

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.

(3) If the State has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such it is necessary that all or any of the powers specified in sub-section (1) and (2) should be exercised, the Dewan may, by an order in writing, subject to such conditions and reservations as he may prescribe, delegate such powers to the person to whom the right has been assigned, provided that no such delegation of rights sufficient to allow a person to prospect for minerals shall be made until notice has been duly served on all persons having rights in the lands affected and their objections, if any, have been heard and considered.

(4) If in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land the State or its assignee shall pay to such person compensation for such infringement, and in the absence of agreement the amount of such compensation shall be calculated by the Dewan, or if the award is not accepted, by the civil court, as nearly as may be in accordance with the provisions of any enactment in force made for the acquisition of land.

(5) No assignee of the State shall enter on or occupy the surface of any land without the previous sanction of the Dewan, unless the compensation has been agreed upon or calculated by the Dewan and tendered to the person whose rights are infringed.

(6) If any assignee of the State fails to pay compensation as provided in sub-section (4), the Dewan may recover such compensation from him on behalf of the person entitled to it as if it were an arrear of land revenue.

(7) The exercise of the right of any person to minerals under the terms of a grant, or order, or recognised custom, shall be subject to the terms of such grant, order or custom and to rules framed under this section.

Explanation.— In this section 'minerals' includes any sand or clay which the Durbar, with the approval of the Resident for the Eastern States, may declare to have a commercial value or to be required for any public purpose.

5. (1) Except on land occupied for agricultural or non-agricultural purposes under the provisions of this Law or occupied for such purposes in any recognised or lawful manner before the commencement of this Law, all trees, shrubs, brushwood and other natural products wherever growing shall vest in the State and shall be disposed of in accordance with the provisions of this Law or rules made under it.

(2) In alienated lands trees, shrubs, under-growth, and other natural products shall vest in the State unless they have been alienated at the time the land was alienated and such alienation has not been subsequently cancelled by any order or custom.

(3) In all lands trees, shrubs, under-growth and other natural products shall be deemed to be a part of the land on which they are situated.

6. (1) All land, to whatever purpose applied and wherever situated, is liable to the payment of revenue to the State except such land as has been wholly exempted from such liability by special grant of, or contract with the State.

(2) Such revenue is called 'land revenue' and that term includes all amounts payable in cash or in kind to the State for land notwithstanding that such payments may be described as *salami*, rent, quit-rent or in any other manner in any enactment, rule, contract or deed.

7. (1) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, as the case may be, with reference to the use of the land, (a) for the purpose of agriculture, (b) as sites for dwelling houses : and (c) for any other purpose.

(2) Where land assessed for use for one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate by a revenue officer subject to rules made under this Law.

(3) Where land held free from payment of land revenue on condition, expressed or implicit, of being used for any purpose is diverted to any other purpose it shall become liable to payment of land revenue.

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.