

Explanation.—Where land is held as site for a dwelling house and a portion thereof is used for cultivation, such portion shall not be deemed to have been diverted to another purpose.

(4) Where land is diverted and land revenue is assessed thereon under the provisions of this section the Dewan shall also have the powers to impose a *salami* on the diversion in accordance with the rules made under this Law :

Provided that the *salami* shall in no case exceed five hundred rupees per acre ;

Provided further that *salami* shall not be levied under this sub-section in any village with a population of less than 1,500.

8. On all lands on which an assessment has not been recorded during a revenue survey the Dewan may make the assessment of land revenue in accordance with rules made under this Law.

9. Subject to rules made under this Law, the Durbar may fix rates for the use of water which has been made available in consequence of the construction, improvement or repair of any irrigation or other work by the State, in consultation with such local committee as may be prescribed. Such rates shall be liable to revision at such periods as may be determined and shall be recoverable as land revenue.

CHAPTER III.—DISPOSAL OF UNALIENATED LAND AND RIGHTS OF RYOTS.

10. (1) A ryot shall hold the land to the occupation of which he is admitted, or is deemed to have been admitted, under the provisions of this Law, in accordance with the provisions of this Law.

(2) If any person has acquired the right to occupy land as a ryot prior to the commencement of this Law, all restrictions or conditions heretofore imposed on his right shall henceforth be of no effect in so far as they may be inconsistent with the provisions of this Law.

(3) Lands under shifting cultivation in an area where such cultivation is permitted, shall not be deemed to be held in the rights of a ryot notwithstanding that a tax is levied in the area.

Explanation.—Shifting cultivation means cultivation known as *dahia*, *rama*, or *bewar* or such other name as may be specified by the Durbar by notification.

(4) Land such as alluvial land in the bed of a river or garden land leased out by the State for periods not exceeding three years at a time shall not be deemed to be held in the rights of a ryot.

11. (1) Subject to rules made under this Law, the right to occupy unoccupied, unalienated land including trees or other forest growth shall be disposed of by the Dewan who may require the payment of a *salami* for such right or may sell the same by auction : provided that where the land is disposed of for the purpose of the erection of a building or for any purpose other than agriculture, such conditions as may be prescribed by rules under this section may be imposed in the interests of public health, safety or convenience.

(2) Nothing in sub-section (1) shall be deemed to derogate from the powers, if any, of a municipal or other body constituted for the purpose of maintaining public sanitation, to impose conditions in the interests of public health, safety or convenience.

(3) The disposal of the right to unoccupied unalienated land in any area inhabited largely or exclusively by aboriginals shall be made according to rules, if any, made specially for such area under this sub-section.

(4) In any local area, or in the whole of the State, the Durbar may, for the purpose of encouraging cultivation, by notification direct that the right to occupy unoccupied unalienated land shall be disposed of without the levy of a *salami*.

(5) The Dewan may order that land revenue shall not be recovered or shall be recovered at a reduced rate, on lands disposed of under sub-section (4) for such period and to such extent as may be prescribed.

(6) No *salami* shall be levied on lands, disposed of under sub-section (4) at a future date.

12. (1) Subject to his personal law, the rights of a ryot shall, notwithstanding anything contained in any rules, agreement, orders or custom in existence before the commencement of this Law, be permanent and transferable, and on his death shall pass by inheritance, bequest, or survivorship as the case be : provided that in any local area which the Durbar may, by notification, specify,

(i) no land shall be sold in execution of a civil court decree for money only ;

(ii) mortgages of land shall be usufructuary only for such period not exceeding 15 years as may be prescribed.

(2) The rights of an aboriginal ryot shall not be transferred to a non-aboriginal without the sanction of the Durbar or, if he is empowered in this behalf, the Dewan.

(3) The rights of a ryot shall not be transferred to a person who is not a subject of the State without the sanction of the Durbar, or if he is empowered in this behalf, the Dewan, unless the Durbar by notification, otherwise directs.

(4) If the area of an agricultural holding is less than one acre the rights of a ryot in a portion of it shall not be transferred unless it is to form a portion of an adjoining holding.

(5) No fee shall be charged for the grant of sanction required under sub-section (2) or (3).

(6) All sales and mortgages shall be effected by means of a registered document.

(7) No registering officer shall admit to registration a document purporting to transfer by sale or mortgage of any kind or in any other manner the rights of a ryot in land held by an aboriginal to a person who is not an aboriginal, or by any person to a person who is not a subject of the State, unless the sanction required under sub-section (2) or, unless the Durbar otherwise directs, sub-section (3), as the case may be has been obtained and the conditions of sub-section (3) are fulfilled.

13. A ryot holding land for the purpose of agriculture is entitled by himself, his servants, lessees, agents or other representatives to build farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid : provided that such improvement does not cause damage or deterioration in any other land.

Explanation.—For the purpose of this section 'farm building' shall include a dwelling house inhabited by the ryot, his dependents or servants.

14. (1) If any person holding land for any purpose wishes to divert the holding or any part thereof to any other purpose he shall apply for permission to the Dewan who may, subject to the provisions of this section and to rules made under this Law, refuse or grant it on such conditions as he may think fit.

(2) Permission to divert may be refused only on the ground that the diversion is likely to cause a public nuisance.

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety or convenience, or, in the case of land which is to be used as a building site, in order to secure that the dimensions, arrangements and accessibility of the sites are adequate for the health or convenience of occupiers and are suitable to the locality.

(4) If any land is diverted without notice being given to the Dewan, the Dewan, on receiving information thereof, may proceed in accordance with the provisions of sub-section (1) as if notice had been given, and he may also impose on the person holding such land a penalty not exceeding one hundred rupees which may be recovered as an arrear of land revenue.

(5) If any land is, or continues to be, diverted after permission has been refused, or if any condition imposed under the sub-section (3) is contravened, the Dewan may serve a notice on the person holding the land directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or observe the condition, and such notice

may require him to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose or that the condition may be satisfied.

(6) If the person holding the land fails, within the period stated in the notice, to take the steps ordered by the Dewan, the Dewan may himself take such steps, or cause them to be taken, and any costs incurred in so doing shall be levied from the person holding the land as an arrear of land revenue.

(7) If the person holding the land fails, within the period stated in the notice, to take the steps ordered by the Dewan, or having taken the steps again diverts the land, or contravenes the conditions to which the notice related, or again diverts land or contravenes such conditions after the Dewan has taken steps under sub-section (2), the Dewan may impose upon him a penalty not exceeding one hundred rupees, and where the diversion or contravention of the condition is a continuing one, a further penalty not exceeding ten rupees for each day during which the diversion or contravention is persisted in, and such penalties shall be recoverable as arrears of land revenue.

(8) The Dewan may also, on the application of any person holding land, and subject to rules made under this Law, summarily eject any person found in possession of any land which is being used for any purpose other than that for which it was last offered by the State.

15. (1) Subject to rules made under this Law, a ryot may relinquish his rights, that is, resign them in favour of the State but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person (other than the State or ryot) by giving notice in writing to such revenue officer as may be empowered in this behalf before such date as may be prescribed; and such relinquishment shall have the effect from the first day of the agricultural year next following, provided that no rights which extend to less than a whole holding may be so relinquished.

(2) The ryot shall be liable for the land revenue of the holding for the agricultural year preceding that in which relinquishment becomes effective.

16. If a holding of less than such area as may be prescribed is relinquished, the Dewan shall offer the right to occupy such holding on such *salami* as he thinks fit to the ryots of adjoining holdings, and if there be competition among such occupants he shall sell such right to the highest bidder amongst them. In the event of the land being not less than the area prescribed or being not accepted by any of the ryots of adjoining holdings, it shall be disposed of under the provisions of Section 11.

17. If any person relinquishes his right to land the way to which lies through other lands retained by him, any future ryot or tenant of the land relinquished shall be entitled to a right of way through the land retained.

18. (1) If a ryot ceases to cultivate his holding either by himself or by some other person, and has allowed one year's land revenue to fall into arrears and has left the village in which he usually resides, a revenue officer may, at any time after the end of the agricultural year, after such proclamation and enquiry as may be prescribed, declare the holding as relinquished.

(2) If at any time before a holding is declared as relinquished any person pays the arrears of land revenue due on the holding, the proceedings shall be dropped.

(3) Any ryot whose holding has been declared as relinquished under sub-section (1) may, within a period of six months from the date of the order, apply to be reinstated on the ground that he had no intention of abandoning his holding, and the revenue officer may, after such enquiry as he thinks fit and on payment of arrears of land revenue, due on the holding and the costs of any processes issued under sub-section (1) reinstate the ryot.

(4) The revenue officer shall not proceed under section 16 till the expiry of six months from the date of the order declaring the holding to have been relinquished.

19. (1) If a ryot dies without any heirs, the Dewan shall take possession of the holding and shall issue a proclamation inviting claimants, if any, to

establish their title within such period of not less than one year as may be prescribed in this behalf.

(2) If no claimant appears who can establish his title to the holding, the holding shall be recorded as unoccupied and may be disposed of under the provisions of section 11.

20. (1) Any person who unauthorisedly takes possession of any unoccupied unalienated land or any land set apart for any special purpose shall be liable to pay the assessment fixed under the provisions of this Law for the whole period of his occupation and shall also be liable to a penalty not exceeding one rupee per acre if the land has been occupied for purposes of agriculture or fifteen rupees per acre if it has been used for any non-agricultural purposes.

(2) The payment of the assessment or penalty mentioned in sub-section (1) shall not entitle the person on whom it is imposed to continue in possession of the land.

(3) For the purposes of sub-section (1) possession for a portion of year shall be taken as a whole year.

(4) Any person in unauthorised possession of any such land may be summarily ejected by the Dewan; and any building or any other structure erected thereon, if not removed after such written notice as the Dewan may deem reasonable, and also any crop on the land shall be liable to forfeiture by order of the Dewan.

(5) Any property so forfeited may be disposed of as the Dewan may direct and the cost of removal of any structure, earth-work or material erected or placed upon the land and all works necessary to restore the land to its original condition, if not recovered by sale of the property forfeited, shall be recoverable as an arrear of land revenue from the person who unauthorisedly took possession of the land.

(6) If the Dewan does not proceed under sub-section (4) but considers that the person unauthorisedly taking possession may be given the right to occupy the land, he may confer such right on payment of a *salami* equal to twenty-five times the fair assessment in addition to any penalty levied under sub-section (1).

21. (1) Alluvial land formed on any bank which adjoins unalienated land shall vest in the State but the ryot, if any, of the land adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue during the term of the current settlement unless the area added to his holding exceeds one acre.

(2) The disposal of alluvial land formed on any bank which adjoins alienated land shall be with the tenure holder or the State according as the tenure-holder has, or has not, the rights of disposal of such land.

(3) When the area of alluvial land added to a holding exceeds one acre the rights of a ryot or tenant in such land shall, with due regard to the interest of the public convenience, be offered to the ryot or tenant of the holding at a *salami* which shall not exceed ten times the assessment of the land so formed. If the ryot or tenant refuses the offer, the land may be disposed of in accordance with the provisions of section 11 or section 34, as the case may be.

22. (1) Where any holding is diminished in area by diluvion to the extent of one acre or more, the land revenue payable on such holding shall be decreased on the application of the ryot or tenant.

(2) A ryot or tenant may apply for the land revenue of his holding to be decreased on the ground that permanent deterioration of his holding has taken place and in dealing with such applications the Dewan or other revenue officer empowered in this behalf shall be guided by rules made under this sub-section.

23. (1) Whenever a ryot or tenant proposes to sell the whole or any portion of his interest in land, he may give notice of his intention to the ryots or tenants of lands adjoining his land who shall have a prior right to purchase the land subject to rules made under this section.

(2) Any ryot or tenant, coming to know of the intention of the ryot or tenant of adjoining land to sell the whole or any portion of his interest, may offer to purchase such interest for a price to be agreed upon and, in the event of a dispute, may refer the matter to a revenue officer.

(3) Rules may be made for the purpose of giving effect to the provisions of this section.

(4) The provisions of this section shall apply to land held for agricultural purposes only.

CHAPTER IV.—TENURE-HOLDERS, GRANTEES AND TENANTS.

24 (1) Tenure-holders shall be of the following classes, namely,

(i) tenure-holders liable to render services as a condition of the tenure ;
(ii) tenure-holders not so liable.

(2) Where a tenure is held in the name of, or for the purposes of, a deity, the person for the time being exercising the powers of management over such tenure or receiving the revenue thereof shall be deemed to be the tenure-holder.

(3) '*Takoli*' means any amount payable by a tenure-holder, whether known as '*takoli*' or otherwise, for the right to hold the tenure and includes a cess payable by the tenure-holder before the commencement of this Law in addition to the *takoli* or other payment.

Explanation.—Cesses imposed by the State on the tenants of alienated areas shall not be considered to be *takoli*.

25. (1) Subject to the provisions of this Law the rights and liabilities of a tenure-holder shall be governed by the terms of his sanad, deed, or order, if any, under which he holds, or by recognised custom, or any specific order or decision of the Ruler or the Political Authorities made before the commencement of this Law, in so far as they are valid at the commencement, and are not inconsistent with the provisions, of this Law.

(2) Where a tenure-holder has no rights in any matter, the State shall have such rights.

(3) Notwithstanding any previous custom or anything contained in the terms of a sanad, deed or order to the contrary, the succession to a tenure held in perpetuity shall be to direct male heirs only and in the absence of such heirs the tenure shall lapse and the lands shall be treated as unalienated.

(4) Save to the extent recognised before the commencement of this Law, a tenure shall not be liable to be partitioned or to be transferred by sale, mortgage or lease or in any other manner.

26. (1) Notwithstanding any custom, or anything in the terms of a sanad, deed or order to the contrary, no tenure-holder shall have the following powers :

(a) to make a revenue survey and settlement of the lands comprised in his tenure ;

(b) save by a notice of demand, to take action against a tenant or other person in occupation of land in respect of recovery of land revenue or any other dues, otherwise than by applying to a revenue officer of the State ;

(c) to impose on any person any cesses or levy anything not leviable under this Law or any other enactment for the time being in force ;

(d) to compel the appearance of any tenant or other person not in his employ before himself or any other person appointed by him ;

(e) to appoint, remove or punish village headmen or village servants ;

(f) to impose fines or to eject any person in authorised possession of land ;

(g) to acquire occupied land compulsorily ;

(h) to maintain land records.

(2) A tenure-holder acting in contravention of the provisions of subsection (1) shall be liable to be excluded from his tenure permanently, the tenure being resumed, or temporarily for such period as the Durbar may think fit, or to such penalty not exceeding the sum of five hundred rupees as the Durbar may impose.

27. (1) All persons recorded as in permanent occupation of alienated land in any survey or settlement record existing or current on the date of the commencement of this Law, or paying revenue or rent for lands held by them directly to the tenure-holder, or to any person holding from him or authorised to receive revenue or rent on his behalf, and any persons how