

CHAPTER VIII.—SURVEY AND SETTLEMENT.

113. (1) The operations carried out in accordance with the provisions of this chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey".

(2) The results of the operations are called a "settlement" and the period during which such results are to be in force is called the 'term of settlement'.

114. (1) Whenever the Durbar thinks that a revenue survey should be made of a local area it shall publish a notification to that effect and such local area shall be held to be under revenue survey from the date of such notification until the issue of a notification declaring the operations to be closed.

(2) Such notification may extend to all lands generally in the State or to such lands only as the Durbar may direct.

115. (1) The Durbar may appoint a settlement officer who shall; subject to the control of the Durbar, control the operations of the revenue survey.

(2) The Durbar may also appoint such other officer and other staff to assist the settlement officer in conducting the operations as may be considered necessary.

(3) The Durbar may invest the settlement officer, or any other officer appointed in connection with the revenue survey, with all or any of the powers of the Dewan or other revenue officer under this Law.

(4) The settlement officer or other officers invested with the powers of any revenue officer under this Law shall be deemed to be revenue officers for the purposes of Chapter XIII and Chapter XIV: provided that the disposal of appeals, or the exercise of powers under section 188, or under the proviso to sub-section (1) of section 189, shall lie with such officers as the Durbar may by notification direct.

116. When a revenue survey has been undertaken the settlement officer may, by special order, or by general proclamation published in such manner as may be prescribed, call upon all holders of land and other persons in possession thereof in a village to assist in the measurement or classification of the lands to which the revenue survey extends by furnishing flag holders and, in the event of a necessity for employing hired labour for this or other similar objects incidental to the operations, may assess the cost thereof with all contingent expenses on the lands surveyed with the help of such hired labour and the amount so assessed shall be recoverable as an arrear of land revenue due on such lands

117. (1) Rules may be made under this Law regarding the allotment of indicative numbers or sub-numbers to the holdings or groups of holdings on the lands to which the revenue survey extends, the grouping of such numbers into villages, allotment of numbers to lands diverted to non-agricultural purposes, the determination of the area to be reserved for residential purposes or for purposes ancillary thereto, the setting apart or determination of lands required or used for purposes of grazing or nistar or other common use, lands available for cultivation, the preparation of records and generally, on all matters concerning unoccupied lands and the conduct of the revenue survey.

(2) Lands assigned specially for any purpose during a revenue survey by the settlement officer, or during the term of a settlement, by the Dewan, shall not be diverted to other purposes without the sanction of the Dewan.

118. (1) The villages of the area covered by the revenue survey may be formed into territorial groups or into separate classes as may be prescribed, having regard to the physical features, agricultural and economic conditions and trade facilities and communications, provided that for such local areas as may be specified a separate grouping or classification may be made.

(2) The classification of lands or soils shall be made as prescribed by rules.

119. A building site of such dimensions as may be prescribed in the village site of any village shall not be liable to the payment of land revenue if such site is occupied by, or is allotted to, a ryot or tenant of agricultural land, agricultural labourer or such village servant as may be prescribed.

120. The boundaries of all villages shall be fixed, and all disputes relating thereto shall be decided, by the settlement officer subject to rules made under this Law : provided that during the currency of a settlement the Dewan shall fix the boundaries or decide the disputes.

121. (1) If the several parties concerned in a dispute relating to any boundary specified in section 120 agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the settlement officer or Dewan, as the case may be, shall require the said parties to nominate a committee of not less than three persons within a specified time, and if, within the period fixed, the committee so nominated, or a majority of the members thereof, arrive at a decision such decision may be accepted by the settlement officer or Dewan, as the case may be.

(2) If the committee appointed in the manner aforesaid fails to effect a settlement of the dispute within the time specified the settlement officer or Dewan, as the case may be, shall, unless he wishes to extend the time, decide the dispute.

122. The boundaries of all villages and of such lands or holdings as may be prescribed by rules under this law shall be demarcated by boundary marks which shall be of such specification and shall be constructed and maintained in such manner as may be prescribed.

123. Every holder of land shall be responsible for the maintenance and repair of the boundary and survey marks erected thereon and it shall be the duty of the village headman and revenue officers to inspect the marks from time to time as may be prescribed and take such action as may be necessary to enforce the responsibility of the holder for the maintenance of the marks.

124. The settlement officer or Dewan may on the application of a party interested demarcate the boundaries of his lands : provided that in the event of a dispute no permanent marks shall be fixed except upon the adjudication of a competent civil or revenue court.

125. (1) The settlement officer or Dewan may enquire into and decide claims by persons holding land to rights of way over the boundaries of other land.

(2) In deciding such claims the settlement officer shall have regard to the needs of cultivators for reasonable access to their fields.

(3) Any person who is aggrieved by a decision of the settlement officer under this section may within a period of one year from the date of such decision institute a civil suit to have it set aside or modified.

126. (1) The settlement officer shall draw up, if possible, a table of rates of assessment for each class of land in each group or class of villages.

(2) Where owing to variation in soil, or other reasons, it is not possible or desirable to draw up a table of rates, the assessment of holdings shall be made in such manner as may be prescribed.

(3) In drawing up the table of rates or in estimating the assessment on any lands or soils, the settlement officer shall have regard, in the case of agricultural land, to the profits of agriculture and rents paid by the lessees, and in the case of non-agricultural lands, to the value of the land for the purpose for which it is held.

(4) For the purpose of determining the profits of agriculture, the following elements shall be taken into account in estimating the cost of cultivation:

- (a) the depreciation of stock and buildings ;
- (b) the money equivalent of the cultivator's labour and supervision ;
- (c) all other expenses usually incurred in cultivation on the land which is under enquiry ;
- (d) interest on the cost of buildings and stock and expenditure for seed and manure and on the cost of agricultural operations paid for in cash,

(5) In estimating the profits of agriculture from any area, the settlement officer shall have regard to the nature of the climate, the history of rainfall and harvests since the previous settlement, the price obtainable by agriculturists at the place at which the crops are usually sold, the fluctuation of prices since the previous settlement, likelihood of future fluctuations in prices and such other matters as may be prescribed :

Provided that if there has been no previous settlement, the matters stated above may be examined over the period of twenty years preceding the settlement.

(6) In any revenue survey or settlement made under this Law the assessment shall be made only in cash :

Provided that in areas inhabited predominantly by aboriginals, the assessment, if a majority of the inhabitants of the area so desire, may be made in kind.

127. (1) Where the revenue survey relates to land held for the purpose of agriculture the settlement officer shall place his proposals for assessment rates for any area before a local committee consisting of the village *panchayats* of the area, if any, and also such persons or committee specially appointed for the purpose as the Durbar may, by general or special order, specify.

(2) The settlement officer shall make a record of any proposals or criticisms made by the local committee and shall submit such record along with his final proposals for assessment rates to the Durbar which shall publish them for objections, and may confirm them with such alterations as it thinks fit.

(3) Where the revenue survey relates to lands held for purposes other than agriculture, in an area notified as an urban area, the settlement officer shall submit his proposals for assessment rates to the Durbar for orders after consultation or publication in such manner as may be prescribed.

128. The settlement officer shall have the power to record an assessment on all lands to which the revenue survey extends whether such lands are liable to the payment of land revenue or not and no regard shall be had to any claim to hold land on privileged terms.

129. (1) The actual assessment on all lands shall be based upon the table of rates drawn up under sub-section (1), or the assessment deduced under sub-section (3) of section 126, as confirmed by the Durbar under Section 127.

(2) The enhancement of the assessment of any particular holding shall not exceed 33 per centum of the previous assessment if the land is held for the purpose of agriculture ;

Provided that for special reasons to be approved in each case by the Durbar an enhancement may be made to an extent not exceeding 100 per centum ;

Provided further that the Durbar may, for special reasons, for any local area, fix a higher limit than 33 per centum not exceeding 100 per centum as the limit of enhancement but this proviso shall not apply to any area where a revenue survey has already been made.

(3) The assessment on lands used for non-agricultural purposes shall not exceed 50 per centum of the estimated rental value of the land.

(4) Where improvement has been effected during the currency of the previous revenue survey in any holding held for the purpose of agriculture by, or at the expense of, the holder thereof, the assessment in such holding shall be fixed as if the improvement had not been made.

(5) Where the enhancement on a holding exceeds 33 per centum the Durbar may direct that the full enhancement shall not come immediately into force but shall take effect over a period not exceeding 9 years,

(6) The actual assessment on land held as a grant shall be made according to the need for continuing it as such, the previous circumstances or conditions under which it is held, and the orders passed, if any, under Chapter IV.

130. (1) The provisions of this Chapter shall apply to the revenue survey and settlement of all alienated lands under tenureholders and no special considerations shall be allowed to prevail.

(2) The *takoli* payable by a tenureholder may be fixed at such percentage of the total assessment of the area having regard to the previous custom, and such other considerations as may be fit and proper, but nothing in this section shall affect the right of the Durbar to make an enhancement of the percentage fixed previously.

(3) The enhancement which can be made under this section shall be subject to the provisions of section 38.

131. (1) When the actual assessment of any land, and the *takoli* payable by a tenure-holder, if any, has been fixed in accordance with section 129 and section 130, notice thereof shall be given in manner prescribed and such notice shall be called the 'announcement' of the settlement,

(2) The assessment of land as finally announced under this section shall be the land revenue payable annually on such lands during the term of the settlement, unless it is modified in accordance with the provisions of this Law.

132. The term of the settlement shall commence from the beginning of the agricultural year next following the date of announcement or from the expiry of the previous term of settlement, whichever is later.

133. The term of a settlements shall be fixed by the Durbar and shall not be less than 20 years provided that (1) any assessment may be reduced during the term of the settlement in such manner, to such extent, and for such period as the Durbar, thinks fit ; (2) when the circumstances of any local area are such that a fresh assessment is in the opinion of the Durbar inexpedient, or when the completion of a new assessment has, for any cause, been delayed, the Durbar may, at the expiration of the term of settlement, extend it with reference to such local area for such period as it may think fit.

134. When settlement operations are closed under section 114, all applications and proceedings then pending before the settlement officer shall be transferred to the Dewan who shall have the powers of a settlement officer for their disposal.

135. The Dewan, or a revenue officer specially empowered in this behalf, may, at any time during the term of a settlement, correct any error in the area or assessment of any holding due to mistake of survey or arithmetical miscalculations ;

Provided that no arrears of land revenue shall become payable by reason of such corrections.

136. In addition to the assessment on any holding cesses may be imposed, subject to the following provisions :

(1) Cesses shall be only for such specific purposes as the maintenance of schools, roads, or dispensaries from which local cultivators derive benefit.

(2) The total amount of cesses imposed for any or all of these purposes shall not exceed *three annas per rupee* of the assessment.

(3) Cesses shall be payable by all persons whether exempt from the payment of land revenue or not, on the assessment recorded under section 128, and the revenue from cesses shall be credited entirely to the State in the first instance.

(4) Cesses shall, as far as possible, be announced at the same time as the assessment.

(5) No new cess shall be imposed, nor shall the amount of a cess be increased, under this Law, during the currency of a settlement.

137. The assessment on land, cesses payable, and all settlements made before the commencement of this Law shall be deemed to have been made under this Law.

138. (1) Any amount recoverable as a cess before the commencement of this Law exceeding the total limit prescribed in section 136, clause (2), shall, from the agricultural year following the commencement of this Law, cease to be recoverable, including arrears, if any.

(2) The commutation fee in return for nistar and grazing in village forest or forest allotted for the use of villagers or any amount payable to village watchmen or other village servants shall not be regarded as a cess under this section, notwithstanding that it has been described as a cess in any rule or order.