

(2) Grants, if any, made by a tenure-holder, except under sub-section (1) shall not be recognised by the State, and no reduction shall be made in the *takoli* payable by a tenure-holder except for grants made at the instance of the State under sub-section (1).

49. (1) The Dewan may confer on any person who has been in cultivating possession of land under a maintenance grant continuously for a longer period than twenty years the rights of a ryot or tenant under this Law.

(2) Any person found in cultivating possession of land under a grant and recorded as occupancy ryot or in other manner implying the right of permanent possession and cultivation, before the commencement of this Law, shall have all the rights of a ryot or tenant under this Law.

CHAPTER V.—OTHER RIGHTS AND LIABILITIES OF RYOTS AND TENANTS.

50. (1) Notwithstanding any custom or anything contained in the terms of any *kabuliyat*, *patta*, order, rule or enactment in force at the time of the commencement of this Law, no person shall

(a) employ any village headman, village servant, ryot or tenant or a member of the family of such village headman, village servant, ryot or tenant, or a servant or employee of such village headman, village servant, ryot or tenant, or

(b) make use of any cattle or agricultural implement of such village headman, village servant, ryot or tenant.

(c) require any village headman, village servant, ryot or tenant to make any payments in cash or kind, or to render any commodity whatsoever as an incident of his office or right, other than land revenue or other payments required to be made under this Law, without making, or agreeing to make, payment for such employment or use or articles rendered at rates ordinarily paid in the locality for such employment or use or for the purchase of such articles, or against the will of such village headman, village servant, ryot or tenant or other person.

Explanation I.—The performance of their official duties of village headmen and village servants is not employment within the meaning of clause (a).

Explanation II.—The provisions of this section shall not be deemed to be contravened if any service or payment is rendered by a person, who is not a minor, of his own free will.

(2) No conditions regarding any of the matters prohibited in subsection (1) shall be imposed on any person admitted to the occupancy of land as ryot, tenant or lessee, or appointed as village headman or village servant, under this Law and any such conditions, if imposed, shall be null and void and such ryot, tenant, lessee, village headman or village servant shall not be liable to ejection or other penalty for not observing such a condition.

(3) Any person who acts in contravention of the provisions of subsection (1) shall, by order of a revenue officer, be liable to pay such sum not exceeding ten times the value of such employment or use or commodity as compensation to the ryot or other person aggrieved and shall also be liable to a penalty not exceeding two hundred rupees.

(4) A petition for proceedings under sub-section (3) shall, notwithstanding anything contained in any rule, order or enactment for the time being in force regarding court-fees, be exempt from payment of court-fees, and no fees shall be charged for any notice, summons or proclamation issued in such proceedings.

(5) Any person making an allegation against any other person which can be proved to be false and frivolous or vexatious, shall be liable to a penalty which may extend to one hundred rupees and such sum, if recovered, may be paid to the person falsely complained against, as compensation.

(6) No payment prohibited under sub-section (1) clause (c) shall be recoverable under this Law.

51. (1) No village headman, village servant, ryot, tenant or other person in cultivating possession of land shall be compelled to sell any agricultural produce of the holding, to any person whether with or without payment.

Explanation.—‘Agricultural produce’ means the fruit and all part of anything growing on the holding, whether planted or self-sown and includes such commodities as lac or tussore propagated or growing on the holding.

(2) No person shall propagate agricultural produce on, or appropriate the agricultural produce of, any land in the possession or occupation of any other person without the consent of such person.

(3) No person shall exercise any right of fishery in any waters standing on a holding in the possession or occupation of a ryot or tenant or other person without the consent of such person.

52. (1) A ryot or tenant shall have the right to all trees or plants growing on his holding, whether planted or self-sown, and shall not be liable to pay any tax or fee other than land revenue for the propagation of lac or tussore or for the appropriation of *tendu* (*Diospyros Melanoxyton*) leaves or any other produce.

(2) Any tax or fee in force (other than land revenue or included in it) for the propagation of lac or tussore or for the privilege of collecting *mahua* or the produce of any other trees on the holding of a ryot or tenant shall, from the commencement of this Law, cease to be recoverable.

(3) Nothing in sub-section (1) shall be deemed to be contrary to any custom by which trees in a village are divided among the villagers by themselves for the right of user or to affect rights in trees recorded in the land records as belonging to or planted by any person other than the ryot or tenant.

53. (1) Notwithstanding any custom or anything to the contrary in any rule, order or enactment in force at the commencement of this Law, the right to the hides or horns or any part of the carcass of an animal shall belong to the owner thereof who may dispose of it as he pleases, and shall not be compelled to sell or surrender it to any person.

(2) If an animal dies in a village, the owner shall be responsible for the sanitary disposal of the carcass in the place and manner appointed for the purpose.

(3) If within twelve hours of the death of an animal the owner has not taken any steps for the disposal of the carcass, the village chowkidar shall take steps for its disposal and the owner shall forfeit all rights to the hide or horns or any part of the carcass.

(4) Any tax or fee leviable as a commutation of the right to the hide or horns or any part of the carcass of an animal before the commencement of this Law shall cease to be recoverable.

(5) During the prevalence of any contagious cattle disease, the Dewan may direct that in the area in which the disease is prevalent the entire carcass of a dead animal shall be disposed of by burning or burial.

54. (1) The rights to the fisheries of any tanks or rivers or streams or nallahs which are the property of the State shall vest in the State which may dispose of them as it pleases provided that the use of water for the purpose of irrigation or other purpose is not interfered with.

(2) A tenure-holder or other person shall have the right to fisheries in any tank or waters recorded in the land records in his name or over which his rights have been recognised.

(3) If the right to fisheries in waters over which the State or tenure-holder or any person has the right has not been leased out or otherwise restricted, residents of the village shall exercise such rights as are customary.

55. Ryots or tenants or other residents of a village may appropriate for their *bona fide* personal use such minor minerals as sand, clay, earth, or stone not notified as having special value, without any payment from any waste land within the boundaries, of any village.

56. The enjoyment of the fruit of trees growing in village forest or other waste land within village boundaries, except such lands as have been reserved as groves belonging to the State, shall be enjoyed according to custom and the State shall not levy any tax or fee on such trees.

57. (1) Any resident of a village may be required, by any officer of the State, village headman or village watchman to assist in putting out a fire, or controlling a flood, or at any other general emergency affecting the safety and welfare of the community, within a reasonable distance from his village.

(2) Any resident of a village refusing to comply with any reasonable requisition for assistance made under sub-section (1) may be punished by a revenue officer of not below such rank as may be prescribed with a fine which may extend to twenty-five rupees.

58. (1) Any ryot or tenant or other person in cultivating possession of land may take such steps as may be necessary for the protection of the land or agricultural produce of the land from wild animals, and in the exercise of the right of protection conferred by this section, may shoot at, or kill any animal which is either causing damage, or is about to enter and cause damage, to the land or agricultural produce.

(2) The destruction of any animal other than pig by any person under the right conferred by this section shall, if it is so prescribed, be reported to the village headman or other authority in the village prescribed in this behalf, and the cultivator shall not appropriate the carcass of the animal destroyed, if it is so prescribed, but he shall not be required to convey the carcass or any part of it to any person, and shall not be liable to pay any fees.

(3) Pigs, and such other animals as may be specified by notification, may be killed anywhere within the boundaries of a village and the persons killing such animals shall not be liable to make any report.

(4) Rules may be made regarding the disposal of the carcass or part of a carcass of animals so destroyed.

59. Any resident of a village may destroy within the boundaries of the village any carnivorous animal which has killed cattle (which term includes goats and sheep and all animals kept for milk or transport), or may be reasonably apprehended to be about to destroy such cattle and he shall not be liable to take any further action in respect of such animal killed by him than a person who kills animals in protection of land under section 58.

60. (1) Where a ryot or tenant pays for a holding revenue or rent in kind, or partly in cash and partly in kind, such ryot or tenant may apply to a revenue officer to have the revenue or rent commuted to a payment in cash.

(2) If the payment in kind, or partly in cash and partly in kind, has been taken at the revenue survey, at which it was fixed to be the equivalent of land revenue in cash at a definite rate, the payment shall be commuted to a cash payment at that rate.

(3) If the equivalent of the payment in kind has not been determined at the revenue survey, or there has been no revenue survey, the commutation shall be effected, taking into account, (a) the cash rates if any prevalent in the area, and (b) the value of the payment in kind at the average price obtained by cultivators in the locality during the preceding twenty years.

61. (1) A holding in any village may be held in the rights of a ryot or tenant by all or any number of the residents of the village in common for the purpose of grazing or a tank or other common object.

(2) The responsibility for the land revenue or rent of such a holding shall be on such person, if any, as has been recorded in the land records as the ryot or tenant thereof or on such person as the residents concerned may appoint.

62. (1) Any person in cultivating possession of land belonging to a ryot or tenant may apply to a revenue officer to be declared the ryot or tenant of the land, as the case may be, on the ground that the land is habitually sublet, and the revenue officer may make such a declaration on deposit by the applicant of a sum equal to five times the assessment for payment to the original ryot or tenant, whose right in the land shall there upon be extinguished.

(2) A declaration made under sub-section (1) shall take effect from the commencement of the agricultural year next following the date of such declaration.

(3) For the purpose of this section land may be presumed to be habitually, sublet, if it is sublet for a total period exceeding seven years during any consecutive period of ten years after the commencement of this Law, but such a presumption shall not necessarily be made in the case of land of a minor or any other person subject to a legal disability or physical infirmity or a woman.

63. Any person holding land under a ryot or tenant or person recorded as a ryot or tenant, on whom rights of permanent occupation have been conferred before the commencement of this Law, may apply to a revenue officer to be declared as the ryot or tenant of such land and the revenue officer shall issue such a declaration on deposit by the applicant of five times the proper assessment of the land for payment to the original holder of the land whose rights shall thereupon be extinguished :

Provided that no such deposit shall be necessary unless the applicant is paying to the original holder for the Land an amount greater than the normal land revenue or proper assessment imposed on lands in the locality.

64. Any person recorded as a ryot or tenant, or deemed, or declared to be, a ryot or tenant under section 49, may apply to a revenue officer for the reduction of the amount payable by him on the ground that it is higher than the proper assessment or normal land revenue of lands in the locality, and the revenue officer may reduce the amount accordingly.

CHAPTER VI.—VILLAGE HEADMEN.

65. (1) There shall be appointed for each village a headman under this Law.

(2) More than one headman shall not be appointed unless the duties of the office cannot be efficiently performed by one.

(3) If the village is held by a *gaontia* on the date of the commencement of this Law such *gaontia* shall be the headman unless he does not wish to accept the office :

Provided that if in any village there is more than one person recognised or recorded as a *gaontia* responsible for the revenue or any portion of the revenue of the village, such persons may be appointed as headmen and they shall be liable to perform such duties and in such manner as may be prescribed.

(4) Notwithstanding any previous practice or the terms of any contract between the State or the tenure-holder and himself as *gaontia*, a headman under this Law shall not be liable to be proceeded against personally for the revenue of the village but it shall be his duty to collect the revenue assessed upon the ryots or tenants and to pay it at such places and in such manner as may, by order of the Dewan, be appointed for the purpose.

(5) A headman who is not a tenure-holder shall be remunerated at a rate to be prescribed having regard to the circumstances and the amount of land revenue of the village but not higher than 10 per centum of the land revenue of the village, excluding cesses, if the village has a land revenue in excess of twelve hundred rupees :

Provided that where the *gaontia* is enjoying at present a higher percentage, his remuneration shall not be reduced except in three equal steps at intervals of five years.

66. (1) Notwithstanding any custom or anything in the terms of an agreement between himself and the State or tenure-holder, no *gaontia* (other than a tenure-holder having such rights) or headman shall, after the commencement of this Law, have the right (a) to allot waste land for cultivation by others or to bring such land under cultivation by himself ; (b) to accept relinquishment of land or to take possession of abandoned or surrendered land or the land of persons dying without heirs.

(2) The consent of the headman shall not be necessary for the transfer of his rights in land by a ryot or a tenant by sale, mortgage, gift, exchange or lease or in any other manner.

67. (1) Where a person at the commencement of this Law has held *bhogra* lands as a *gaontia* continuously either by himself or through persons