record of rights & Entry books (preparation and maintenance) rules 1971, the work of crop inspection and entry of the same should be completed while the crop is grown and standing position.
- The crop inspection work in Kharip season, should begin on 15<sup>th</sup> August and shall be completed up to 15<sup>th</sup> October.
- But recently due to use of hybrid verity seeds cultivation, the harvesting comes earlier, hence it will be better to complete the crop inspection work till 15<sup>th</sup> September.
- Crop inspection in Rabi season should be completed before 31<sup>st</sup> of December.

### **3.4 Procedure of crop inspection**

- Every year when the crops are grown and standing in the fields, the Talathi should visit the village for the purpose of crop inspection and to make entries in crop register.
- Talathi shall inform the villagers regarding crop inspection and state them to be present in their farm at the time of crop inspection for getting their related entries for this the talathi should give seven days prior intimation through pronouncement in village or by any other means which he deems fit for the purpose. Talathi should make the necessary arrangement for giving such prior information.

- The Talathi should inform further to the Sarpanch and other members of Gram Panchayat to present at the time of crop survey.
- The Talathi shall start the crop inspection on the date fixed by him, in the presence of villagers, Sarpanch and grampanchayat members, he shall visit every farm in the village and after inspecting the survey numbers. he shall record the actual crop in the land in the crop register. He shall facilitate the person concern with the land to check the entries in the register.
- The name of the person who is actually cultivating the land should be mentioned in column 15 of V.F.NO. 12.

Question 1 :- what to do? If Members of Grampanchyat, Police Patil, Villagers and Khatedars are not present at the time of crop inspection.

### **3.5 Entries to be done at the time of crop inspection**

- At the time of crop survey Talathi shall inspect the crop, tenancy, boundaries, and signs of land survey.
- While doing the crop survey the entries related to year of crop survey, season, tenancy in crop entries, records related to fruit trees, information related to irrigation and the name of the person who is cultivating the land should be correctly mentioned in V.F.NO.12
- The entries of multiple and mixed crop should be recorded as per the area accurately.
- If the first sown crop got wasted the crop sown secondly should be recorded.
- It the first sown crop doesn't came at all and no crop sowed again then record of the crop sown firstly should be recorded in crop register.

Question 2 :- Dusota, Tisota numbers are shown one area in F.N.11, then what to do, for reconciling those figure with abstract of that form?

Question 3 :- In crop statistics, goods wise, how many class of grains are shown?

A-20

B-18

C-11

Question 4 :- What is mean by cultivable follow land?

A-Follow land up to 10 years B-Follow land up to 5 years

Question 5 :- If at the time of crop inspection, it is found that, the improved variety seeds are used, then will it be necessary to take the entry of that in crop register.

### **3.6 Verification of entries of crop**

After being completing the work of recording entries in crop register by the talathi, as soon as possible the circle officer, after being informing the villagers should visit village and inspect the crop entries/ records. He shall correct the erroneous entries if any.

### **3.7 Recording of actual possession of land**

Recording of the entries of the person holding the land, other than the person whose name appears in the record of rights .

- If at the time of crop survey if any person claim the title or the occupation to the land other than the owner or the tenant then the talathi should record the name of such person in V.F.NO.7 (B).and prepare copy of such form in Form 14 and send the same to the Tahsildar for the appropriate Proceeding .
- After getting the copy of form no.14 the Tahsildar, for inquiring in the matter of occupation of land shall visit the village. He shall convey the prior intimation of his visit i.e. date and time , Talathi shall inform the concern persons regarding the visit of Tahsildar and state them to remain present in the chavdi.
- During the visit the Tahsildar shall inquire the matter of possession and right over the and give the appropriate decision.

### **3.8 Village form No. 11 (Recording of figures of crop)**

- As mentioned above after being completing the recording work in crop survey and Form no. 12 village form no.11 should be prepared and finalized.
- After the crop survey is verified by the supervisor mandal officer the accuracy of village form no.11 should be checked and if necessary correction should be made accordingly, then the abstract total of V.F.No.11. shall be submitted before 31<sup>st</sup> May to Tahsildar.

Question-6 :- On what date the Talathi shall complete the Kharip crop inspection, tenancy and seeing the mark/symbols of boundaries ?

Question-7 :- On what date the Talathi shall complete the Rabbi crop inspection, tenancy and seeing the mark/symbols of boundaries ?

Question-8 :- what action is to be taken if the mark/symbols of village Boundaries are Prepared or shifted and not ratified in spite of order.

Question-9 :- Whether the entry can be taken, in V.F.No.11, for the land which is not in possession and given temporary permission for cultivation?

Question-10 :- On which village form the V.F.No.11 is prepared ?  
A) V.F.No.11                      B)8A                      c) V.F.No.12

Question-11 :-On what date the V.F.No.11 shall be submitted to Tahsildar?  
A) 31<sup>st</sup> March                      B) 31<sup>st</sup> May                      c) 31<sup>st</sup> July

### **ANSWERS**

Answer-1 :- Even in the absence of all the work of crop inspection shall be completed.

Answer-2 :- The area total shall be calculated at one time only.

Answer-3 :- 11 ( page 199 – para-16, Manual-4 )

Answer-4 :- Follow land up to 5 years.( page 200 – foot note, Manual-4)

Answer-5 :- Yes. Talathi shall record in statement.

- Answer-6 :- 15<sup>th</sup> October
- Answer-7 :- 31st December
- Answer-8 :- After corrective action from Government, the expenditure incurred should be recovered by concerned person.
- Answer-9 :- Yes. (page 201 – foot note, Manual-4)
- Answer-10 :- Village Form No.12 ( page 202 – foot note, Manual-4)
- Answer-11 :- 31<sup>st</sup> May (page 203 – foot note, Manual-4)

## 4. PAISAWARI

**Ref – (1) Revenue Circular Booklet No.13 (Manual Two)**  
**(2) Recommendation of Hon. Bhagavantrao Gaikwad Samiti**

### **Design**

- 4.1 Objective
- 4.2 Dates of Declaration of Paisevari.
- 4.3 Committee for Paisevari
- 4.4 Income Ratio
- 4.5 Formula of Paisevari
- 4.6 Principle crops for paisevari
- 4.7 Number of Experiment
- 4.8 Classification of Land
- 4.9 Selection of plot
- 4.10 Nazar paisevari
- 4.11 Revised seasonal paisevari
- 4.12 Final paisevari
- 4.13 Crop cutting
- 4.14 Procedure to calculate paisevari

### **4.1 Objective**

Through this part of lecture, we get the information regarding, Which procedure shall be adopted while doing the paisevari, how the plot shall be selected for experiment and procedure of calculating paisevari of rabbi, kharip and mixes crops.

### **4.2 Introduction**

- In our country the agriculture land is used for growing food grains. To decide, how much income is received from the crop, the system of paisevari is used.
- The main objective of the scheme is, to estimate the situation of crop in the State especially, in the Drought Prone Area and to decide the policy of land tax and other recoveries.

- For calculating the paisewari, every year, talukawise “yield ratio”, is fixed through Agriculture Department on the basis of average yield. Presuming this income ratio as a base, Gram panchyatwise paisewari of kharip and rabi season is declared.
- Paisewari of crop is very important and sensible issue of the farmer. At the event of natural calamity, sanction of various types of assistance through Government is mainly depends upon the paisewari.
- Paisewari is calculated only, on the basis of income from the “Jirayat” crop. The income from irrigated crop.
- The system of Crop Paisewari/ Anewari is in existence with changes and improvement from time to time, since British period (Mr.Underson), But as the existing system was not satisfactory Government has appointed one committee, in March 1984, under the chairmanship of Member of Legislative Assembly Mr. Bhai Bhagavantro Gaikwad. Then on consideration of the recommendations of the committee, on modification in the system of crop paisewari, Government has started new procedure from the year 1989 which is in existence as on today.
- Paisewari is to be declared at three stages as under
  - 1) Nazar estimation provisional paisewari
  - 2) Revised Nazar estimation provisional paisewari And
  - 3) Final paisewari

Region wise and Season wise dates for declaration of paisewari are different.

### 1. The Dates for Declaration of Paisewari.

paisewari	Konkan Division	Pune/Nashik Division	Aurangabad Division	Nagpur/Amravati Division
	<b>Kharip Season</b>			
Provisional	15 <sup>th</sup> sept.	15 <sup>th</sup> sept.	30 <sup>th</sup> sept.	30 <sup>th</sup> sept
Revised	31 <sup>st</sup> Oct.	31 <sup>st</sup> Oct.	15 <sup>th</sup> Nov.	15 <sup>th</sup> Nov
Final	15 <sup>th</sup> Dec.	15 <sup>th</sup> Dec.	15 <sup>th</sup> Dec.	15 <sup>th</sup> Jan.

paisewari	Konkan Division	Pune/Nashik Division	Aurangabad Division	Nagpur/Amravati Division
		<b>Rabbi Season</b>		
Provisional	--	31 <sup>st</sup> Dec.	31 <sup>st</sup> Dec.	15 <sup>th</sup> Jan.
Revised	--	31 <sup>st</sup> Jan.	31 <sup>st</sup> Jan.	15 <sup>th</sup> Feb.
Final	--	15 <sup>th</sup> March	15 <sup>th</sup> March	15 <sup>th</sup> March

### 4.3 Paisewari Samiti

- The paisewari samiti in each Gram panchyat area will be as under.
  1. Circle Officer or Equivalent Officer.
  2. Gramsevak
  3. Sarpanch
  4. Advance Farmer
  5. Chairman of Coop. Society.
  6. Marginal Farmer (Two) out of which one should be Lady
  7. Talathi
- The selection of Advance Farmer and 2 Marginal Farmer shall be done by concerned Gram panchayat but if this selection is not done in time then, the committee of other members will be in existence.
- At present the Circle Officer is the Chairman of the Gram Paisewari Committee. Each Circle Officer is having 25-30 villages, so that it is not possible for him to supervise and inspect all villages in a given time. For over coming this difficulty, distribute the villages in that circle and prepare a group of 5 villages, and appoint Circle Officer, Naib Tahsildar, Awal Karkoon, Extension officers of Panchayat Samiti , Agriculture Officers as a chairman of those committees.

### 4.4 Income Ratio ( Yeild)

The average of 3 Excellent income, in the last continuous 10 years is treated as the Income Ratio. The responsibility of arranging crop cutting experiment program, for income ration, is rest with Statistical Wing of Agriculture Department. Every year the taluka wise and crop wise information of income ratio is communicated by Agriculture Department to Tahsildar. The ratio income is treated as 100 paise.

#### 4.5 Formula of Paisewari

Following formula should be used for calculating paisewari.

$$100 \times \frac{\text{As per inspection production per hector}}{\text{Income Ratio}}$$

#### 4.6 Unit

Gram panchayat wise paisewari.

For calculating paisewari, Gram panchayat shall be treated as a unit for crop cutting experiment program and paisewari shall be calculated and declared Gram panchayatwise.

#### 4.7 Principle Crops for paisewari.

For calculation of paisewari, the principle crops in 80 % area of total crops cultivated in the jurisdiction of Grampanchyat are considered. It includes one or two crops.

#### 4.8 Selection of plot for crop cutting experiment of paisewari.

- From each Gram panchyat area, 12 plots (crop wise) shall be selected of 3 principle crops, from excellent, medium and inferior soil and crop cutting experiment shall be taken from that crops. Help of officers from Agriculture Department shall be taken for selection of crop cutting experiment plot.
- The responsibility of crop cutting experiment is rests with Revenue Department.

#### 4.9 Procedure for classification of Land.

- The agricultural land in a village shall be classified in three categories as (1) Excellent (2) Medium and (3) Inferior as under.
- First of all, information regarding minimum and maximum land tax per hector shall be taken out. Then as per land tax divide that in three part, for that purpose calculate the average of minimum and maximum land tax per hector then from that average rate deduct the minimum rate and divide by two, the coming figure should be called as “A”. Then from “A” deduct the average. The lands raging between minimum rate to average land tax shall be called as “inferior lands”.

Then the lands ranging between (Average minus “A” to average ) land tax shall be called as “medium lands” and lands having land tax more than average A.

**Example**

In one village the minimum rate of land tax is of Rs.1.00 per hector and maximum rate of land tax is of Rs.3.00 per hector. In this condition the land will be divide in three parts.

$$\text{Average Rate} = \frac{\text{Rs.1} + 3}{2} = \frac{4}{2} = \text{Rs.2}$$

$$\text{Cost of A} = \frac{\text{Average rate} - \text{Minimum rate}}{2} = \frac{2 - 1}{2} = \text{Rs.0.50}$$

$$\text{Inferior land} = \text{Average rate} - A = 2 - 0.50 = 1.50$$

$$\text{Medium land} = \text{Average rate} + A = 2 + 0.50 = 2.50$$

**Conclusion**

Inferior land = Having land tax rate up to Rs.1.50

Medium land = Having land tax rate more than Rs.1.50 to Rs.2.50

Medium land = Having land tax rate more than Rs.2.50

- As mentioned above the land shall be divided in three parts, then the register is to be prepared showing the survey numbers in each part and that register shall be made available for public keeping with Talathi.

**4.10 Selection of plot for paisewari.**

Category wise list of survey numbers having crop in the field shall be prepared and select two plots for each crop, from each category of land, randomly, before the paisewari committee members. Proceedings of all this action shall be prepared, signature of all the members of the Gram paisewari committee shall be obtain.

**4.11 Determination of Provisional Eye Estimate Paisewari.**

- Circle Officer the Chairman of Paisewari committee, along with the Gram Paisewari Committee, should survey the main crops within the

jurisdiction of each Gram panchyat and eye estimated paisewari can be determine from the estimated average income, from the selected excellent, medium and inferior lands. After survey the meeting of Gram Paisewari Committee, shall called for and on preparation of proceedings of that meeting the eye estimated paisewari should be submitted to Collector through Tahsildar.

- The eye estimated provisional paisewari should be publish by Tahsildar on the specific date, with approval of the collector, on notice board of Grampanchyat and chavadi and through drump beaten by the public crier.
- After publicity of the provisional paisewari, the objection if any regarding the paisewari, shall be called for within 15 days of publicity.

#### **4.12 Revised Provisional Paisewari.**

- From date of publicity of the provisional paisewari and to the date of declaration of revised provisional paisewari, if some crops are in harvesting position, then the crop cutting experiment should be taken in the presence of Gram Paisewari Committee.
- If there is any objection from any village, on the provisional paisewari, in such cases inspection should be done by visiting that village. If the crop cutting is done properly, then taking in to consideration the substance of the eye estimation and actual crop cutting experiment, the revised provisional paisewari should be fixed in the meeting of Gram Paisewari Committee.
- The Gram panchyatwise revised provisional paisewari settled as above shall, published by Tahsildar, with the approval of Collector, on the date fixed earlier for declaration, the figures should be published Gram panchyatwise and with mutation.

#### **4.13 Final Paisewari**

- To propose Final paisewari following procedure shall be adopted.
  - As per the harvesting period of different crops, six crop cutting experiment shall be taken.
  - Calculate the income from the crop cutting experiment.

- On the basis income from experiment, fix the final paisewari in the committee meeting and that final proposal should be submitted to Tahsildar.
- The Gram panchyat wise Final paisewari settled as above shall, published by Tahsildar, with the approval of Collector, on the date fixed earlier for declaration.

#### 4.14 Pilot Crop cutting Experiment

- The crop cutting experiment is to be done by Talathi in which the plot is selected for paisewari. Circle Officer being the chairman of the committee and other members of the Gram paisewari committee, other officers should present at the time of experiment.
- Taking in to consideration, the harvesting period of each crop, all plots will be ready for crop cutting within the period of 15 days. Before declaration of final paisewari all experiment of crop cutting should be completed.
- Crop cutting experiments to be conducted through Officers.
  - (A) Sub-Divisional Officer – Three experiments of any crop
  - (B) Tahsildar and Naib Tahsildar – Three experiment of each principle crops.
  - (C) Being the chairman of the committee, Circle Officer should get done the crop cutting experiments in his jurisdiction, with the help of Talathi.
- The Sub-divisional Officer and Tahsildar should do maximum supervision work of the experiments where complaints are received at the time of provisional paisewari and also where the crop damages are occurred due to various reasons.

- The village named Atpadi is included in Draught Prone Area. The people and representative of people in that village are in habit of taking facilities with showing crop position inferior, even if the crop position is better one. They use to force the Revenue Officer for that purpose. As paisewari is shown at low level, as a result the average income was also shown at low level. The average income ratio per hector, in that village, for Bajari crop was fixed by Agriculture Department was 32 kilo. In one year there was good rainfall and the eye estimated paisewari was

declared as more than 50 paise. Then as always, the people and representative of people were forced the Revenue Officer for reducing paisewari but they have not given written complaints. Circle Officer, did not bent on the force and he had communicated the matter to Tahsildar with having paisewari more than 50 paise. Tahsildar discussed the matter with his Sub-divisional Officer and Collector. Though written complaints are not received the problem could be more serious in near future, anticipating that, and to make safer side of the administration Crop cutting experiments were conducted in that village and as per that experiment the income of Bajari comes to 160 kilos and on that basis final paisewari of that village is declared as Rs.5. As Revenue Officer could not bent on the force of the people and he has declared paisewari as per the actual position that becomes additive to income of Government..

#### **4.15 How to calculate paisewari**

Paisewari shall be calculated for the jurisdiction of each Gram panchyat area. The average income of the principle crops should calculate on the basis of income received in 100 sq. meter area from the crop cutting experiment. Per hector income should be calculated on the basis of income from per 100 sq.mts. (Multiply by 100). Income of all principle crops should be calculated accordingly. Paisewari of each crop should be calculated on the basis of Tahsil wise, crop wise per hector income ratio communicated by Government and Agriculture Department.

Example – If the income ratio of Jawar crop is communicated as 7 quintal per hector and the income from the crop cutting experiment is 4.70 quintal per hector from Gram panchyat Gat, then the Anewari (paisewari) should be calculated as explained below-

If 100 paise for 7 quintal then how much for 4.70 quintal

$$\frac{100 \times 4.70}{7} = 67 \text{ paise}$$

The paisewari of Jawar comes as 67 paise. Using this formula Calculate the paisewari of other principle crops.

After calculating the paisewari of principle crops, the paisewari of Grampanchyat gat should be calculated as explained below

Sr. No.	Name of crop	paiewari	Area under crop	paie
1	2	3	4	5
1	Jawar	67	200	13400
2	Ground nut	70	250	17500
	Total	137	450	30900

Discussion with Gram panchyat Gat

Total figures in column-5 divided by Total figures in column-4.

$$30900 / 450 = 69 \text{ paie}$$

Note- **Paiewari should not be calculated like this** –  
 Total paiewari of two principle crops divided by 2  
 i.e. ( 67+70 =137/2 =68.2

Combined paiewari of Kharip and Rabi

In some villages both kharip and rabi crops are taken. For such villages paiewari is calculated as explained below-

(1) Paiewari of principle crops in kharip and (2) Total combined paiewari of principle crops in Kharip and Rabi.

In one village crops are taken as mentioned below-

Name of crop	Area under crop (Hector)	Paiewari as per Eye estimate/ Crop cutting programme
<b>Kharip</b>		
Jawar	200	80 Paie
Paddy	100	60
<b>Rabi</b>		
Jawar	100	60
Cotton	200	50
Wheat	100	70

In the first stage the paiewari of kharip crop should be fixed as mentioned below.

$$\frac{(200 \times 80) + (100 \times 60)}{200 + 100} = \frac{22000}{300} = 73 \text{ paie}$$

This paisewari had not been published finally.

In the second stage the combined paisewari will be

$$\frac{(200 \times 80) + (100 \times 60) + (100 \times 60) + (200 \times 50) + (100 \times 70)}{700} = \frac{45000}{700}$$

**=64 paise**

The combined paisewari of two crops in that village is as above.

Generally, the final paisewari of kharip season is not declared in such village. The combined paisewari is declared on waiting of rabi season but if the area under principle crop is more than 2/3 of the total cultivated area under such circumstances Government instructions are there for declaring the combined paisewari of two crops in that village, without waiting for rabi season.

Eligibility for concession, on the basis of paisewari

Concessions are eligible for the villages in which the paisewari is 50 paise or less than that.

Question 1 :- How many years average ratio income is treated as the ratio income in the last 10 years?

- 1) Ten years
- 2) Three years
- 3) Five years

Question 1 :- Which crop is principle crop?

- 1) More than 50 % of the total cultivated area.
- 2) More than 60 %
- 3) More than 80 %

Ans 1 :- Three years

Ans 2 :- More than 80%

## 5. GOVERNMENT RECOVERY

**Ref – 1. Maharashtra Land Revenue Act - 1966**  
**2. Regarding recovery of land revenue (Manual-4)**

### Design

- 5.1 Objective
- 5.2 Introduction
- 5.3 On going recovery of tax
  - 5.3.1 Land revenue
  - 5.3.2 Legal Principles
  - 5.3.3 Other on going tax other than land revenue
  - 5.3.4 Procedure of recovery
- 5.4 Searching the ways to increase the tax

### **5.1 Objective**

Through this part of lecture, we get the information regarding, the legal provisions regarding recovery of land revenue, procedure of recovery and to search the ways of increasing the tax.

### **5.2 Introduction**

The origin source for development is through tax. The speed of development is depends upon the strong ness of this source. The responsibility of recovery of revenues is mainly with Revenue Department and for that purpose the Officers/employees are being capable with rules.

At present, for increasing the revenues recovery, the Recovery Officer should search the new ways for recovery, instead of the traditional ways.

### 5.3 Present Recovery of Review.

#### Land Revenue

All land, whether applied to agricultural or other purposes, is liable to payment of land revenue. The land revenue is assessed as per the use of land that is –

1. For the purpose of agriculture.
2. Non-agricultural assessment for residential purpose.
3. Non-agricultural assessment for industry purpose.
4. Non-agricultural assessment for commerce purpose.
5. For any other purpose. (see.M.L.C.1966, sec.64, and 67)

**Legal Principles.**

- (1) All land is liable to the payment of land revenue (section-64)
- (2) Land revenue is assessed as per the use of land. (section-67)
- (3) On the lands which are not wholly exempt from the payment of land revenue and which the assessment has not been fixed or deemed to be fixed under the provisions of the code, the assessment of amount to be paid as a land revenue, be fixed by the Collector. (section-68)
- (4) Land revenue is a burden on that land from Government. In case of un alienated land, the occupant, alienated land the superior holder and land in possession of the tenant such tenant is responsible for payment of revenue. (section-72, 168)
- (5) Every Revenue Officer and every Talathi receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same. (section-76)
- (6) The claim of the State Government to any monies other than arrears of land revenue, but recoverable as revenue demand, shall have priority over all un secured claims against land holder thereof. (section-169)
- (7) The land revenue payable on account of a revenue year shall fall due on the first day of that year. Any period intervening between the first day of the revenue year and any date fixed for payment of land revenue shall be deemed to be a grace period. (section-170)

<p>Grace Period : For Kharip crop – 1<sup>st</sup> August To 15<sup>th</sup> January          For Rabi crop – 1<sup>st</sup> August To 15<sup>th</sup> April</p>
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<p><b>Concessions for payment of Land Revenue</b></p>
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- |  |
|--|
| <p>(1) No land revenue will be levied in the village in which the paisewari is less than 50 paise but cess on such revenue will not get such exemption without special sanction order.</p> |
|--|

- (2) Additional land revenue is entitled for exemption on the lands Whos land revenue is exempted.
- (3) The land holders having revenue less than Rs.5/- are exempted from land revenue and local cess.
- (4) The holders having land less than 3 hectors and land revenue less than Rs.10/- are exempted from revenue tax but not from the paying local cess.

### **Other Prevailing Taxes**

#### **(1) Additional Land Revenue :**

According to the provisions in the Maharashtra land revenue and special assessment act 1974, the land holders having more than 8 hector but less than 12 are subject to 50% recovery of general tax and the person holding more than 12 hector land are subject to 100 % recovery of general tax.

#### **(2) Employment Guarantee Tax :**

After being excluding 0.40 hectors of land out of total land irrigated, the remaining land is chargeable to tax of Rs.25/- per hector

#### **(3) Education Tax :**

- |  |                           |
|--|---------------------------|
| 1.sugarcane in perennial irrigated land. | 2.sugarcane in other land |
| 3.Irrigated cotton                       | 4.Hybrid maize seed       |
| 6.Hybrid seed jowar                      | 7.Irrigated groundnut     |
| 9.Lemon category fruit                   | 10.Grapes                 |
| 12.Banana                                | 13.Turmeric               |
| 14.Arcanut                               | 15.Tobacco                |

The education tax and additional educational cess are imposed on above crops at different rates.

#### **(4) Royalty on minerals**

#### **(5) Entertainment Tax.**

The above mentioned matters of recovery are being held with Revenue Department.

### **Procedure of Recovery**

The detail procedure of recovery is given in section-176 to 223 in the Maharashtra land Revenue Act 1966.

- (A) By serving a written notice of demand on the defaulter under section 178 of Maharashtra land Revenue Act 1966 A notice

- (B) By forfeiture of the occupancy or alienated holding in respect of which the arrear is due (Section-179)
- (C) By distraint and sale of the defaulters movable property. (Sec.-180)
- (D) By attachment and sale of defaulters in any immovable property (Section-181)
- (E) By attachment of the defaulters immovable property (Section-182)
- (F) By arrest and imprisonment of Defaulter under section 183 and 184.

It is important to keep in mind, the two lines in the section-176 of Maharashtra Land Revenue Act 1966

While recovery it is not necessary to go as per the stages mentioned above, the recovery can be done through one or more than one method as mentioned above.

Following things could not be attached for recovery of Defaulter –

1. Necessary wearing apparel
2. cooking vessels
3. Beds and bedding of the defaulter
4. Essential Ornaments in accordance with the religious usage (Marriage string)
5. Tools of artisan
6. Implements of farmer (Excluding power driven) (See section-176 sub section G).

#### **5.4 Searching ways to increase land revenue Tax.**

There are two ways to increase the revenue for developmental works.

- 1) To levy new tax
- 2) To Control and prevent practice of evasion of tax.

There are limitations for increasing the tax but it is easily possible to control on evasion of tax by adopting following methods.

- (1) It is possible to levy land revenue on the alluvial land, if the river beds area exceeds one acre and also exceeds one tenth of the area of the said original holding. In such cases Revenue Officer should keep minute observation and can levy the tax. (See section 65 in Maharashtra Land Revenue code.).
- (2) Different crops are coming in the market, so on observation, entries of such crop should be done in the record of right.
- (3) Generally, education cess tax is levied on the crops which are seen at the time of crop inspection. Some fruit crops require more than one year for harvesting, in such cases, education cess tax is to be levied in the year in which the yield of fruit is there. More tax will get, if the Revenue Officer keeps continuous attention on the position of the crop.

- (4) The evasion of tax can be stopped in case of entertainment.
- (5) More revenue will be collected in the treasury, if a campaign is conducted against the unofficial transfer of land in category-2.

#### Real Life Experiences

1. Educational cess was assessed on the basis of sugarcane crop supplied to sugar factories, loan against crop per area availed by sugarcane farmer, fertilizer purchased against crop, with comparison to the actual crop record. To every body's surprise 20 percent increase per annum was observed in educational cess. Implementation of the above procedure for 3 consecutive years led to the rise in demand in educational cess by 1.75 times.
2. Unofficial non agriculture land came under observation in urban as well as rural sector by implementing search campaign. This led to the increase in assessment of the taxes on N.A. lands.
3. There was great evasion in royalty of minor minerals. On minute observation from the Revenue Officers, there is increase in the income.
4. The provision of penalty and fine up to Rs.50/- per day as per M.L.R. code 1966 gave rise to the increase in land revenue of Rs.1825/- by levying Rs.5/- per day, per annum from single family/ encroacher.

#### EXERCISE

Question 1 :- Tukaram is having 40 R. irrigated land. whether he will be assessed for Employment Guarantee tax ?

- (1) Yes (2) No

Question 2 :- The recovery of Rs.500/- is pending with one artisan, who is engaged in the work of making agriculture implements. As he is defaulter his tools are detained. Whether this action is correct?

- (1) Yes (2) No

Question 3 :- The recovery of Rs.10000/- is pending with rich farmer as a result the jewelry and ornaments of wife of that defaulter farmer are detained. Whether this action is correct?

(1) Yes (2) No

Question 4 :- In a village paisewari has been declared below 50 paise. Vilasrao is having 10 acres of land under well irrigation. Can land revenue will be assessed for him?

(1) Yes (2) No

Question 5 :- The land holder is having land revenue of more than Rs.5/- and less than Rs.10 and he is having 3 hector land. How the land revenue can be assessed for him?

1. All land revenue and cess tax will be collected.
2. Only cess tax will be collected.
3. Nothing will be collected.

Question 6 :- How the additional land revenue can be assessed for the land holders having more than 8 hector but less than 12 hectors of land ?

(1) 100 Percent (2) 50 Percent

### **ANSWERS**

Answer 1 :- No.

Answer 2 :- No. It is not permitted for detaining the tools of the artisan

Answer 3 :- Yes.

Answer 4 :- Yes.

[ The schedule of irrigated land is prepared for drought prone area on which exemption is not allowed]

Answer 5 :- Only cess tax can be collected.

Answer 1 :- 50 Percent.

## 6. JAMABANDI

The tradition of honoring and respecting Revenue Officer or Talathi in old days and Talathi and Police Patil in recent days is still observed in many districts.

### Design

- 6.1 Objective
- 6.2 Introduction
- 6.3 What is mean by Jamabandi
- 6.4 Items and Formats regarding Jamabandi asesment
- 6.5 Village Formats regarding Jamabandi collection of revenue
- 6.6 History in brief and law in existence
- 6.7 Duties of Talathi
- 6.8 Duties of Circle Officer
- 6.9 Taluka Formats regarding Jamabandi
- 6.10 Management

### **6.1 Objective**

Through this part of lecture, we will get the information regarding, importance of jamabandi and Village format, Taluka format prescribed for jamabandi.

### **6.2 Introduction**

The ownership of all land is with Government. It important to collect 100% land revenue and other Government recoveries and to complete the annual account of the same. Land revenue is the first burden on land, as mentioned in Maharashtra land revenue act. Collection of land revenue is an evidence that establishes Governments right of ownership of land.

The Government is original owner of land and collection of land revenue is its indication.

### **6.3 What is mean by Jamabandi**

Revenue year starts on 1<sup>st</sup> August and ends on 31<sup>st</sup> July. Jamabandi means reconciliation of village account with the Taluka account, at the end of the revenue year, after completion of village account.

6.4 Items and Formats regarding Jamabandi assessment are as mentioned below.

(1)	Permanent assessment	V.F.No. I
(2)	Assessment of Non agriculture	V.F.No. II
(3)	Taxes on gifts	V.F.No. III
(4)	Miscellaneous	V.F.No. IV

- Village Form No-I is the starting point of the revenue account. It shows survey number wise assessment of tax on agricultural land. The starting point and end point of jamabandi, per hector land revenue is also mentioned in that form. All information of the village is available in the abstract form of the village, in this form the area under cultivation, its category, area not under cultivation, area kept for special purposes and assessment of tax on each category is available. It is not expected any change figures unless less/excess schedule is prepared.
- The village form No-II accounts for all fixed land revenue on non-agriculture lands in a village. It is based on the register of non-agriculture occupancies. The form shall be maintained in two sections. (a) Lands Out of Gaonthan and (b) Lands in Gaonthan. This form is further divided in to five sub sections (i)Residential (ii)industrial (iii)commercial (iv)Any purpose at reduced rate (v)Revenue free grants. Category wise information of assessment on non-agriculture land is available in this form.
- Village form No-III is the last form accounting for fixed land revenue on alienated lands (both agriculture and non agriculture) under special settlement. In these cases , a part or whole of the land revenue is alienated to holder, and this account, some special terms and conditions are attached to such holdings.
- Village form No-IV – Village forms I To III deal with fixed land revenue and the fluctuating land revenue is recorded in Village form No.IV. This is known as miscellaneous fluctuating revenue which is fixed for a term of less than five years. For some of this revenue local cess is assessed and for Some local cess is not assessed. The list of

having local cess and not having local cess is given in Manual IV of Land Revenue act.

- Separate Parallel village form No-II is kept for assessment of non agriculture land, the recovery of which is covered in miscellaneous category.

Following Forms are kept for Jamabandi

(1)	Account wise revenue assessment	V.F.No. VIIIA
(2)	Account wise revenue assessment and recovery	V.F.No. VIIB
(3)	Receipt book of revenue recovery	V.F.No. IX
(4)	Account of receipt book and register	V.F.No. IXB
(5)	Revenue recovery challan	V.F.No. X

- Village Form No.VIII A :-This form is meant for drawing up an account of what each person primarily responsible to payment of land revenue. It is therefore known as the holding sheet of khatedars. This form includes, survey numbers with khatedar, area under those survey numbers and assessment of land revenue. It also shows the local cess on agriculture land and demand on non agriculture land.
- Village Form No. VIII B :-This form is known as register of pending revenue and recovery and provisional reconciliation of assets. This includes land holding of each khatedar, losses on alienated lands, consolidated land revenue and dues, total demand on agriculture, non agriculture and miscellaneous lands and it also includes receipt number and date, amount recovered in which land revenue and cess is shown separately, un Official items, excess recovery, date of amount deposited in treasury, challan number etc. are shown.
- Village Form No.VIII C :- In this register an account of dues other than revenue and recoverable as an arrear of land revenue is maintained. This includes Irrigation dues, pot hissa survey fees, sales tax, income tax etc. For this revenue also, it is necessary to do the work of jamabandi every year.
- Village Form No.VIII D :- This is cash book of Talathi. The Talathi should write the cash register every day and enter therein the amounts

received or collected by him or circle inspector towards the payment of land revenue and other dues.

- Village Form No.IX :- This is a simple and intelligible Day and Receipt Book. It is supplied with detachable counterfoils. The Talathi should immediately give in this form a receipt for land revenue paid.
- Village Form No.IX B :- This register is prescribed with a view to ensure proper check over and use of the receipt books supplied to the Talathis. Accordingly Talathi has to keep account, i.e. how many receipt books are received, receipts used and unused etc in the prescribed form.
- Village Form No.X :- This is a Chalan for crediting consolidated land revenue into treasury. It also indicates the progress of recovery of land revenue.

The amounts of other than land revenue so called should be remitted to the treasury in this form.

The amount recovered by Talathi should be deposit in Treasury within 15 days. Also he must ensure that, the cash in hand should not cross the limit as prescribed in the rule.

### **History of land revenue and present law.**

- In ancient days as per the Manu sanhita King was the owner of the land and as such it was necessary for him to take some share of income as land is given for cultivation. Afterwards the procedure of challan comes in existence and instead paying the share of income in kind, the amount of that share was use to pay. In the period of Shershah And Akbar the revenue was fixed on the basis of cost of the share crop as per the category of land. In the period of Raja Shivaji the revenue was fixed, taking in to consideration the welfare of the population. In the Bitish period the unit for revenue was fixed as acre and assessment of revenue was settled on that basis and decided for jamabandi.
- In ancient days land revenue was the main source of income for the ruler but toady the income from land revenue is negligible as

compared to other source of income (e.g. Sales tax, Excise duty, Transport tax, Stamp duty etc.)

- The answer to the question that, to keep village forms, doing recovery, reconciliation of account, and to use big organization, for such small income, is “Yes”. After checking the assessment of the tax and on completion of village account the jamabandi work should be done on 31<sup>ST</sup> July i.e. at the end of the revenue year, just as the businessman check and closes their account in Diwali and opens new account, also the Banks checks and closes their account two times (March and September) in a year.
- As per the section-20 of Maharashtra Land revenue act the ownership of land is with Government and as per the section-169 the land revenue is paramount charge on land. In case of un alienated land, the occupant and incase of alienated land the superior holder is responsible for payment of revenue. Since the principle of ownership of land is unopposed since Manua’s Period it is essential to recover land revenue from every occupant and the work of jamabandi should be completed as a rule.

#### **6.7 Duties of Talathi as regards jamabandi**

- The duties of Talathi are included in Maharashtra land revenue code manual four (Chapter-II). We will see that, out of total 65 duties which duties are pertains to jamabandi.
- Before starting of revenue year on 1<sup>st</sup> of August Talathi shall open all registers and he should get sign on submission to Tahsildar.
- Talathi should update the Village Form No-8A every year at the end of December and he should get ready the Village Form No-8B for starting the collection of land revenue.
- All land revenue due for collection must be collected before 31<sup>st</sup> of the revenue year and no unofficial recovery be kept pending with any body.
- After all recovery of dues in that year, Talathi should submit all revenue accounts to Tahsildar for audit (jamabandi).

- Talathi should prove that the document submitted by him are correct and those are reconciled with Taluka account.

### **6.8 Duties of Circle Officer, as regards jamabandi**

Circle Officer is the supervisory officer. The duties of Circle Officer are mentioned in Maharashtra land revenue code manual (Chapter-II). Those are as follows.

- He should check all village forms kept by Talathi. He should also ensure that, Talathi is doing accurate demand of tax and the land revenue is collected from whom it is due, the accounts are maintained properly and accurately.
- Circle Officer should supervise on collection of land revenue and ensure that, no unofficial recovery is kept pending with any body also it should ensure that, all amount is deposited in treasury.
- It is duty and responsibility of Circle Officer and Talathi that, they should collect the land revenue from the land owner and complete the work of jamabandi.
- As per section 170 of the land revenue act 1966, the land revenue payable on account of a revenue year shall fall due on, the first day of that year but Government may make rule for fixing the other dates. The period between the first day of season for kharip and rabi crop (15<sup>th</sup> January, 15<sup>th</sup> April) and the date fixed for collection of revenue is treated as grace period.
- The information regarding, which Village forms of jamabandi is to be reconciled with the forms at Taluka level at the time of jamabandi if stated as below.

V.F. NO.	Taluka Form No to be reconciled	Description
1	1	Register of agriculture land revenue
2	2	Register of non-agriculture land revenue
3	3	Register of alienated land revenue

4	4	Register of miscellaneous land revenue
5	5	Taluka jamabandi
8B	7	Reconciliation

- It the responsibility of the Tahsildar that, On completion of the village form and reconciliation of that form, with the Taluka form he should ensure before 31<sup>st</sup> July that it correct.
- Also it the responsibility of the collector and sub-divisional Officer to verify the accounts of jamabandi pf each Taluka level

#### Management Of the Jamabandi Program

1. The time table for completion of account of village, closing and checking of account should be so prepared that, all work will complete before 31<sup>st</sup> July.
2. Tahsildar should prepare circle wise group and get done the work of checking and reconciling.
3. For completing the work in specific period the group should prepare time table for the villages assigned to them.
4. The receipt and challans given by Talathi should check and reconciled with the challans entered in Taluka office.
5. It should be verified that the demand is made correctly and accurately, also on verification, the reasons should be quoted if there is difference in last year and current year.
6. It should be verified that, the exemption given in land revenue for land having five acres or paisewari below 50 paise.
7. It should be seen that, as per the act of zilla Parishad and Village cess tax, the cess tax is levied Properly.
8. It should be ensure that, the Village Form No.5 tally with Village Form No.1,2,3,4.
9. If any mistakes or gaps are found while checking, in fixing the demand or in any document, then that should be get ratified by Talathi or Circle Officer.
10. Ensure that, village forms are reconciled with the Item-7 in Taluka form.

## EXERCISE

- Question 1 :- When does the village Form No.8 is to be updated ?  
A) 31<sup>st</sup> March    B) 31<sup>st</sup> July    C) 31<sup>st</sup> December
- Question 2 :- When does the statement of new pot hissa of which the measurement is to taken, should be submitted to Tahsildar ?  
A) After 31<sup>st</sup> March  
B) After 1<sup>st</sup> January  
C) After 1<sup>st</sup> August
- Question 3 :- Talathi must give the receipt of the money received to him. What the punishment for not giving receipt?  
A) Rs.100/- Less penalty  
B) Less than ten times of the amount  
C) Less than two times of the amount
- Question 4 :- After recovery Talathi has to submit his accounts to the Tahsildar. In addition which forms are require to be submit along with that account?  
A) Register of original possession of land  
B) Register of drinking water supply measures  
C) Model Chart  
D) Abstract Register Village form No.11
- Question 5 :- Where should show the Talathi dues ?  
A) Village form No. 5  
B) Village form No. 9  
C) Village form No. 8B
- Question 6 :- First of all where should write the total cash in hand at the end of the day?  
A) Cashbook  
B) At the back side of the last receipt
- Question 7 :- The demand in which form should be tallied with the amount in Village form No.9 ?  
A) Village form No. 8A  
B) Village form No. 2A  
C) Village form No. 8B

Question 8 :- Whether only one cash book is used for land revenue and other revenue or it should be kept separately ?

- A) To be kept separately
- B) To be kept in one cash book

Question 9 :- At What date the Talathi should submit the Village Form No-8A to Tahsildar?

- A) 15<sup>th</sup> December
- B) 15<sup>th</sup> March
- C) 15<sup>th</sup> July

Question 10 :- On which Village Form the dues of land revenue should be taken?

- A) Last years 8B
- B) Village Form No.4
- C) Village Form No.8A

Question 11 :- Whether the local cess tax can be recovered in case of exemption of land revenue ?

- A) Yes
- B) No
- C) Recovered by special order and can be stay
- D) Stay can be given

Question 12 :- In how many installments the land revenue can be recovered?

- A) 5 installments
- B) 3 installments
- C) 1 installments

### **ANSWERS**

Answer 1 :- 31<sup>st</sup> December (Page 28, Para 8, Manual 4 )

Answer 2 :- After 1<sup>st</sup> August (Page 28, Para 2, Manual 4 )

Answer 3 :- Two times of the amount (Page 28, Para 11, Manual 4 )

Answer 4 :- Abstract Village Form No.11 (Page 29, Para 14, Manual 4 )

Answer 5 :- Village Form No.8 B (Page 211, Para 2, Manual 4 )

Answer 6 :- On The back side of last receipt (Page 189, Para 4 )

Answer 7 :- Village Form No.8 B (Page 186, Para 6 )

Answer 8 :- One cash book should be kept (Page 189, General instructions)

Answer 9 :- 15<sup>th</sup> December (Page 182, Footnote )

Answer 10 :- Village Form No.8 A (Page 180, Para 1)

Answer 11 :- Recovered by special order and can be stay

Answer 12 :- 1 installment (Page180, Para 1)

## 7. MINOR MINERALS

1. Maharashtra Land Revenue Code 1966, section 48
2. Mumbai Rules for Extraction of Minor Minerals Act 1955
3. Mine and Minerals regulation and development act 1957
4. Maharashtra Minor minerals excavation act for Vidharbha Region 1966

### **Design**

- 7.1 Objective
- 7.2 Introduction
- 7.3 What is mean by Jamabandi
- 7.4 Competent Authority for sanctioning
- 7.5 Royalty
- 7.6 Responsibility of Talathi and Circle Officer

### **7.1 Objective**

After being studying this chapter we shall get the information regarding what is mean by minor mineral. The operative royalty on such minerals and the measures should be taken for increasing the revenue from the same.

### **7.2 Introduction**

According to Maharashtra Land Revenue code 1966, Section 48 (1) rights related to all minerals found on the surface or under the land i.e.(river, nala, creek, river basin ,land) are expressly vests with the Government no person is entitled to excavate any mineral from the surface of the land or from under the land without the prior permission of the Government. Government's prior permission is must in such cases.

### **7.3 What is mean by minor minerals ?**

Minor Minerals means and includes stones used in construction, heat resistance required for special purpose, ceramic metals, sodium silicate , silvicrete cement, things of plastic clay, glass industry, sand except the sand used in coal mine, simple clay used for construction. Farmer can be permitted by the competent authority for using such clay and sand for construction of his own house or for agricultural purpose. At the village

level such minerals can be used with the prior permission of Talathi or circle officer subject to following conditions.

1)	Talathi	Talathi is competent to give permission, if the value of the minerals is less than Rs.100.
2)	Circle Officer	Circle Officer is competent to give permission, up to the value of the minerals is Rs.250.
3)	Tahsildar	Up to 100 Brass
4)	Sub Divisional Officer	Up to 1,000 Brass
5)	Collector	Up to 10,000 Brass

If the value of the minerals is less than Rs.100, the permission can be granted without any charges.

In short for extracting the minerals costing above Rs.100, whether required for agricultural or any other purpose the prior permission of the Revenue Officer should be obtained.

Many people are engaged in the business of extracting and transporting the minerals to the needy person.

Mine posts are sanctioned for the people engaged in the business of extracting minerals. Such mine posts are sanctioned by Collector. Government owned rivers and nallas contain large amount of sand stock. Collector is empower to sell such sand stock by auction.

For the minor minerals to whom the mining belt has been sanctioned the mine area of such mine can be determined by area measurement and border marks. The holder of the mine belt is entitled to extraction of minerals up to 3 feet's in the land, further such holder should pay the royalty on such extraction, in Government treasury.

At rural level Minor Mineral extraction work is carried out on large scale. At the village level the responsibility for monitoring such things is on village workers and Talathi. Government receives large revenue from minor minerals. Talathi should take proper steps for raising the revenue from such things as well as to protect the Government property from theft. The responsibility is on Talathi that their should not be any huge damage to the minerals.

### **Duty Bound Talathi**

One day the Talathi is on the visit of an inaccessible area, while doing the crop inspection, he saw one truck on a hilly road where S.T. bus comes only once in a day, it creates doubt in his mind he went for inquiry along with the committee members to the direction where the truck had gone, he saw one big stone mine operating at that place. And more importantly the villagers were not aware about the mine as the road to that mine was just form the opposite side of the village. At the primary inquiry he found that the mine was in operation form last four months and without any prior permission from the competent authority. Talathi taken the information regarding, who is operating the mine and from when, who is the owner of the mine and on which obligation the right to use the land had been delegated. he forwarded that information in organized manner to Tahsildar through revenue Circle Officer.

Circle Officer had taken the valuation at place and did the panchnama. At the place of extraction after estimating the cost of extracted minerals he fixed the royalty along with the fine of rs. 5,67,500/- and forwarded the proposal to the Tahsildar

Thus act of finding illegal mining and recovery of royalty was possible because of the dexterous work of the Talathi.

The Rate of royalty assessed on minor minerals by Government from the Date-15.01.2003 is given as below.

Sr.No.	Name of Minor Minerals	Rate of Royalty per gross (Rs.)
1.	Lime stone used in construction of building work	50/-
2.	Extracted or collected stone and clay	50/-
3.	a) Extracted or collected agate, murum, pebbles b) Big stone like agate c) Sand	50/- 250/- 50/-

4	Soil	50/-
5	Stones used for buildings	50/-

In rural area the work of stone mining, extraction of sand from river and their transportation is being conducted, provisions have been made in Maharashtra land revenue code 1966 sec.48 for controlling such work and imposing prohibition on illegal mining and transportation some of the provisions are as follows-

**7.7 Extraction of minor minerals is done in legal as well as illegal ways Talathi should pay special attention to this, accordingly some of the important duties of Talathi are as follows-**

- Talathi should pay proper attention towards the mining work in his jurisdiction that whether the extraction and transportation of minerals is going on Government land or private land.
- To have frequent visits to authorize mining belts in his jurisdiction to inspect the place and to inspect, whether the extraction is going on the sanctioned mining belts or not?
- To inspect that there is proper following of all the conditions on which the mining belt has been sanctioned.
- To see that the mining belt holder has deposited the monthly royalty according to the excavation in the Government treasury and if he hasn't deposited the same then to make the follow-up accordingly.
- To visit such place where the right of extraction is given through auction (i.e. sand stock) to see that the conditions on which the rights have been delegated are properly followed. There is restriction of depth in case of sand extraction for that, it is necessary to have a continues check on extraction. Before extraction proper precaution should be taken that their will not be any change in natural flow.
- Where the extraction is going on without any license, then it should be stopped immediately. for making the act more effective Police help can be taken for stopping such illegal extraction, after that the Talathi has to

record the statements and to make panchnama of such illegal extraction. According to provisions of Maharashtra land revenue code 1966 section 47[7] and 48[8] for imposing penal proceedings the proposal should be forwarded to Tahsildar through circle officer.

- Mining belt can not be sanctioned on hill top and slope, further mining belt can not be sanctioned within 50 meters of railway line, lake, canal, road, public construction, building, historical places, if extraction is carried on such places then the Talathi should stop it immediately.

### **Works under Employment Guarantee Scheme and Minor Mineral.**

When the minerals available through the extraction under the Employment Guarantee Scheme and used on that place or any other place then the royalty on such used minerals should be assessed as per prescribed rates.

1. For the work of canal, road or the gutter near by.
2. Percolation tank, village tank, nala, field tank, forest, COT, and for the construction of base of the building.

Government has exempted the royalty on soil used by the potter community for making their traditional profession. traditional profession of potter community means making clay pots and thing made from clay. But making brick is considered as professional and the royalty should be assessed accordingly on the soil used for making brick.

To have control over the extraction of minor minerals Talathi should find out the places of such minor minerals in the villages within his jurisdiction and make the list of the places. Further he should forward the list to the Tahsildar.

The land area where the extraction of the minor minerals have been permitted by the competent authority the record book of such permission should be kept according to following format, with the help of that it would be more easier for the Talathi to find out the authorized mines within his jurisdiction and to have check on illegal extraction.

### Model of Register

Sr. No.	Name of Licensing Officer	License Number and Date	Category of minor mineral	Percentage of minor mineral	Date up to which the license is valid
1	2	3	4	5	6

The entries in above register should be done by competent authority.

Talathi and Circle Officer are competent for issuing license at their levels and within their powers. They should maintain the register for recording sanction given at their level in the format given as below.

### Format

Sr. No.	Date of Application	Name of Applicant	Demand of minor minerals	Date of license issued	For how much mineral	Period given for extraction of minerals	Remarks
1	2	3	4	5	6	7	8

## 8. INAMI LANDS / VATANI LANDS

### Design

- 8.1 Objective
- 8.2 Introduction
- 8.3 Types of Inam
- 8.4 What is mean by alienated lands
- 8.5 Legislations regarding cancellation of inam
- 8.6 Take this care
- 8.7 Religious inam
- 8.8 Miscellaneous non agriculture inam

### **8.1 Objective**

Through this part of lecture, we will get the information regarding, the provision of transfer of grant/ re grant land under vatan act also care to be taken in respect of devasthan land.

### **8.2 Introduction**

Many princely states and kingdoms existed in India right from ancient days. The Inamdars were officered inam on certain terms and conditions to remain loyal towards kings or kingdom. There were variety in assessment of revenue and concession in revenue offered by Inamdars. In short contemporary political, social and administrative necessacity led to the origin of inami system. This tradition was carried forward even during the Birtish rule. Such entries are shown in Village Form No.3 of alienated land.

### **8.3 Types of Inam**

Following types of classification Inams were there, in the old Mumbai state.

Inam class - 1	(i) T. T. saramjam Inam (ii) Non T. T. saramjam Inam (iii) Other political saramjam Inam
Inam class - 2	Personal Inam
Inam class - 3	Religious Inam
Inam class - 4	Non service vatane / Inam Bhadoch, The lands under the class-4 inams given to Village Development Officer in Surat district are not found in Maharashtra, such types of lands are found in Gujarat.

Inam class - 5	Non service vatane in other districts (Pargana and Kulkarni vatan)
Inam class - 6	Village worker and Junior worker (A) Patil vatan for the use of Government (B) Mahar, Ramoshi vatan for the use of society
Inam class - 7	The lands on which construction is done through the fund of Local Bodies, Nagar parishad for which land revenue is forgiven. (C) Schools and Colleges (D) Hospitals, Dispensaries (E) Charity institutions etc.

#### 8.4 What is mean by alienated lands.

Alienated lands are those lands, for which land revenue is forgiven or reduced and given for a specific purposes.

#### 8.5 Legislations regarding cancellation of inam

In India, earlier there were 70 to 75 vatane was in existence. Out of which most of the vatane were in existence in konkan. To dissolve various inams Government had passed various legislations and the lands which are taken in possessions by Government those lands were allotted to the concern persons only with getting deposit, some amount from them in lieu of right of possession and rent on that land. The information regarding legislation of dissolution of vatane is in brief is as follows.

Sr. No.	Name of Legislation	Date of commen - cement of law	Last date of depositing land possession value	Cost of possession (in comparison with land revenue)	
				New condi- tion	Old condi- tion
1	The Bombay personal inam abolition act 1952	1.4.1955	01.8.1955	6 Times	20 Times
2	Pargana and kulkarni vatan abolition act 1950	1.4.1954	31.1.1959	6 Times	20 Times
3	The Bombay services inam abolition act 1958	1.4.1954	31.3.1959	6 Times	20 Times

	(useful to community)				
4	Merged territories and jahagir abolition act 1955	1.8.1954	31.7.1959	6 Times	20 Times
5	Merged territories and Tibe vatan abolition act 1958	1.8.1958	31.7.1965	6 Times	20 Times
6	Bombay inferior village vatan abolition act	1.8.1959	31.7.1967	6 Times	20 Times
7	Maharashtra revenue patil vatan abolition act 1965	1.8.1963	31.7.1969	6 Times	20 Times

The lands (except Mahar and Ramoshi vatan) at present, which are, still as per new conditions from 09.07.2002, for converting those lands as per old conditions, it is necessary to pay 50 % of market rate and after showing that Chelan to Tahsildar and Sub Divisional Officer and issuing orders as per the law the entry can be taken in the register.

### **8.6 Precautions to be Taken**

- (1) It necessary to see, for the vatani lands in the village, whether the possession amount is deposited by the Vatandar/ posses see of the inami land in a given period.
- (2) It is important to see, whether the new entry, has been taken or not for the vatnadar who had deposited 3 times/ 6 times possession amount as per the order.
- (3) It necessary to see, the entries of new conditions of vatan, are taken category wise i.e. mahar, ramoshi etc in Village Form No.1
- (4) It is necessary to see that, the transfer of land on new conditions, is not done without the permission of competent authority and if it is found that, such transfer is happened then Talathi should record the testimony of witness and the report should be submitted to Tahsildar.

- (5) The lands for which the vatnadar had taken permission after depositing 20 times/ 10 times possession amount, in such cases it is necessary to see whether the condition is recorded in 7/12 as, “if that land is to be used for non agriculture purposes then it is essential to deposit 50 % amount of the market value.”
- (6) After depositing the possession amount 6 times/ 3 times or 20 times/ 10 times that the vatani land is to be used for agriculture purpose.

### **8.7 Devsthan Inam (Class-3 inam)**

Early times some lands were given to temple/ mosque as a gift and from the income of that land, the expenditure on worshipping of God / mosque, lighting, sweeping and festivals are conducted. The lands were given on the names of God and those lands are owned by the respective temple/ mosque. Though these lands are given in the names of God but actually these lands are in the possession of pujari, mahant, mathadhipati, trustee, mutavali and kazi for cultivation and getting income from that land.

### **The Duty of care to be taken of Devasthan land by Talathi**

- (1) It will come to know from the land alienated register that, which lands in a village are owned by devasthan. The entries in that register are useful in the dispute of ownership. That register is available at all tahsils, Collectors office and in the land alienation office.
- (2) It is not admissible to transfer or sale of the Devsthan lands. If such an official transfer of land happens, then Talathi should inform immediately to the Tahsildar.
- (3) Under exceptional circumstances, the land can be transfer with the pre permission of Government and approval of Charity Commissioner.
- (4) Tenancy act can be applied to devasthan land. But if the devasthan trust had taken concession as per provision of section 88, then for such tenant demand for purchase can not be made under section 32 G of tenancy act.
- (5) The name of God/ devasthan must be shown on village form No. 7/12 and the name of vice-regent (vahivatdar) should be shown in other right or it should be shown underlining it.
- (6) The name of pujari, mahant, mathadhipati, trustee, mutavali and kazi could not be recorded as tenant or they could not file case of adverse possession in civil court.

- (7) The hereditary rules are applied to devasthan land but it could not be distributed in heirs also it could not be transfer from one family to another family.
- (8) Each Talathi should work carefully in case of land belonging to devasthan. He should conduct crop inspection personally, by keeping the name of God/ devasthan as a posseses of the land and the name of vice-regent (vahivatdar) should be shown in other right so that there will not be any disturbance to vice-regent (vahivatdar).

### **8.8 Miscellaneous Non Agriculture Inam Lands class-7**

The lands on which school, sanatorium, hospitals are constructed for public purpose and for religious purpose such lands are determined as non agriculture lands and land revenue is not levied or partially levied are called as miscellaneous non agriculture inam lands. Also that land is free from local cess.

Talathi should verify the terms and conditions of such land and he should see that, there is no breach of conditions. Also he should always observe that such lands are not used for commercial or industrial purposes if he finds any breach of conditions than he should report that matter to Tahsildar immediately.

### **EXERCISE**

What is mean by loss ?

The land revenue on which, lands are allotted to Inamdar or on special concessions is not recovered, such amount is called as loss ?

As Government has passed the legislation in 1982, Inamdar and the Devasthan are not having rights regarding minor minerals in the land allotted as per side grant to them. As per this act the right to get income from minor minerals in side grant land is frozen, Inamdar and Devsthan are not having right on that. On inquiry, an amount is already paid to Inamdar and the Devasthan in lieu of that act.

1. The names of Panch Committee /trustee can not be taken on 7/12.

As per the public charity act the Punch committee is appointed on temple/darga. But on the record of 7/12 only the name of God is recorded, it is not permitted to record the names of the panch committee on 7/12.

2. Devsthan : There are two types of Devasthanans.

- 1) Government Devsthan (Entries of which are recorded in V.F.No.3)
- 2) Private Devsthan (These entries are not related to revenue recorder entries of which are not recorded in V.F.No.3)

The entries of important temples /gods in the village are taken in name of poses see, in Village form No.3 and in the land alienation register, such Devsthan should be treated as Government Devsthan.

And the devasthan which is not recorded in the land alienation register or Village form No.3 is called as private devasthan.

What is mean by “Judi”

The revenue paid by the person, to whom the land is given by Inamdar or Government, such revenue amount is called as “Judi.”

If posses see number –2 wants to became posses see number –1, then the concern Posses see should pay 50 percent of amount of current marker rate, as prescribed in the rate chart, in Government treasury with the approved Chelan from Tahsildar. On submission of that Chelan to Talathi after depositing the amount through Chelan Talathi will cancel the entry as Posses see number –2 and will record it as posses see number –1. Accordingly he will became posses see number –1.

If posses see number –2 class, lands are transferred with the permission of competent authority and without depositing the specific amount, previously, then such lands are became posses see number –1 from the date on which the competent authority had given that permission. Tahsildar should take review of such references and he should take necessary action for recording the entries in 7/12.

Allotting vatni land was came in existence from the concept of welfare kingdom. It is felt that the, problems management of such land becomes complicated. As kingdom had protected their interest, the Government could also protect their interest, so it is necessary to see freely, towards the problems of this subject, leaving aside the complicated mentality.

## 9. ENCROACHMENTS

Maharashtra Land Revenue Code, 1966

### Design

9.1 Objective

9.2 Introduction

9.3 Government Lands

9.4 Procedure of Talathi and Circle Officer

### **9.1 Objective**

Through this part of lecture, we will get the information regarding, the action to be taken by Talathi and Circle Officer to control the encroachment on Government lands and legal process.

### **9.2 Introduction**

Encroachment means, taking possession of land and using it, but not having ownership or not having any record of right on the land. Encroachment can happen in private and Government lands also.

### **Mainly there are three types of encroachments**

1) For Agriculture use 2) Non-agriculture use 3) Encroachments on roads

Talathi is Government Officer at Village level. He is expected to take care of not happening any encroachments, for agriculture or non agriculture use, on all Government owned lands. Village Form No.1B shows the Government owned land in that village. Land not in possession means, the land, expect which is having with cultivator, tenant and pattedar.

### **9.3 Government Lands**

Section – 20

All public roads and all lands wherever situated, which are not the property of persons legally capable of holding property, are the property of state Government. The lands in that category are mentioned below.

1) Public Roads 2) Lanes and paths 3) Bridges 4) Ditches 5) Dikes and fences on, or beside the same 6) The bed of sea and harbours and

creeks below the high water mark, and of rivers, streams, nalas, lakes and tanks 7) All canals and watercourses 8) All standing and flowing water 9) All lands wherever situated on which legal right is not established by any body.

#### 9.4 Working methods of Talathi and Circle Officer

- All entries of Government land, should be taken accurately in village Form No.1
- All Government land should be verified from time to time. If there is any encroachment entry of such encroachment should be recorded in village form No-E.
- After being registering the entry in encroachment registration book, the summary of the encroachment should be written according to the provisions of Maharashtra Land Revenue Code Manual IV. Part-II. Form No.17 as specified in chapter 5. The Talathi should immediately present the report of imposing the miscellaneous land revenue on such land to the Tahsildar. The Talathi should enclose 7/12, imaginative map of land under encroachment to the report, further he should submit all necessary documents along with it.
- In recent period there are large number of encroachments on, Government grazing land, open space of Government lands in gaonthan, public road side and use for non-agriculture purpose on the bank of river, nala (e.g. residential/ construction of buildings for commercial purpose, digging of well, construction of water tank along with power pump, erection of pump house, bunds on natural flow of water). As a result of encroachments there is change in environment, obstruction in traffic and erosion of soil due to change in flow of water). For avoiding such incidents Talathi has to be precautious for not to be happening of encroachments.

Some businessman had encroached the land for the purpose of brick furnace and storage of soil and there was increase in that encroachment. As it was rainy season, the businessman was of the opinion that, the encroachment can not be removed. There was possibility of encroachment on all plot for using storage of land, if action could not

have been taken immediately. Hence the Revenue Officer told him, that, the encroachment for residential purpose can not be removed in rainy season but as your encroachment is for commercial purpose that can be removed in rainy season also. Accordingly those encroachments were removed.

- As Per the provisions in section 51(1) of Mumbai Grampanchyat Act 1958 The Government lands under public use, Government grazing land, roads, lanes, open space, are delivered to Grampanchyat on certain conditions/ restrictions. It is not mean the ownership of the land is transferred to Grampanchyat. These lands are given only for maintenance and for limited public use. Hence in 7/12 of that village the posses see should be shown as Government and the entry regarding the land delivered to Grampanchyat should also be taken, a note regarding land delivered to Grampanchyat in other right should also be taken in that column only. Talathi should observe regularly and from time to time that, whether the Government lands delivered to Grampanchyat are used for the purpose for which it has been given. Grampanchyat is not competent to dispose off such Government land at their own. Some lands are encroached and taken in to possession without the knowledge of local administration, Grampanchyat should be careful about such happenings and the lands should be protected from the encroachment. Grampanchyat is competent take action against the encroacher, but in such cases many times the Grampanchyat use to avoid to take action against the encroacher. For not happenings such incidents Talathi has to give the information of the rules of encroachment to Gramsevak, Sarpanch and members of Grampanchyat. Also he has to give the information regarding the dangerousness of encroachment and loss of village and Government due to encroachment in gram sabha and he has to do awareness in the people for not doing encroachment. Talathi should submit the information of encroachment to Tahsildar through Circle Officer. In the event of any encroachment Tahsildar is empowered to penalize the fine to encroacher, issuing orders for recovery and to remove the encroachment under section (50) 1 to 6 of Maharashtra land revenue act 1966 and accordingly the responsibility of implementing that order is vests with Talathi.
- Many times it happen that, the neighbour of the grazing land removes the boundary stone, in such cases the Talathi is expected to summon for re installing the boundary stones at proper place to the respective

khatedar. But if that person has not corrected the boundary stones then that should be corrected at Government expenses and the expenses incurred therefore shall be recovered from the encroacher with penalty as a recovery. (Page29, para-20 D, Manual-4) This work is to be done at the time of crop inspection.

- Many times it finds that, the grazing lands which are delivered for maintenance to Grampanchyat, on such lands, without taking prior permission of Government, the buildings of school, rural hospital, society office, Grampanchyat office are constructed. Government could not oppose for such constructions, also if such constructions are stopped there will be oppose from people, but as the construction is on Government land, it is the duty of the Talathi to inform concern authority to take Governments prior permission for that. As such lands are required to transfer from grazing land to Grampanchyat, Talathi should take all such works in form No.1E and necessary legal action should be taken. Due to such tendencies it becomes very difficult to reconcile the figures in Village Form No.1 to 5.
- Some villages are deserted one, but in such villages also school buildings are constructed by Gram panchayats. Now a days Government owned land are treated as their own and nobody ask us likewise the tendency of encroaching of Government land has increased. It is the duty of Talathi and Circle Officer to control over such tendencies. Especially digging of well in the beds of river and nala, encroachment in river and nala and making it narrow, encroachment on pathway, encroachment on traditional roads such encroachments should be controlled well in time. The Grampanchyat should remove the encroachment on the roads within their jurisdiction and the encroachment on pathway is expected to remove through Government. If the encroacher is not ready to remove the encroachment on traditional roads then, on probation order Tahsildar should take action as per the court act.
- The Talathi should take care that, there should not be encroachment on the Government lands which are acquired for various purposes like rehabilitation, gaonthan etc. Also there is possibility of encroachment on the plots which are not yet distributed under village extension program, the Talathi should be careful as regards protection of such assets. New village roads or Government roads are constructed for

going traffic outside the village, in such cases it happens that, the people residing near the old road encroaches on that. Care should be taken that, no encroachment will happen on old road and in such cases action is expected as per the provision in section 21.

- As per the provisions in section 51 of Maharashtra Land Revenue Act-1966, and section 43 to 46 of Maharashtra Land Revenue (Regarding disposal of Government land) Act-1971, Collector is having powers for regularizing the encroachment.

In one village land was acquired for rehabilitation of projected persons. Some people had encroached the lands by constructing road side commercial huts on that land. The encroacher were of the opinion that, those huts could not be removed as they have taken permission from Nagar Parishad under shop act and hence those sheds are official. But revenue Department had removed those sheds. Due to controversy a report was submitted to Government, in which it was mentioned that, though Nagar Parishad had given permission under shop act the land belongs from Government, hence the action to remove encroachment was correct.

### **EXERCISE**

Question 1 :- At the time of application of city survey, the houses situated in the grazing are included in city survey scheme. Whether such houses are to be excluded from the encroachment ?

Question 2 :- What is the intention of delivering grazing lands for maintenance towards Grampanchyat ?

### **ANSWERS**

Answer 1 :- City survey scheme is applied for the area which is available for construction. As grazing land is included in this scheme, the entry of houses constructed on that land has to be made while implementing the city survey scheme. But on inquiry about ownership of the land on which the houses are constructed it is found that, no body was having any official

order, grant or document with the owner of the house hence the ownership of the land was treated as Government owned and the entry of them was made as encroacher in the register.

As the land under construction was not allotted to the householder, also as the grazing land is owned by Government the house owners are treated as encroacher, hence the entry of those constructions on grazing land should be taken in Village Form No.1.

Answer 2 :- The grazing land, public roads in a village, open space and Government lands are delivered to Grampanchyat for maintenance on certain terms and conditions. The ownership of those land is with Government, it can not be given to Grampanchyat.

In short, the only expectation the Grampanchyat is that, those lands should be kept safe and for the public use for all.

## 10. EXTENSION OF GAONTHAN

### Design

- 10.1 Objective
- 10.2 Introduction
- 10.3 Availability of Lands
- 10.4 Increase in gaonthan due to increase in population.
- 10.5 Rehabilitation of flood affected
- 10.6 Extension Gaonthan under scheduled caste sub-plan, tribal sub plan and other backward class.

### **10.1 Objective**

Through this part of lecture, we will get the information regarding, the reason behind extension of gaonthan, scheme related to it, admissible area of plot to be given also the duties of Talathi in respect of this scheme.

### **10.2 Introduction**

- Food, cloths and shelter are the fundamental necessacities of the human being. The problem of housing is being complicated due to increase in population and division of family system. The problem of housing is become very hard in rural area also, where 70% of the total population of our country resides and to make available the housing facility in rural areas the extension of gaonthan scheme is in implementation through the state Government.
- Number of villages in our country, are situated at the bank of the river. Those villages comes under the preview of under dangerous condition of the flood. So to rehabilitate such family or affected families from flood in safer area, plots are allotted to the those people under the extension of gaonthan scheme for construction of houses.
- It is also the object of the scheme that, to allots plot to the Nomadic Tribe people for permanent housing at one place.

### **10.3 Availability of Land**

- It is the policy of the Government that, the Government land or the grazing land should be used for the housing program under

extension of gaonthan scheme. If it is not available then private land is to be acquired.

- If private land is to be acquired then, the land of whom is to be acquired he should not remain less than 1/3 of the economic holding. ( 16 acre cultivable land, 8 acre seasonal irrigated land, 4 acre irrigated land).

#### 10.4 **Increase in gaonthan due to increase in population.**

- If 20 applications are received with the resolution of Grampanchyat demanding plots for construction of houses in a village having population of 2000 or 25 applications are received from the village having population more than 2000 then the extension of gaonthan scheme is implemented.
- The minimum area of plots allotted should as under.
  - A) Non agriculturist (whatever may be the family size) - 150 sq. mt.
  - B) Agriculturist Family
    - i) Up to 5 Members - 300 sq. mt.
    - ii) 5 To 10 Members - 400 sq. mt.
    - iii) More than 10 Members - 600 sq. mt.
- Special Features
- The assessment of cost of plot, is fixed on the basis of area of that plot and that amount shall be recovered as dues of revenue.
- The plots which are not allotted, are to be given in the possession of Grampanchyat. The Grampanchyat shall sell those plots, on no profit no loss basis. to the persons, as per the priority list prepared by Tahsildar.
- Care should be taken while allotting the plot, that the plots should be allotted to backward and other caste with mixed quality.
- The area of gaonthan should be fixed taking in to consideration the growth of population in coming 10 years also the land required for roads, schools and land to be used for public purpose.

- Free plots are allotted to scheduled caste/ scheduled tribe.

### **10.5 Rehabilitation of flood affected families.**

- The minimum area of plots allotted should as under.
  - Agriculturist family - 150 sq. mt.
  - Non Agriculturist Family - 100 sq. mt.
- The area of plot allotted should be minimum up to the size of the area having in the original village. The plot should be allotted minimum up to that area.
- No cost will be levied for the new plots allotted, but he must give the original plot in the village, in Governments possession.
- There is provision for making facilities of, well for drinking water, schools and other facilities.
- It is necessary to reserve the plots for backward class as per their percentage and the allocation to them is to be made with mixed quality.
- The new village gaonthan for rehabilitate families is exempted from the land revenue under section 22, of Maharashtra Land Revenue Act.

### **10.6 Extension of gaonthans for Nomadic Tribes.**

- With the object of giving permanent shelter to Nomadic Tribes a plot of 200 sq. mt. is freely allotted to them.
- If the nomadic tribes had colonies on Government or private land, by encroaching that land illegally, in that case the Government instructions are that, such colonies should not be demolished but they should be regularized, so those plots will receive to the needy families. On giving such lands to them, that area should be declared as gaonthan and the land revenue should be exempted to that area under section 22, of Maharashtra Land Revenue Act.

If necessary, advice of the Government engineer is taken, in technical matter, for preparation of plan for plot.

### 10.7 Extension of gaonthans for Nomadic Tribes.

- Separate registers should be kept for above three schemes
- It is necessary to observe, whether the beneficiary had constructed house on the plot allotted to him. If he has not used that plot properly, then that matter, shall be reported to the higher authorities.
- The information of land map, list of plot holders should be kept properly.
- It is necessary to observe that, there should not be any encroachment on the plots allotted in the gaonthan and if it happens, that matter should be reported to higher authority with a note in the encroachment register.
- The proposal for extension of gaonthan, should be submitted to the Tahsildar taking in to consideration, the availability of land for plots and increase in the population in last 10 years.
- The information of available Government land and grazing land should be kept updated.
- The entries of plot should be taken in village form No.2.
- The account of amount recovered as cost of plot should be kept accurately and updated.

### EXERCISE

Question 1 :- The plot of 1500 sq. feet was allotted, from extension of gaonthan scheme, to a agriculture labour named chandu, the total family members in his family was 11, then whether it is wrong or right ?

Question 2 :- Plots are allotted to following categories in extension of gaonthan scheme.

- i) Needy families in the village.

ii) Nomadic tribes and

iii) Flood prone area and flood affected

Whether separate registers are to be kept for the beneficiaries of above three schemes ?

Question 3 :- What is to be done ? If construction is not done on the plot allotted or the plot is not used for proper use or if it has been un officially transferred to others.

Question 4 :- What size of plot should be allotted ? If flood affected person is non agriculturist.

A) 1500 Sq. Feet      B) 1000 Sq. Feet

### ANSWERS

Answer 1 :- Correct

Answer 2 :- Separate registers should be kept for all the three schemes.

Answer 3 :- The breach of terms and conditions should be brought in to the notice of Tahsildar.

Answer 4 :- 1000 Sq. Feet

The plot which was received to Mahadeo Baba who was residing in the village Vadgaon, had given his plot to his needy auntie. In the inquiry he had asked

Talathi :- Why you have given that plot to your auntie ?

Mahada :- Now is it ok ? See Mister my auntie is poorer than me, she is having three children and her husband had died, so I have given her that plot free of cost, then what is wrong with me?

Talathi :- That I don't know, I will report to higher authority, that you have breach the conditions ?

## 11. NATURAL CALAMITIES

### Design

- 11.1 Objective
- 11.2 Introduction
- 11.3 What is mean by natural calamity
- 11.4 Role of Talathi and Circle Officer
- 11.5 Disaster Management
- 11.6 Government assistance to affected persons

### **11.1 Objective**

After being studying this chapter we shall get the information regarding, what is mean by natural calamity? and the assistance receives from Government to affected families and also we will come to know about the seriousness of the natural calamity.

### **11.2 Introduction**

To hold back the natural calamity is not in the hands of human being, but it is possible to plan for minimum damages, if it happens to come such calamity, so that it is possible, to give assistance to such affected families. Such type of work is expected from Talathi and Circle Officer, at village level.

### **11.3 What is mean by Natural Calamity ?**

It is necessary to know the Revenue Officer, that which things comes under the natural calamity. Natural calamity includes earth quake, flood, falling of lightening, heavy rainfall ( Rainfall more than 65 mm in 24 hours), hurricane, tumble down of precipice/cliff, waves of sunami, hail storm.

Incidence of damage due to fire occurred in the village. This matter was immediately reported by Talathi to Tahsildar. Tahsildar rushed to the respective village. He carried out panchnama along with Talathi at the site and inquired about the welfare of the victims. Talathi realized that. Victim is very poor and economic aid needs to be immediately given to the victim. The fire incidence took place on Friday, next two days were holidays, being second Saturday and Sunday, which means the amount of economic aid from the treasury can not be made available before Monday i.e. the victim will have to wait for three days to get the

Government aid which can happen only on Monday. It was not anybody's fault but the victim was helpless and without any support this was the cause of worry for talathi. He discussed the matters with the Officers in the division and also with the well known personalities and Philanthropist from the village and arranged the required amount to help the victim. Villagers also contributed food grains, clothes etc. and the same were made available by the Talathi to the victim. The Victim became very emotional and praised Talathi for this act. This is the real life story. The aim is not to suggest that all the Talathi's should arrange the aid privately but he should be sensitive and should be passionate in providing help to the needful.

#### **11.4 Role of Talathi and Circle Officer.**

Talathi and Circle Officer being the representative of the Revenue Administration at village level, their role in natural calamity is very important.

- **Immediate visit at the place of incident**

If there is any natural calamity then, it is very important to visit the place of incident and to start the assistance. As it is expected that, Talathi should stay in his head quarter, in case of natural calamity, it is necessary to inform the happening to the Tahsildar and Talathi should visit personally the victims immediately.

- **Status Report (Panchnama) and recording of statement.**

The panchnama work should be started immediately about the loss of property. It is necessary to record the specific items in panchnama, for which the assistance is admissible ( Repair of house, death of animals etc.) as per the present Government rules, For Example –

- (1) Total Family members
- (2) Description of house ( Cement concrete, other type, hut) and how the house will be repaired and as per the opinion of the Panch the anticipated expenditure for repair of house.
- (3) The status of crop and area of damage should be recorded, if there is loss of crop.
- (4) Number of died animals.
- (5) Number of sheep and goat etc.

along with the status report as above a statement of the victim should be recorded, as regards the loss in the natural calamity. (The Performa for panchnama and statement of the victim is enclosed at the end of this chapter.)

- It is expected that, as per Government rules, it takes some time for getting the aid to victim, so before that, it is possible to the Talathi that, he should take lead for getting some assistance from the local people, in the form of food and clothes and other necessary things. It is necessary to give the aid immediately, to the victim, whether it may be from local people or through Government so that the victim will feel support and as a result there will good feelings about the administration.

- **Disaster Management**

The planning of disaster management is done at two stages.

1. Pre planning before natural calamity.
2. Assistance and rehabilitation after natural calamity.

Talathi and Circle Officer should get the information about disaster management plan of their area, from Tahsil Office and they should plan accordingly.

### **Duties of Talathi and Gramsevak**

- After visiting the affected area, the report of the same should be submitted to the Medical Officer of the primary health center.
- The victims should be transferred to the some other safe place.
- Arrangements of food for victim.
- To conduct survey of the victim as per the orders of the Tahsildar and Higher Revenue Officers and after collection of information to submit the same to Tahsildar.
- The information regarding assistance to be given for repair and rebuilt of house should be collected and submitted immediately to Tahsildar and active participation should be taken in giving economic aid.
- The observation should be done that, whether the utilization of the economic aid, is being done properly and for the

approved works or not? and the report of the same should be submitted to Tahsildar.

- If there is any epidemic in the affected area, the detail report should be submitted to Tahsildar and the nearby primary health center.

- **Availability of useful things in a village.**

It is necessary to have the information about the availability of useful things in natural calamity i.e. it should be noted the place and family where such things will be available. For example –

- (1) The dug wells and other water resources, which will be useful at the time of sudden fire.
- (2) Schools, sanitarium, colleges, temple, wedding hall, gymnasium, chavadi, which will be temporarily useful for residing the victims.
- (3) Names of doctors in the village and names of hospitals, name of nearby primary health center and number of beds in that PHC.
- (4) The places having the facility of telephone.
- (5) Availability of the vehicles for transport - goods transport, Buses/Tempo and ambulance etc.
- (6) Veterinary dispensaries
- (7) Gymnasiums, Mahila Mandals, Names of swimming persons, boats etc.
- (8) Names of helping institutions e.g. (1) Rotary club (2) Lions club (3) Trust (4) Other trust (5) Rich persons etc.

In short, if Talathi keeps ready the information regarding the availability of the things at one place, which can be useful at the time of natural calamity, the whereabouts of things and to whom should be contacted for what, then that will be easy to Talathi and his higher officer to face any calamity.

- Aid to the persons affected in natural calamity.

- Assistance to unsupported persons.

When the person could not make any arrangements, for their food of two times, at their own, then that person/family is called as unsupported, such family is being given assistance from Government as mentioned below –

Rs.1000/-per person for 15 days for food, household utensils and clothing.

( Maximum assistance up to Rs.5000/- is given to one family )

- Assistance to the heirs of deceased person in calamity is given as under –

If deceased person is below 18 years   Rs. 50,000/-

If deceased person is above 18 years   Rs.1,00,000/-

(Assistance is given for maximum two persons in a family )

- Assistance to the injured persons in calamity is given as under –

For one week Rs.           - 1,000/-

For more than one week - 5,000/-

- If disability due to the calamity, assistance is given as under –

For one week Rs.           - 1,000/-

For more than one week - 5,000/-

- Assistance for repair of house/ cattle shed is given as under –

Partially fallen house/cattle shed Rs.-2400/- assistance & 9600/- loan

Totally fallen house/cattle shed Rs.-4800/- assistance & 12000/- loan

- Assistance for deceased animals, sheep and goats –

1. For each animal – Rs.2500/- assistance & Rs.7500/- loan

(Limited up to 2 deceased animals)

2. For each sheep and goat – Rs.250/- assistance & Rs.750/- loan

(Limited up to 10 deceased sheep and goats)

- Assistance for loss in agriculture.

- Shramjivi family welfare scheme for the victim of accidents.

For deceased person	Rs.3000/-
For permanent disability	Rs.3000/-
If one part of the body losses	Rs.1000/-

- Baliraja suraksha vima yojana  
Partially loss - Assistance up to Rs.5000/- and loan as per current orders.  
Full loss - Assistance up to Rs.10000/- and loan as per current orders.

The assistance as mentioned above, is given by Life Insurance Corporation of India, for which no premium is required to pay. The amount of premium is paid by Government. Talathi should carry out panchnama of the loss, for getting benefit of this scheme to the victim.

[ Note – The beneficiary person/family of this scheme shall not be entitle to get the benefit under the Government approved calamity scheme or other current schemes.

- Rehabilitation of fisherman  
For the loss of engine and boat Rs.500/- assistance & Rs.1500/- loan  
For the loss of nets Rs.300/- assistance & Rs.900/- loan
- Rehabilitation of businessman  
For small businessman, artisans, self owned business – 50 % of the loss or maximum Rs.500/-  
For businessman -- 50 % of the loss or maximum Rs.1000/-

The above mentioned amount of assistance and loan is given as per the current orders of the Government. But at the time of actual calamity, the rate of that time should be considered.

## PANCHNAMA ( Status Report )

We, 1) Mr. Sadashiv Narayan Kapase, age-35, Occupation-Agriculture,  
At- Kusgaon, Taluka-Maval, District- Pune

2) Mr. Pandurang Vishwas Pawar, age-37, Occupation-Agriculture,  
At- Kusgaon, Taluka-Maval, District- Pune

As asked and called for by Talathi/ Circle Officer, We are giving in writing that, we have actual seen the position of burnt house of Mr. Gopal Shridhar Karmarkar, on Dated- -- -- -- by standing in front of that house. As we have seen the estimated amount of loss of that house is as stated below-

Sr.No.	Description	Amount
1	Tiled house of 5 rooms	50,000/-
2	Household material, utensils and clothing	10,000/-
3	Cattle shed	5,000/-
4	Fodder	5,000/-
5	10 bags rice kept in the room of grain	12,000/-
	Total	82,000/-

Also probable expenditure for rebuilding the house is of Rs.45,000/- .

The loss due to burning of house is incurred as above, but there is no damage of human being. We are giving this panchnama in writing.

Dated-

In the presence of

Signature of Panch

1)

2)

Talathi/ Circle Officer

## STATEMENT OF VICTIM

i, Mr. Gopal Shridhar Karmarkar, age-50, Occupation-Agriculture, At- Kusgaon, Taluka-Maval, District- Pune, as asked for, On oath, I am giving in writing, that, there was sudden fire to my residential house on dated - evening, at -4.00 p.m. and my tiled house is totally burnt away in that fire. It is not possible to guess the reason of fire. Also I am not having doubt on any body.

Sr. No.	Name	Relation to head of household	age
1	Mr. Gopal shridhar Karmarkar	Self	50
2	Mrs. Sujata Gopal Karmarkar	Wife	45
3	Mr. Dilip Gopal Karmarkar	Son	23
4	Miss. Kalpana Gopal Karmarkar	Daughter	20
5	Mrs. Rukmini Shridhar Karmarkar	Mother	70

As mentioned above there are 5 members in my family. I am having ration card on my name, the number of which is ----- .That names of all the 5 members are there in the ration card.

The loss of my property, in the fire is as stated below-

Sr.No.	Description	Amount
1	Tiled house of 5 rooms	55,000/-
2	Household material, utensils and clothing	15,000/-
3	Cattle shed	7,000/-
4	Fodder	6,000/-
5	10 bags rice kept in the room of grain	15,000/-
	Total	98,000/-

The loss is incurred as mentioned above, but there are no casualties of human being or there are no injuries to any body. I have not received any assistance from any institution. You are there fore requested to sanction me the amount of assistance as per Government rules. I am giving this statement in writing and read it and it is correct. Dated.--

In the presence of

Signature

Talathi/ Circle Officer

## PANCHNAMA ( Status Report )

- We, 1) Mr. Sadashiv Narayan Kapase, age-35, Occupation-Agriculture,  
At- Kusgaon, Taluka-Maval, District- Pune
- 2) Mr. Pandurang Vishwas Pawar, age-37, Occupation-Agriculture,  
At- Kusgaon, Taluka-Maval, District- Pune

As asked and called for by Talathi/ Circle Officer, We are giving in writing that, we were present in the house of Mr. Gopal Shridhar Karmarkar, on Dated- -- -- -- . At that time, as Mr. Gopal Shridhar Karmarkar, had refused to accept the notice No-1582, given by Talathi, That notice was published by sticking it on the residential house of Mr. Gopal Shridhar Karmarkar. We are giving this panchnama in writing.

Dated-

In the presence of

Signature of Panch

- 1)
- 2)

Talathi/ Circle Officer

## 12. LAW AND ORDER

### Design

Object

Introduction

Duties of Talathi and Circle Officer in respect of law and order

### **12.1 Object -**

After being studying this chapter we shall get the information regarding, what should be the role of Talathi in maintaining law and order at village level and how to perform the work which shall be beneficial to senior officers for solving such questions.

### **12.2 Introduction -**

To have comfortable life of the people, it is necessary to maintain law and order. The important responsibility to maintain law and order is on Revenue Department with that relation the Collector is district magistrate, Sub-Divisional officer's are sub divisional magistrate and Tahsildar is taluka executive magistrate. Further the Talathi and Circle Officers are expected to perform such responsibility at village level.

Talathi and Circle Officers are the important link between the administrative authority and people. To maintain law and order in a village and to take effective measures for enforcement of different laws are the important duties of Talathi.

There was village named Tharajapur. In that village there was a dispute related to cremation land, between one specific community and the person doing the job of purohit of the same community, it was the allegation of the community that the purohit has acquired the land of that community by fraud. The disputed land was near the bank of river. One day one respected person of that community died, it was insisted by that community, that his cremation should be in that disputed land. The dispute rises and the body was kept in chavdi. Talathi informed the Tahsildar regarding the movement, then Tahsildar went to that village and started discussion with both the parties. But both the parties were obstinate.

While the discussion was going on, Talathi and Circle Officer took the Tahsildar outside and told him that the leaders of both the parties who are causing quarrel are the holders of the fair price shop. After some time Tahsildar called both the leaders gave comprehended threat, that if they didn't solve this problem then the license of their shop would be cancelled. The trick works, both the leader went outside and told the community that, they shall follow the decision of the Tahsildar. Then Tahsildar gave the solution that, cremation should be done on the bandhara between disputed land and the river bank. Solution is accepted by all. The disputed question is remedied in peace because of prompt and timely information supplied by Talathi and Circle Officer to Tahsildar.

### **12.3 Duties of Talathi regarding law and order**

- To provide quick information, to executive magistrate, if the question of law and order arises.
- Whenever there are any possibility of morcha, road blocks, movement, fasting to inform the same to senior officers. To find out what is the reason of movement, who are the leaders of movement, their background and weak points, if such information is obtain and provided to senior officers, then it would be more easier for senior officer to handle the questions of law and order.
- Talathi and Police Patil, works as confidential news officer to their seniors and they can enforce and implement the law.
- To present at place of such morcha, road blocks, fasting, movement and to perform such responsibilities and duties with the help of police patil as directed by the executive magistrate. Further to provide the secrete information of local activities.
- To take precautions at the time of elections, functions, pilgrim.
- To provide quick information of natural calamities, accidents and mishaps to Tahsildar and to take action for providing assistance.
- To provide proper information of local incidences to people. To take precautions that the rumors shall not spread.
- To take action to provide Government assistance to families who are the victims of riots, incendiaries and big accidents.
- According to Mumbai Police Act 1951 sec.37(1)(3) to affix the copies of orders given by District Magistrate at the conspicuous place and pronounce the same in the village.

- To have the information related to village disputes, probable reasons of dispute, village politics, so it shall be more easier for the senior officers to handle the law and order.

There was one village. In that village there was a dispute between two communities, relating to the way of Religious procession. One community insisted that, the processions should go through that way only and other community opposed the same. Further the procession planning of one community was such, it should reach on that way, at the end, at the time of dark. Talathi had already informed Tahsildar that there was one mosque on that way and the reason of dispute was nothing but that mosque. Tahsildar had established one peace committee and taken the meeting, in that meeting, the arguments are increased and both the parties stick to their demands. The tahsildar gave the solution, that the traditional procession way should not be changed also the timings of the procession (starting and ending time) not to be changed. Only thing to change is that the procession should start from the traditional ending point and to end towards the traditional starting point. As a result of that procession passed away in front of the mosque in day time and no further dispute rises.

From the above example, it is concluded that, because of the proper knowledge of village dispute by the Talathi and the trick used by the Tahsildar the law and order was kept intact.

## 13. PUBLIC DISTRIBUTION SYSTEM

### Design

- 13.1 Objective
- 13.2 Introduction
- 13.3 Three tire Ration Card
- 13.4 Various Schemes
- 13.5 Precautions to be taken while issuing the ration card
- 13.6 Duties of Talathi while issuing the ration card.

### **13.1 Objective**

After being studying this chapter we shall get the information regarding, various schemes of public distribution system, duties of Talathi at village level public distribution and capacity building for strengthening this system and precautions to be taken for relieving this scheme from corruption.

### **13.2 Introduction**

Access of the poor to food is a priority objective of the scheme. so it should ensure that, the supply of food grains should be done at reasonable rates and at prescribed quantum with easy access. This resolution of essential commodities act came in to existence in 1955.

With a view to improve the standard of living of general public under below poverty line in the village, it is the prime responsibility of the Talathi to implement the various schemes under public distribution systems quickly, efficiently and transparently at village level.\_

### **13.3 Tri Colored Ration Cards**

After inception of TPDS the state Government have decided to issue tri colored ration cards for livelihood of needy and general public. The classification of tri colored ration cards is as given below.

- Yellow Ration Cards / BPL Ration Cards

## 14. VARIOUS WELFARE SCHEMES

### Design

- 14.1 Objective
- 14.2 Introduction
- 14.3 Sanjay Gandhi Niradhar yojana for economical weaker section
- 14.4 Indira Gandhi Niradhar and agriculture labour mahila yojana
- 14.5 Sharavanbal yojana (National Old Age Pension Scheme)
- 14.6 Terms conditions for selection of beneficiary
- 14.7 National family Assistance scheme
- 14.8 National
- 14.9 Duties of Talathi
- 14.10 Important definitions for checking the terms conditions

### **14.1 Objective**

After being studying this chapter we shall get the information regarding, the schemes pertaining to economical weaker section in the society and requirement for the eligibility of those schemes.

### **14.2 Introduction**

It is the responsibility of the Government to work for social security and social justice. As there is financial distress of old age persons, blinds and handicapped persons to ensuring minimum national standard of social assistance, Government is implementing various welfare schemes for such people.

The information as regards the schemes implemented through State Government about eligibility, terms conditions is given in this chapter.

### **14.3 Sanjay Gandhi Niradhar scheme for economical weaker section.**

#### **Eligibility**

- A) The age of male/female applicant should be 65 years or more. The applicant should not be in a position to pull on his livelihood at his own due to blindness, handicapped, tuberculosis, cancer, aids, mental and physical sickness etc.
- B) Economically destitute women, having the responsibility of minor children.

#### **14.4 Indira Gandhi Niradhar and agriculture labour mahila yojana**

The age of women applicant should be 65 years or more. The applicant should be landless labour, destitute widow, quitted women, ladies who are victim of atrocities, ladies in the process of divorce, wife of the imprisonment person, ladies relieved from prostitution, destitute women.

#### **14.5 Sharavanbal yojana (National Old Age Pension Scheme)**

This is centrally sponsored scheme. As per the criteria of this scheme the age of the applicant (male or female) should be 65 years or more.

Also the applicant should be 'destitute' in the sense of having little or no regular means of subsistence from his/her own resources of income or through financial support from family members or other sources.

14.6 **Terms, conditions** of the Sanjay Gandhi Niradhar yojana for economical weaker section, Indira Gandhi Niradhar and agriculture labour mahila yojana, Sharavanbal yojana (National Old Age Pension Scheme), Terms conditions for selection of beneficiary, National family Assistance scheme.

- 1) The applicant should be resident of Maharashtra for last 15 years.
- 2) The applicant should not be staying at Government's financial institutions, charity institutions or institutions run by corporation
- 3) The name of that family should be in the list of below poverty line and its total income from all family members shall not exceed Rs.15000/- per year.
- 4) The age of landless agricultural labour women should be more than 65 years.
- 5) The women who is compelled to live independently or with relative, because her husband had left her before one year and he is not ready to keep her along with him.
- 6) Medical Certificate is required, in case if it happens, to be disability and deformity due to physical harassment and torture to the women.

- 7) A) The true copy of the application submitted to the court for legal divorce, is essential.  
B) The certificate of Police Patil/ Sarpanch, regarding the women living separately from her husband is essential.
- 8) A) The letter of Jail Officer is essential, regarding the stay of a person in jail for more than six months.  
B) The certificate of Police station, regarding the person kept in police custody or in judicial custody for inquiry is essential.
- 9) A) The certificate of Police station, regarding relieving of a women from prostitution is essential.  
B) The certificate of Social Worker working in Women and child Development Department, stating that, the women is not getting assistance from other departments.
- 10) A) Certificate of Grampanchayat/ Municipality, regarding the child being 'destitute' as his/her mother and father had died.  
B) Certificate from management of the hermitage, stating, the child is not living in any destitute hermitage.
- 11) A copy of the entry register of Grampanchayat/ Municipality, regarding the death of husband.
- 12) If the beneficiary is having children below the age of 18 years, the birth certificate of the same should be obtained from Grampanchayat/ Municipality, for all the three schemes along with the application form, and the benefit should be given to them. But if the beneficiary is having children's above the age of 18 years then, it should be seen whether those children's are earning and the total income of the family should not exceed Rs.15000/- per year. For that purpose separate application should be obtained from the major children, but in case of non-receipt of such application, the claim approved earlier while the children were minor should be cancelled.
- 13) The beneficiary should be resident of Maharashtra for the last 15 years.

#### **14.7 National Family Benefit Scheme**

This is centrally sponsored scheme which came in to effect from 31<sup>st</sup> August 1998. Central assistance is available under this scheme in the form of a lump sum family benefit for a household below poverty line on the death of the primary breadwinner in the bereaved family subject to the following conditions-

- A) Deaths occurred after dated- 1<sup>st</sup> August 1998 are to be taken in to account.
- B) The 'primary breadwinner' is the member of the household, male or female whose earnings contribute substantially to the total household income.
- C) The death of such a primary breadwinner occurs while he or she is more than 18 years and less than 65 years of age.
- D) The amount of benefit is Rs.10,000/- irrespective of the cause of death, natural or accidental, of the primary breadwinner. The family benefit is paid to such surviving member of the household of the deceased who after local enquiry, is determined to be the head of the household.

#### **14.8 National Maternity Benefit Scheme**

This is 100 percent centrally sponsored scheme, which came in to effect from 15<sup>th</sup> August 1995 but some changes have been made as per the Government resolution dated 1<sup>st</sup> August 1998. The terms and conditions of the scheme are as follows –

- 1) The benefit is restricted to pregnant women of household below poverty line, for up to the first two live births, provided they are of 19 years of age and above.
- 2) The applications received on or after 1.8.1998 are considered.
- 3) The maternity benefit disbursed in one installment of Rs.500/-, 8 to 12 weeks prior to the delivery.
- 4) In case of delay in submission of application, it can be disbursed to the beneficiary even after the birth of the child.

#### **14.9 Duties of the Talathi in case of the above schemes.**

Above all schemes are from the social assistance program. For getting benefit of all those schemes to the beneficiary and to implement the scheme, Talathi should study the scheme thoroughly.

- 1) Talathi should keep all information and necessary formats of all the schemes with him and he should publish the details of the schemes in the village.
- 2) On scrutiny of the application as per the conditions mentioned above, income certificate should be given to the eligible beneficiary.
- 3) If the name of that family is in the list of below poverty line, then that certificate should be given.
- 4) Residence certificate should be given.
- 5) Information of family income should be given.
- 6) Every year in the month of November/ December the certificate of life is to be given to the beneficiary.

#### **14.10 Definitions for checking / Verifying the conditions.**

- 1) Quitted Women :- The married women, legally not divorced but living independently or with relative, not living with her husband because her husband had left her.
- 2) Harassed Women :- women who are Physically harassed or raped by the bad elements in the society.
- 3) Ladies in the process of divorce :- The husband/ wife who had submitted their application for divorce to the court, but final decision is awaited and living separately from the husband, in that period.
- 4) The wife of the imprisonment person :- The wife of a person kept in police custody or in judicial custody for inquiry for more than six months period is eligible to get the benefit of the scheme.
- 5) The ladies relieved from the prostitution :- The ladies relieved from the prostitution by police and not getting assistance from other departments.

- 6) Destitute Girls :- the child being 'destitute' as his/her mother and father had died but not living in any destitute hermitage.
- 7) Widow :- The women who's husband is dead.
- 8) Destitute :- An individual or family considered as destitute if, the income of that individual or family, income from movable or immovable property or monetary help from relative or adult son, all added together is not sufficient to meet the two ends meet. For livelihood of the family, the income of the family should be, at least up to the upper limit, for the names to be included in the list of below poverty line of urban and rural. (For urban and rural today the limit is of Rs.15,000/-)
- 9) Family :- Husband/ wife and their maximum 3 children.