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## NOTE ON DRAFT LAW.

It has not been possible to prepare a detailed statement of objects and reasons ; such a statement would be voluminous and require considerable time for its preparation if an adequate explanation of all the provisions is to be conveyed. The general report will, I hope, serve the purpose to some extent.

2. A feature of the Law which may attract notice is that a number of matters are left to be dealt with by rules. This has been necessary on account of the differing practices in each State and though in view of the general uniformity in agriculture and country as well as the principles of administration it is possible to eliminate many of the differences, it is not advisable to do this without a careful examination in detail of the circumstances of each State and discussion. Another feature is that practically no difference has been made between cultivators in areas held by tenure-holders and cultivators directly under the State. This corresponds to a large extent to the practical position and, in view of the general tendency everywhere including the States, for the State to make settlements make the position of tenants correspond as closely as possible to that under a ryotwari system, it has been considered desirable to emphasise that cultivators, whether under tenure-holders or under the State, have the same rights and liabilities. No difference between rent and land revenue has therefore been made and the word "tenant" has been used to describe cultivators with permanent rights in land in tenure-holders' villages merely for the sake of brevity.

3. The draft Law is in some ways incomplete. No index has been prepared and sections have not been given a descriptive heading. I have noticed also after the fair-copying was done that there are no provisions for the disposal of produce-rent (provisions are necessary in view of mal-practices, unless it is considered that the Revenue Adviser recommended should be able to stop them) and in respect of the sale of land held by aboriginals, provisions may be considered necessary for the regulation of sale by civil courts or by revenue courts for arrears of land revenue in view of the restricted right of transfer. The arrangement of the sections may need some alteration also. I have not considered it worth while to make the draft complete in all these respects as changes may be found necessary after orders have been passed on the report.

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*Officer on Special Duty.*

### REVENUE LAW.

WHEREAS it is expedient to consolidate and amend the laws or rules relating to land revenue, the powers of revenue officers and other matters relating to land, and the liabilities incident thereto, in the State of..... the Durbar, in supersession of all existing orders, rules, notifications or enactments relating to land, is pleased to make the following law—

#### CHAPTER I.

1. (1) This law may be called the.....State Revenue Law, 1942.

(2) It extends to the whole of the State of.....except such areas as may from time to time be constituted as reserved forest under the Forest Rules or any enactment for the time being in force relating to the forests of the State.

(3) It shall come into force on notification in the State Gazette or promulgation by any other customary means,

2. In this law, unless there is anything repugnant in the subject or context,—

(1) 'State' means the Government of the State of.....;

(2) 'agricultural year' means the year commencing on the first day of April or on such date as the Durbar may, in the whole of the State or in the case of any specified local area, by notification or other customary means, appoint ;

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(3) 'alienated land' means any area in respect of which the State has recognised or conferred, wholly or in part, the right, either by itself or in addition to other rights, of a person hereinafter referred to as a 'tenure-holder' to receive land revenue on his own behalf and the right of a tenure-holder is called a 'tenure';

*Explanation.*—A *gaontia* or other person holding a village on lease is not a tenure-holder.

(4) 'holding' means a parcel of land in respect of which the area, the name of the person entitled to possession, and the land revenue payable, are entered under a separate indicative number in the land records, or, a parcel of land separately assessed to land revenue existing apart from other lands similarly assessed ;

(5) 'improvement' means with reference to land, any work which materially adds to the value of such land, which is suitable thereto and consistent with the purpose for which it is held, and which, if not executed on the land, is either executed directly for its benefit, or is, after execution made directly beneficial to it, and, subject to the foregoing provision includes—

(a) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes ;

(b) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water ;

(c) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land ;

(d) the erection of buildings on land or in its immediate vicinity, elsewhere than in the village site, required for the convenient or profitable use of such land, and

(e) the renewal or reconstruction of any of the forthcoming works or alterations therein or additions thereto, but does not include temporary wells or other works or petty alterations or any repairs to such works as are commonly made by agriculturists of the locality in the ordinary course of agriculture ;

*Explanation.*—Work which benefits several holdings may be deemed to be an 'improvement' with respect to each of such holdings.

(6) 'land' means a portion of the earth's surface and where land is referred to in this Law it shall be deemed to include all things attached to or permanently fixed to anything attached to such land ;

(7) 'land records' means records maintained under the provisions, and for the purposes, of Chapter IX.

(8) 'Dewan' means the principal executive officer of the State or any officer declared to be Dewan for the purpose of this Law ;

(9) 'revenue officer' means any officer declared to be a revenue officer by this Law and any other officer whom the Durbar may, for any of the purposes of this Law declare to be a revenue officer ;

(10) 'ryot' means any person who acquires the right to occupy unoccupied unalienated land for agricultural or non-agricultural purposes in manner prescribed by this Law and any person who, prior to the commencement of this Law, has been admitted to the occupation of such land by any authority exercising powers in this respect, for agricultural or non-agricultural purposes, subject to the payment of land revenue ;

(11) 'village' includes any tract of land which at the last revenue survey of such land has been recognised as a village or which may be recognised as such at a revenue survey made after the commencement of this Law or which the Durbar may, by notification, declare to be a village for the purposes of this Law ;

(12) '*gaontia*' means any person holding a village as *gaontia*, *ganjhu*, *garhnaik*, *thekedar*, *padhan*, *patel* or *sarbarakar*, or a tenure-holder, holding the village directly that is, without any recognised lessee or headman at the commencement of this Law ;

(13) '*bhogra* lands' means lands held as an incident of his office by a *gaontia*, or recorded as *bhogra* in the land records of any village at the last revenue survey, and includes such land as has come into the possession of a

*gaontia* to be held as an incident of his office under any customary right or the terms of any agreement between him and the Durbar or tenure-holder existing at the commencement of this Law ;

(14) 'Durbar' means the Ruler, or such other person in charge of the administration of the State during minority or other disability of the Ruler, acting under the advice of a Revenue Adviser appointed for the purpose of advising the Ruler generally on all matters concerning the administration of this Law and, in particular, the following matters :

- (a) the conduct of revenue surveys and settlements ;
- (b) the decision of appeals and revisions lying to the Durbar under this Law ;
- (c) the framing and enforcement of rules and executive instructions under this Law ; and
- (d) supervision and guidance of revenue courts and officers administering this Law ;

*Note.*—The Revenue Adviser will be a person appointed with the approval of the Crown Representative but in the absence of such a person the Dewan or other person appointed by the Ruler may be the Revenue Adviser.

(15) 'aboriginal' means the member of a tribe or caste notified by the Durbar as aboriginal in any local area or in the whole of the State ;

(16) 'prescribed' means prescribed by rules made under this Law ;

(17) '*salami*' means premium ;

(18) 'agriculture' and 'agricultural purpose' includes the raising of crops, the growing of trees, the cultivation of flowers or vegetables and the reservation of land for grass or fodder.

## CHAPTER II.— LAND AND LAND REVENUE

3. (1) Save as otherwise provided by any law or rule having the force of law for the time being in force, all lands, public roads, lanes and paths, and bridges, ditches, dykes and fences on or beside the same, the beds of rivers, streams, nallahs, lakes and tanks and all canals and water courses and all standing and flowing water and all rights therein which are not the property of persons are, and are hereby declared to be, the property of the State.

(2) Where the State claims any right under sub-section (1) and the claim is disputed by any person, it shall be decided by the Dewan whose orders shall, subject to the provisions of sub-section (3) and (4), be subject to appeal or revision in accordance with the provisions of this Law, but shall not otherwise be contested before any court or other authority.

(3) Where an order of the Dewan made under sub-section (2) or an order in appeal therefrom, or any revision thereof, is in favour of the State, any person aggrieved thereby may institute a civil suit to establish his rights within a period of one year from the date of communication to him of such order.

(4) Where a civil suit has been instituted under sub-section (3) against any order such order shall not be subject to appeal or revision.

4. (1) Unless there is a customary right recognised by the State or it is otherwise expressly provided in the terms of a sanad or grant or order made by the State or recognised by the State, and such provision in the terms of the sanad or grant or order has not subsequently been cancelled, by any order or custom, the right to all minerals shall vest in the State which shall have all powers necessary for the proper enjoyment of such rights.

(2) The right to all minerals includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for the purposes subsidiary thereto, including erection of offices, workmen's dwellings and machinery, the stacking of minerals and the deposit of refuse, the construction of roads, railways or tram lines and any other purposes which the Durbar may declare to be subsidiary to mining and quarrying with the approval of the Resident for the Eastern States.