THE TRIPURA LAND REVENUE AND LAND REFORMS ACT, 1960

ARRANGEMENT OF SECTIONS

PART I

CHAPTER I.—PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.

PART II

CHAPTER II—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT 3. Power to create, alter or abolish districts, sub-divisions, etc.

4. Appointment of revenue officers.

5. Collector and certain other revenue officers.

6. Settlement officers.

7. Subordination of revenue officers.

8. Combination of offices.

9. Notification of appointments.

10. Seals.

CHAPTER III.—LAND AND LAND REVENUE 11. Title of Government to lands, etc.

12. Right to trees, forests, etc.

13. Assignment of land for special purposes.

14. Allotment of land.

15. Unauthorised occupation of land.

16. Liability of land to land revenue.

17. Alluvial lands.

18. Land revenue in case of diluvion.

19. Assessment of land revenue.

20. Diversion of land.

21. Remission or suspension of revenue on failure of crops.

22. Responsibility for payment of land revenue.

23. Receipt for land revenue.

CHAPTER IV.—SURVEY AND SETTLEMENT OF LAND REVENUE 24. Definitions of "revenue survey", "settlement" and "term of settlement". 25. Inquiry into profits of agriculture.

26. Revenue survey.

SECTIONS

27. Power to require assistance from landholders.

28. Survey numbers and villages.

29. Division of survey numbers into sub-divisions.

30. Determination of revenue-rates.

31. Preparation of statistical and fiscal records.

32. Revenue-rates how determined.

33. Publication of table of revenue-rates.

34. Confirmation of the table of revenue-rates.

35. Rates of revenue to form part of settlement register.

36. Introduction of revenue-rates.

37. Duration of revenue-rates.

38. Assessment on holdings.

39. Additional assessment for water advantages.

40. Continuance of survey operations and rates in force at commencement of Act. 41. Power of Collector to correct errors, etc.

CHAPTER V.—LAND RECORDS 42.

Preparation of record of rights.

43. Publication of the record of rights.

44. Jurisdiction of civil courts to decide disputes.

45. Correction of *bona fide* mistake in register.

46. Register of mutations.

47. Penalty for neglect to afford information.

48. Assistance in preparation of maps.

49. Certified copies.

50. Maps and other records open to inspection.

51. Power to transfer duty of maintaining maps and records to settlement officer.

CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS 52.

Determination of village boundaries.

53. Effect of settlement of boundary.

54. Construction and repair of boundary marks.

55. Description of boundary marks.

56. Responsibilities for maintaining boundary marks.

57. Collector to have charge of boundary marks.

58. Penalty for injuring boundary marks.

CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS 59.

Land revenue to be first charge.

SECTIONS

60. Payment of land revenue.

61. Arrear of land revenue.

62. Recovery of Arrears.

63. Notice of demand.

64. Distraint and sale of movable property.

65. Sale of immovable property.

66. Notice of sale.

67. Sale to be by auction.

68. Prohibition to bid at auction.

69. Sale of perishables.

70. Sales not to be excessive.

71. Deposit by purchaser of immovable property.

72. Failure to make deposit.

73. Setting aside sale.

74. Confirmation of sale.

75. Refunds.

76. Certificate of purchase.

77. Application of proceeds of sale.

78. Liability of certified purchaser.

79. Precautionary measures in certain cases.

80. Recovery of other public demands.

CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS 81. Revenue officers to be courts.

82. Place of hearing.

83. Power to enter upon and survey land.

84. Power to transfer cases.

85. Power to take evidence, summon witnesses, etc

86. Compelling attendance of witnesses.

87. Hearing in absence of party.

88. Adjournment of hearing.

89. Power to order payment of costs.

90. Use of force.

91. Appearances before and applications to revenue officers.

92. Correction of error or omission.

93. Appeals.

94. Limitation of appeals.

95. Revision.

SECTIONS

96. Review of orders.

97. Stay of execution of orders.

98. Power to make rules.

PART III

CHAPTER IX—RIGHTS OF RAIYATS IN LAND 99. Rights of raiyats.

100. Reservation of land for personal cultivation.

101. Procedure for reservation of lands.

102. “Permissible limit” defined.

103. Land deemed to be reserved for personal cultivation in certain cases.

104. Non-resumable land.

105. Right to lease.

106. Land left uncultivated.

107. Relinquishment.

CHAPTER X.—RIGHTS OF UNDER-RAIYATS

108. Interest of under-raiyats.

109. Right to create a mortgage or charge.

110. Right to make improvements.

111. Maximum rent.

112. Payment of rent.

113. Reasonable rent.

114. Commutation of rent payable in kind.

115. Receipt for payment of rent.

116. Refund of rent recovered in excess.

117. Suspension or remission of rent.

118. Eviction of under-raiyat.

119. Restoration of possession of land to under-raiyat.

120. Certain lands to be non-resumable land of under-raiyat.

121. Compensation for improvements.

122. Under-raiyat may remove building, works, etc., not deemed improvements.

123. Restoration of possession of land in certain other cases.

124. Relief against termination of tenancy for act of waste.

125. Surrender of land by under-raiyat.

126. Transfer of ownership of land to under-raiyats.

SECTIONS

127. Compensation to raiyat.

128. Payment of compensation to raiyat.

129. Under-raiyat to pay compensation amount.

130. Issue of certificate to under-raiyats.

131. First option to purchase.

132. Power to make rules.

PART IV

CHAPTER XI.—ACQUISITION OF ESTATES AND OF RIGHTS OF INTERMEDIARIES THEREIN 133. Definitions.

134. Notification vesting estates in the State.

135. Consequences of notification under section 134.

136. Rights of intermediary to certain lands.

137. Collector to take charge of estates, etc., vested in the Government.

138. Decision of disputes.

139. Appeal.

CHAPTER XII.—ASSESSMENT AND PAYMENT OF COMPENSATION 140. Intermediaries entitled to receive compensation.

141. Date from which compensation shall be due.

142. Every intermediary to be treated as a separate unit.

143. Appointment of compensation officers.

144. Compensation assessment roll.

145. Determination of gross income and net income.

146. Compensation payable to intermediary.

147. Disposal of claims of creditors.

148. Appeal against the decision of claims officer.

149. Preliminary publication of compensation assessment roll and disposal of objections. 150. Contents of the order of compensation officer.

151. Appeals against order of compensation officer.

152. Final publication of the compensation assessment roll.

153. Correction of *bona fide* mistakes.

154. *Ad interim* payment of compensation.

155. Mode of payment of compensation.

156. Compensation due to maintenance holder.

157. Compensation due to person incompetent to alienate.

158. Inquiries to be judicial proceedings.

159. Penalties.

SECTIONS

160. Application of Part III to persons becoming raiyats or under-raiyats under Part IV. 161. Power to make rules.

PART V

CHAPTER XIII.—CEILING ON LAND HOLDINGS 162. Exemptions.

163. Definitions.

164. Cellings on holdings.

165. Submission of returns.

166. Collection of information through other agency.

167. Procedure for determination of excess land.

168. Selection of excess land in cases of certain transfers.

169. Excess land to vest in Government.

170. Publication of the final list and consequences thereof.

171. Compensation.

172. Manner of payment of compensation.

173. Limit of future acquisition of land.

174. Excess land not to be surrendered in certain cases.

175. Power of Collector to take possession of excess land.

176. Offences and penalties.

177. Finality of orders.

178. Power to exempt, etc.

CHAPTER XIV.—PREVENTION OF FRAGMENTATION 179. Definitions.

180. Restrictions on transfer, etc.

181. Partition of holding.

182. Transfers in contravention of this Chapter.

183. Penalty.

184. Power to make rules.

PART VI

CHAPTER XV.—GENERAL AND MISCELLANEOUS 185.

Recovery of amount due as arrear of land revenue.

186. Protection against eviction or surrender in certain cases.

187. Special provision regarding Scheduled Tribes.

188. Jurisdiction of civil courts excluded.

189. Act to over-ride contracts and other laws.

SECTIONS

190. Court-fees.

191. Village officers to be public servants.

192. Power to exempt.

193. General provision as to penalties.

194. Protection of action taken in good faith.

195. Delegation of powers.

196. Power to remove difficulties.

197. General power to make rules.

198. Laying of rules before Parliament.

199. Repeal and savings.

THE SCHEDULE.

THE TRIPURA LAND REVENUE AND LAND REFORMS ACT, 1960

ACT NO. 43 OF 1960

[21*st September*, 1960.]

An Act to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

PART I

CHAPTER I.—PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Tripura Land Revenue and Land Reforms Act, 1960.

(*2*) It extends to the whole of the Union territory of Tripura.

(*3*) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of the Union territory of Tripura;

(*b*) "agriculture" includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding, grazing and pisciculture;

(*c*) "basic holding" means land used for agricultural purposes which is equal to two standard acres in area;

(*d*) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Act;

(*e*) "commencement of this Act", in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (*3*) of section 1;

(*f*) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purpose of that provision;

(*g*) "family" except in Chapter XIII means, in relation to a person, the wife or husband of such person, his children, grandchildren, parents and brothers, and in the case of a Joint Hindu family, any member of such family;

(*h*) "family holding" means land used for agricultural purposes which is equal to 6.4 standard acres in area;

(*i*) "Government" means the Central Government;

(*j*) "holding" means a parcel of land separately assessed to land revenue;

(*k*) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof and includes—

(*i*) the construction of tanks, wells, water channels and other works for the storage, supply and distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture;

(*ii*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;

(*iii*) the preparation of land for irrigation;

(*iv*) the conversion of one-crop into two-crop land;

(*v*) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(*vi*) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or house for the occupation of the under-raiyat, his family and servants or of a cattle shed, a store-house or other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

(*vii*) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(*l*) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875 (9 of 1875);

(*m*) "Official Gazette" means the Tripura Gazette;

(*n*) "pay", "payable" and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

(*o*) "person under disability" means—

(*i*) a widow;

(*ii*) a minor;

(*iii*) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (*iv*) or (*v*);

(*iv*) a member of the Armed Forces of the Union;

(*v*) a person incapable of cultivating land by reason of some physical or mental disability;

(*p*) "personal cultivation", with its grammatical variations and cognate expressions, means cultivation by a person on his own account—

(*i*) by his own labour, or

(*ii*) by the labour of any member of his family, or

(*iii*) by servants or by hired labour on wages, payable in cash or in kind but not as a share of produce, under his personal supervision or the personal supervision of any member of his family;

ExplanationI.—Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless such person or member resides in the village in which the land is situated or in a nearby village situated within a distance to be prescribed, during the major part of the agricultural season;

Explanation II.—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

(*q*) "prescribed" means prescribed by rules made under this Act;

(*r*) "public purpose" includes a purpose connected with allotment of land to cultivators, under-raiyats ejected as a result of resumption, land-less agricultural workers or co-operative farming societies;

(*s*) "raiyat" means a person who owns land for purposes of agriculture paying land revenue to the Government and includes the successors-in-interest of such person;

(*t*) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(*u*) "standard acre" means one acre of „lunga‟ or „nal‟ or three acres of „tilla‟ land;

(*v*) "under-raiyat" means a person who cultivates or holds the land of a raiyat under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of a raiyat under the system generally known as „*bhag'*, „*adhi'* or „*barga'*;

(*w*) "village" means any tract of land which, before the commencement of this Act, was recognised as or was declared to be a village under any law for the time being in force or which may after such commencement be recognised as a village at any settlement or which the Administrator may, by notification in the Official Gazette, declare to be a village;

(*x*) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

PART II

CHAPTER II—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

3. Power to create, alter or abolish districts, sub-divisions, etc.—(*1*) The Administrator may, with the previous concurrence of the Government, by notification in the Official Gazette, divide the Union

territory of Tripura into one or more districts, and may similarly divide any district into sub-divisions, circles and tehsils, and may alter the limits of, or abolish, any district, sub-division, circle or tehsil.

(*2*) The districts, sub-divisions, circles and tehsils existing at the commencement of this Act shall continue respectively to be the districts, sub-divisions, circles and tehsils under this Act unless otherwise provided under sub-section (*1*).

4. Appointment of revenue officers.—The Government or such other officer as may be authorised by the Government in this behalf may appoint the following classes of revenue officers, namely:—

(*a*) Collector,

(*b*) director of settlement and land records,

(*c*) sub-divisional officers,

(*d*) survey and settlement officers,

(*e*) assistant survey and settlement officers,

(*f*) circle officers,

(*g*) revenue inspectors,

(*h*) tehsildars,

(*i*) village accountants and such other village officers and servants as may be specified by rules made under this Act.

5. Collector and certain other revenue officers.—(*1*) Each district shall be placed under the charge of a Collector who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Collector under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(*2*) Each sub-division shall be placed under the charge of a sub-divisional officer.

(*3*) Each circle or tehsil shall be placed under the charge of a circle officer or a tehsildar, as the case may be.

(*4*) The duties and powers of the sub-divisional officers, the circle officers and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator published in the Official Gazette.

6. Settlement officers.—The officers specified in items (*b*), (*d*) and (*e*) of section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be prescribed by or under this Act or by any general or special order of the Administrator published in the Official Gazette.

7. Subordination of revenue officers.—All revenue officers shall be subordinate to the Administrator and all revenue officers in the district or a sub-division shall be sub ordinate to the Collector or the sub-divisional officer, as the case may be.

8. Combination of offices.—It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the Collector.

9. Notification of appointments.—All appointments made under this Chapter except appointments of revenue inspectors, tehsildars and village accountants and other village officers and servants shall be notified in the Official Gazette.

10. Seals.—The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

CHAPTER III.—LAND AND LAND REVENUE

11. Title of Government to lands, etc.—(*1*) All lands, public roads, lanes and paths and bridges, ditches, dikes, and fences on or beside the same, the beds of rivers, streams, *nallas*, lakes and tanks, and all canals and water courses, and all standing and flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Government.

(*2*) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

(*3*) Where any property or any right in or over any property is claimed by or on behalf of the Government, or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Collector whose order shall, subject to the provisions of this Act, be final.

(*4*) Any person aggrieved by an order made under sub-section (*3*) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order and the decision of the civil court shall be binding on the parties.

12. Right to trees, forests, etc.—(*1*) The right to all trees, jungles or other natural products growing on land set apart for forest reserves and to all trees, brush wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person, vests in the Government, and such trees, brush wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(*2*) All road side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

13. Assignment of land for special purposes.—Subject to rules made in this behalf under this Act, the Collector may set apart land belonging to the Government for pasturage for the village cattle, for forest reserves or for any other purpose.

14. Allotment of land.—(*1*) The Collector may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act; and such rules may provide for allotment of land to persons evicted under section 15.

(*2*) The Administrator shall have power—

(*a*) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(*b*) to entrust the management of any such land or any rights therein to the gram panchayat of the village established under any law for the time being in force.

15. Unauthorised occupation of land.—(*1*) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(*2*) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(*3*) Upon payment of the penalty referred to in sub-section (*2*), the trespasser shall have the right of tending, gathering and removing any ungathered crops.

16. Liability of land to land revenue.—(*1*) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.

(*2*) The Administrator may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act.

17. Alluvial lands.—All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds one acre.

18. Land revenue in case of diluvion.—Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion.

19. Assessment of land revenue.—(*1*) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, with respect to the use of the land—

(*a*) for purposes of agriculture;

(*b*) for industrial or commercial purposes;

(*c*) as sites for dwelling houses;

(*d*) for any other purpose.

(*2*) Where, land assessed for use for any 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 in accordance with the rules made under this Act.

20. Diversion of land.—(*1*) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority who may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit.

(*2*) Permission to divert may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (*3*).

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

(*4*) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (*1*) as if an application for permission to divert has been made.

(*5*) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land

for its original purpose or to observe the condition; and such notice may require such person 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. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

(*6*) If any person served with a notice under sub-section (*5*), fails within the period stated in the notice to take the steps ordered by the competent authority under that sub-section, the competent authority may itself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

Explanation.—"Diversion" in this section means using land assessed to one purpose for any other purpose, but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

21. Remission or suspension of revenue on failure of crops.—The Administrator may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of land revenue in years in which crops have failed in any area.

22. Responsibility for payment of land revenue.—(*1*) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

(*a*) the person to whom the land belongs;

(*b*) the under-raiyat or any other person in possession of the land, provided that such under-raiyat or other person shall be entitled to credit from the owner of the land for the amount paid by him;

(*2*) Where there are two or more persons liable to pay land revenue under sub-section (*1*), all of them shall be jointly and severally liable for its payment.

23. Receipt for land revenue.—Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

CHAPTER IV.—SURVEY AND SETTLEMENT OF LAND REVENUE

24. Definitions of "revenue survey", "settlement" and "term of settlement".—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", 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".

25. Inquiry into profits of agriculture.—(*1*) As soon as may be after the commencement of this Act, the Administrator shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(*2*) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

(*a*) the depreciation of stock and buildings;

(*b*) the money equivalent of the labour and supervision by the cultivator and his family;

(*c*) all other expenses usually incurred in the cultivation of the land which is under inquiry; and

(*d*) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. Revenue survey.—Whenever the Administrator thinks it expedient so to do, he may, with the approval of the Government, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.

27. Power to require assistance from landholders.—A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the

lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

28. Survey numbers and villages.—Subject to the rules made in this behalf under this Act, the survey officer may—

(*a*) divide the lands to which the revenue survey extends into villages and the villages into plots and survey numbers; and

(*b*) recognise the existing villages and survey numbers, reconstitute them or form new survey numbers.

29. Division of survey numbers into sub-divisions.—The survey officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

30. Determination of revenue-rates.—The Administrator may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.

31. Preparation of statistical and fiscal records.—It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may from time to time be made in this behalf by the Administrator.

32. Revenue-rates how determined.—For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in

forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

33. Publication of table of revenue-rates.—(*1*) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(*2*) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(*3*) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

34. Confirmation of the table of revenue-rates.—(*1*) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as he may consider necessary.

35. Rates of revenue to form part of settlement register.—The table of revenue-rates published under section 34 shall be incorporated in and form part of the settlement register of the village.

36. Introduction of revenue-rates.—When the revenue-rates are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 34.

37. Duration of revenue-rates.—(*1*) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years.

(*2*) Notwithstanding anything contained in sub-section (*1*),—

(*a*) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(*b*) when the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

38. Assessment on holdings.—(*1*) The settlement officer shall calculate the assessment on each holding in accordance with the revenue-rates confirmed and finally published under section 34 and such assessment shall be the fair assessment.

(*2*) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue free.

(*3*) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely:—

(*a*) no regard shall be had to any claim to hold land on privileged terms;

(*b*) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;

(*c*) where any improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

39. Additional assessment for water advantages.—Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land.

40. Continuance of survey operations and rates in force at commencement of Act.— Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Chapter, and all revenue-rates in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised revenue-rates; and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 37.

41. Power of Collector to correct errors, etc.—(*1*) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the Collector or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette.

(*2*) The Collector may at any time during the term of settlement correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

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

CHAPTER V.—LAND RECORDS

42. Preparation of record of rights.—It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act.

43. Publication of the record of rights.—(*1*) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, to any entry therein or to any omission therefrom.

(*2*) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause the record to be finally published in the prescribed manner.

(3) Every entry in the record of rights as finally published shall, until, the contrary is proved, be presumed to be correct.

44. Jurisdiction of civil courts to decide disputes.—The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights.

45. Correction of *bona fide* mistake in register.—The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a *bona fide* mistake.

46. Register of mutations.—(*1*) There shall be maintained for every village a register of mutations in such form as may be prescribed.

(*2*) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the village accountant within three months from the date of such acquisition and the village accountant shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

(*3*) The village accountant shall enter the substance of every report made to him under sub-section (*2*) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (*2*) which he has reason to believe to have taken place and of which a report has not be made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.

(*4*) Should any objection to an entry made under sub-section (*3*) in the register of mutations be made either orally or in writing to the village accountant, he shall enter the particulars of the objection in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the person making it.

(*5*) The objections made under sub-section (*4*) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.

(*6*) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

47. Penalty for neglect to afford information.—The Collector may, if he is of opinion that any person has wilfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees.

48. Assistance in preparation of maps.—Subject to rules made under this Act,—

(*a*) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer under section 27 except the power of assessing the cost of hired labour; and

(*b*) any revenue officer not below the rank of sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto, and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

49. Certified copies.—Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

50. Maps and other records open to inspection.—Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

51. Power to transfer duty of maintaining maps and records to settlement officer.—When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Administrator, be transferred from the Collector to the settlement officer.

CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS

52. Determination of village boundaries.—The boundaries of villages, survey numbers, sub-divisions and fields shall be fixed, and all disputes relating thereto shall be determined, by survey officers or by such other officers as may be appointed by the Administrator for the purpose, in accordance with the rules made in this behalf.

53. Effect of settlement of boundary.—(*1*) The settlement of a boundary under this Chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary marks; and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(*2*) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

54. Construction and repair of boundary marks.—It shall be lawful for any survey officer authorised in this behalf to specify, or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions and to assess all charges incurred thereby on the holders or others having an interest therein.

55. Description of boundary marks.—The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to the rules made under this Act, be determined by the Collector or other officer appointed for the purpose.

56. Responsibilities for maintaining boundary marks.—Every landholder shall be responsible for the maintenance an good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

57. Collector to have charge of boundary marks.—After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the Collector and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

58. Penalty for injuring boundary marks.—Any person wilfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding fifty rupees as the competent authority may impose.

CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

59. Land revenue to be first charge.—Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

60. Payment of land revenue.—Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

61. Arrear of land revenue.—(*1*) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.

(*2*) A statement of account certified by the circle officer shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

62. Recovery of arrears.—An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

(*a*) by serving a written notice of demand on the defaulter;

(*b*) by distraint and sale of the defaulter‟s movable property, including the produce of the land;

(*c*) by the attachment and sale of the defaulter‟s immovable property.

63. Notice of demand.—The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed.

64. Distraint and sale of movable property.—(*1*) The distraint and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed.

(*2*) Nothing in sub-section (*1*) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908 (5 of 1908), is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

65. Sale of immovable property.—(1) When the Collector is of opinion that the processes referred to in clauses (*a*) and (*b*) of section 62 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.

(*2*) The Collector may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

66. Notice of sale.—(*1*) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the Collector or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; the notices and proclamations shall also be published in such manner as may be prescribed.

(*2*) A copy of every notice or proclamation issued under sub-section (*1*) shall be served on the defaulter.

67. Sale to be by auction.—All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

68. Prohibition to bid at auction.—No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government.

69. Sale of perishables.—Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

70. Sales not to be excessive.—Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

71. Deposit by purchaser of immovable property.—In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent. of the amount of his bid, and the balance within fifteen days of the date of sale.

72. Failure to make deposit.—(*1*) In default of the payment of deposit referred to in section 71, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

(*2*) In default of payment of the balance of the bid amount within the period prescribed in section 71, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(*3*) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

73. Setting aside sale.—Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Collector may for sufficient cause allow, apply in the prescribed manner to the Collector to have the sale set aside—

(*a*) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or

(*b*) on his depositing in the Collector‟s office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to 5 per cent. of the purchase money.

74. Confirmation of sale.—If, on the expiration of thirty days from the date of sale of any immovable property or of the further period, if any, allowed under section 73, no application has been made for setting aside the sale, or if any such application has been made and rejected, the Collector shall make an order

confirming the sale unless, for reasons to be recorded, the Collector sets aside the sale notwithstanding that no application therefor has been made.

75. Refunds.—(*1*) The Collector shall order the refund and payment to me purchaser, of—

(*a*) the amounts deposited by him under section 71; and

(*b*) the sum equal to 5 per cent. of the purchase money deposited under clause (*b*) of section 73;

if the sale is not confirmed or is set aside.

(*2*) The Collector shall order the refund and payment of all the moneys deposited under clause (*b*) of section 73 to the person who made the deposit, if the sale is confirmed:

Provided that the Collector may set off the whole or any part of any such moneys against any arrears of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outsantanding against the person who made the deposit.

76. Certificate of purchase.—When a sale held under this Chapter is confirmed, the Collector shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

77. Application of proceeds of sale.—The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

78. Liability of certified purchaser.—The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

79. Precautionary measures in certain cases.—When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid whether the date fixed for the payment of the same has arrived or not.

80. Recovery of other public demands.—The following moneys may be recovered under this Act in the same manner as an arrear of land revenue, namely:—

(*a*) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;

(*b*) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be re-coverable as arrears of land revenue;

(*c*) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. Revenue officers to be courts.—(*1*) A revenue officer, while exercising power under this Act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.

(*2*) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

82. Place of hearing.—Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction:

Provided that a sub-divisional officer may inquire into or hear any case at the headquarters of the district to which he is appointed.

83. Power to enter upon and survey land.—All revenue officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

84. Power to transfer cases.—(*1*) The Administrator may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it.

(*2*) The Collector or a sub-divisional officer may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him competent to deal with such case or class of cases.

85. Power to take evidence, summon witnesses, etc.—(*1*) Every revenue officer not lower in rank than a circle officer acting as a revenue court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(*2*) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

86. Compelling attendance of witnesses.—If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 85 may—

(*a*) issue a bailable warrant of arrest;

(*b*) order him to furnish security for appearance; or

(*c*) impose upon him a fine not exceeding rupees twenty.

87. Hearing in absence of party.—(*1*) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

(*2*) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed for default.

(*3*) The party against whom any order is passed under sub-section (*1*) or (*2*) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. Adjournment of hearing.—(*1*) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

(*2*) The date and place of an adjourned hearing shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

89. Power to order payment of costs.—A revenue officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

90. Use of force.—Where any order is passed under this Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in

accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

91. Appearances before and applications to revenue officers.—All appearances before, applications to, and acts to be done before, any revenue officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner:

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

92. Correction of error or omission.—Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.

93. Appeals.—(*1*) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

(*a*) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer;

(*b*) if such an order is passed by the sub-divisional officer, to the Collector;

(*c*) if such an order is passed by the Collector, to the Administrator;

(*d*) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority; and

(*e*) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority.

(*2*) A second appeal shall lie against any order passed In first appeal,—

(*a*) if such an order is passed under clause (*a*) of sub-section (*1*) to the Collector;

(*b*) if such an order is passed under clause (*b*) of sub-section (*1*), to the Administrator;

(*c*) if such an order is passed under clause (*d*) of sub-section (*1*), to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the second appellate authority; and

(*d*) If such an order is passed under clause (*e*) of sub-section (*1*), to the Administrator.

94. Limitation of appeals.—(*1*) No appeal shall lie,—

(*a*) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and

(*b*) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(*2*) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

95. Revision.—The Administrator or the Collector may, at any time, either on his own motion, or on the application of any party, can for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. Review of orders.—(*1*) A revenue officer may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors-in-office obtain the permission of the Administrator.

(*2*) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(*3*) No order shall be reviewed except on the following grounds, namely:—

(*i*) discovery of new and important matter of evidence;

(*ii*) some mistake or error apparent on the face of the record; or

(*iii*) any other sufficient reason.

(*4*) For the purposes of this section, the Collector shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(*5*) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

97. Stay of execution of orders.—(*1*) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(*2*) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit.

(*3*) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

98. Power to make rules.—(*1*) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;

(*b*) the Collector‟s powers of superintendence and control over other officers;

(*c*) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;

(*d*) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made;

(*e*) the preservation and disposal of trees, brush, wood, jungle and other natural products on Government land and the recovery of the value of trees or other natural product unauthorisedly appropriated by persons;

(*f*) the procedure for summary eviction of trespassers on Government land;

(*g*) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;

(*h*) the grant of permission to use agricultural land for non- agricultural purposes;

(*i*) the determination of additional rates for use of water;

(*j*) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;

(*k*) the form of receipt for payment of land revenue;

(*l*) the conduct of surveys and settlements of land revenue;

(*m*) the manner of estimating the cost of cultivation and other expenses in relation to the inquiry

into profits of agriculture;

(*n*) the division of survey numbers into sub-divisions and the assessment of sub-divisions;

(*o*) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;

(*p*) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;

(*q*) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputes relating thereto;

(*r*) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;

(*s*) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;

(*t*) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;

(*u*) the manner and extent of alteration or revision of revenue-rates during the term of settlement;

(*v*) the correction of *bona fide* errors and mistakes in the revenue records, registers and maps prepared under this Part;

(*w*) the manner in which the average yield of crops of land shall be ascertained;

(*x*) the manner of holding inquiries by revenue officers under this Part;

(*y*) the application of the provisions of the Code of Civil Procedure, 1908 (5 of 1908), to cases and proceedings before a revenue court;

(*z*) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;

(*aa*) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII;

(*bb*) the manner of publication of notices and proclamations of attachment and sale of property;

(*cc*) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;

(*dd*) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;

(*ee*) the circumstances in which precautionary measures for securing the land revenue under section 79 may be taken;

(*ff*) the procedure for the transfer of cases from one revenue officer to another;

(*gg*) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefor;

(*hh*) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;

(*ii*) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order;

(*jj*) any other matter which is to be or may be prescribed.

PART III

CHAPTER IX—RIGHTS OF RAIYATS IN LAND

99. Rights of raiyats.—(*1*) For the removal of doubts, it is hereby declared that subject to the other provisions of this Act,—

(*a*) the rights of a raiyat in his land shall be permanent, heritable and transferable;

(*b*) the raiyat shall be entitled by himself, his servants, under-raiyats, agents or other representatives to erect farm buildings, construct wells or tanks or make other improvements thereon for the better cultivation of the land or its convenient or profitable use;

(*c*) the raiyat is entitled to plant trees on his land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on his land.

(*2*) Nothing in sub-section (*1*) shall entitle a raiyat to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such lands.

100. Reservation of land for personal cultivation.—(*1*) Every raiyat who, at the commencement of this Act, owns land in excess of a basic holding shall be entitled to apply to the competent authority for the reservation for his personal cultivation of any parcel or parcels of his land leased to under-raiyats.

(*2*) Every application under sub-section (*1*) shall be in the prescribed form and shall be made in the prescribed manner within a period of one year from the commencement of this Act.

Explanation.—In the case of a person under disability, the application shall be made by his guardian or his authorised agent, as the case may be.

101. Procedure for reservation of lands.—(*1*) The competent authority shall, on an application made under section 100, issue notice together with a copy of the application to each of the under-raiyats holding land from the applicant requiring the under-raiyat to submit his objections, if any, within a period of ninety days from the date of service of such notice or within such further period as the competent authority may allow.

(*2*) An under-raiyat on whom a notice has been served under sub-section (*1*), shall furnish to the competent authority within the period aforesaid details of lands owned by him or held as under-raiyat of any other raiyat and of lands which he selects for retention by him.

(*3*) The competent authority shall, after considering the objections and the details, if any, furnished by the under-raiyats and after making such inquiry as it may consider necessary, determine the land or lands, not exceeding the permissible limit, which in its opinion having regard to all the circumstances of the case may be reserved for personal cultivation of the raiyat and the lands which each of his under-raiyats may be allowed to retain.

102. "Permissible limit" defined.—(1) In section 101, "permissible limit" means an area of land which a raiyat may resume from under-raiyats for personal cultivation, that is to say,—

(*a*) in the case of a person under disability, 25 standard acres;

(*b*) in the case of any other person who—

(*i*) owns a basic holding or less, the entire area owned by him;

(*ii*) owns more than a basic holding but not exceeding a family holding, one-half of the area leased to under-raiyats or the area by which the land under his personal cultivation falls short of a basic holding, whichever is greater;

(*iii*) owns more than a family-holding,—

(*1*) if he has no land, or any land which is less than a family holding, under his personal cultivation, one-half of the area leased to under-raiyats but not exceeding the area by which land under his personal cultivation falls short of a family holding, provided that the under-raiyat is left with not less than a basic holding and provided further that a raiyat shall in any case be entitled to resume an area by which land under his personal cultivation falls short of a basic holding; and

(*2*) if he has a family holding or more under his personal cultivation, the area leased to under-raiyats but not exceeding the area by which land in his personal cultivation falls short of 25 standard acres, provided that the under-raiyat is left with not less than a family holding.

Explanation.—For the purpose of determining the permissible limit of a raiyat under this sub-section, any non-resumable land which he may hold as an under-raiyat shall also be taken into account.

(*2*) Notwithstanding anything contained in sub-section (*1*), an under-raiyat who under any law, custom or usage is not liable to eviction at the commencement of this Act on the ground that the land is required for personal cultivation, shall in all cases be left with a basic holding or the land actually held by him, whichever is less.

(*3*) Any transfer of land made on or after the 10th August, 1957 shall be disregarded in computing the permissible limit.

103. Land deemed to be reserved for personal cultivation in certain cases.—In the case of a raiyat who at the commencement of this Act does not own land in excess of a basic holding, all lands owned by him and held by under-raiyats at such commencement shall, subject to the provisions of sub-section (*2*) of section 102, be deemed to have been reserved for his personal cultivation.

Explanation.—Any transfer of land made on or after the 10th August, 1957 shall be disregarded in determining the extent of land owned by a raiyat at the commencement of this Act.

104. Non-resumable land.—The competent authority shall declare every land which, under sub-section (*3*) of section 101, an under-raiyat is allowed to retain to be the non-resumable land of the under-raiyat.

105. Right to lease.—(*1*) Subject to the provisions of this Act, a raiyat may lease out his land to another person on such rent not exceeding the maximum rent referred to in section 111 as may be agreed upon between him and such person.

(*2*) Every lease of land made after the commencement of this Act shall be for a period of five years and at the end of the said period, and thereafter at the end of every such period of five years, the tenancy shall, subject to the provisions of sub-section (*3*), be deemed to be renewed for a further period of five years on the same terms and conditions except to the extent that a modification thereof consistent with this Act is agreed to by both parties.

(*3*) In respect of any lease made after the commencement of this Act, a raiyat who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the under-raiyat three months‟ notice in writing before the expiry of any year, and any other raiyat may by giving the under-raiyat one year‟s notice in writing before the expiry of any term of five years, terminate the tenancy if the raiyat requires the land *bona fide* for personal cultivation by him.

106. Land left uncultivated.—(*1*) Where the Collector is satisfied that any land has remained uncultivated for a period of not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with the rules made under this Act.

(2) Any lease made under sub-section (*1*) shall be deemed to be a lease made by the raiyat under sub-section (*1*) of section 105.

107. Relinquishment.—(*1*) Subject to any rules that may be made under this Act, a raiyat may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon he shall cease to be a raiyat in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which, is subject to an encumbrance or a charge, shall not be valid.

(*2*) If any person relinquishes his rights to a land under sub-section (*1*), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

CHAPTER X.—RIGHTS OF UNDER-RAIYATS

108. Interest of under-raiyats.—(*1*) The interest of an under-raiyat in any land held by him as such shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

(*2*) No under-raiyat shall be evicted from his land except as provided in this Act.

109. Right to create a mortgage or charge.—It shall be lawful for an under-raiyat to create a simple mortgage or a charge on his interest in the land leased to him, in favour of the Government or a co-operative society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan.

110. Right to make improvements.—An under-raiyat may, with the permission in writing of the raiyat, or if permission is refused without sufficient reason or is not given within two months, after obtaining the orders of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

111. Maximum rent.—The rent payable by an under-raiyat in respect of any land held by him shall not exceed,—

(*a*) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the raiyat and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the raiyat;

(*b*) in any other case, four times the land revenue payable in respect of the land.

112. Payment of rent.—(*1*) The rent payable by an under-raiyat shall, subject to the provisions of section 111, be the rent agreed upon between him and the raiyat, or where there is no such agreement, the reasonable rent.

(*2*) The rent shall be paid at such times and in such manner as may have been agreed upon, or in the absence of such agreement, as may be prescribed.

113. Reasonable rent.—(*1*) The competent authority may, on application made to it in this behalf by the raiyat or the under-raiyat, determine the reasonable rent for any land.

(*2*) The form of application under sub-section (*1*) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(*3*) In determining the reasonable rent, the competent authority shall have regard to—

(*a*) the rental value of lands used for similar purposes in the locality;

(*b*) the profits of agriculture of similar lands in the locality;

(*c*) the price of crops and commodities in the locality;

(*d*) the improvements, if any, made to the land by the raiyat or the under-raiyat;

(*e*) the land revenue payable in respect of the land; and

(*f*) any other factor which may be prescribed.

(*4*) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely:—

(*a*) that the quality of the land has deteriorated by flood or other natural causes;

(*b*) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the raiyat;

(*c*) that the extent of land has been altered by more than one acre by alluvion or diluvion.

(*d*) that the land has been partially or wholly rendered unfit for cultivation.

(*5*) Nothing in sub-sections (*1*) to (*4*) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area.

114. Commutation of rent payable in kind.—(*1*) In any case in which rent is payable in kind, the raiyat or the under-raiyat may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(*2*) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 111.

(*3*) In determining the money rent, regard shall be had to—

(*a*) the average money rent payable by under-raiyats for land of similar description and with similar advantages in the vicinity;

(*b*) the average value of the rent for the land actually received by the raiyat during the three years preceding the date of application;

(*c*) the average prices of crops and commodities in the locality during the three years preceding the date of application;

(*d*) the improvements, if any, made to the land by the raiyat or the under-raiyat; and

(*e*) any other factor which may be prescribed.

115. Receipt for payment of rent.—Every raiyat shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

116. Refund of rent recovered in excess.—If any raiyat recovers from an under-raiyat rent in excess of the amount due under this Act, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Act.

117. Suspension or remission of rent.—(*1*) Where a raiyat has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give, and the under-raiyat concerned shall be entitled to receive from the raiyat, a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

(*2*) The nature and extent of the relief which a raiyat is bound to give and which the under-raiyat is entitled to receive under sub-section (*1*) shall be determined in accordance with the rules made under this Act.

(*3*) No suit shall lie and no decree of a civil court shall be executed for the recovery by a raiyat of any rent the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section.

(*4*) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.

(*5*) If any raiyat fails to suspend or remit the payment of rent as provided in sub-section (*1*), he shall be liable to refund to the under-raiyat the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

118. Eviction of under-raiyat.—(*1*) No person shall be evicted from any land held by him as under-raiyat except under the order of the competent authority made on any of the following grounds, namely:—

(*a*) that the land has been reserved for personal cultivation of the raiyat under section 101, or is deemed to have been reserved for personal cultivation of the raiyat under section 103;

(*b*) that a notice has been given to the under-raiyat under sub-section (*3*) of section 105;

(*c*) that the under-raiyat has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(*d*) that the under-raiyat has failed to pay rent within a period of three months after it falls due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

(*e*) that the under-raiyat, not being a person under disability, has, after the commencement of this Act, sublet the land without the consent in writing of the raiyat.

(*2*) No order for eviction of an under-raiyat shall be executed till the standing crops, if any, on the land are harvested.

(*3*) Where any land has been reserved for the personal cultivation of a raiyat by an order made under sub-section (*3*) of section 101, no suit or application for the eviction of the under-raiyat in respect of such land under clause (*a*) of sub-section (*1*) shall lie after the expiry of five years from the commencement of this Act or one year from the date of the said order, whichever is later:

Provided that where any such raiyat is a person under disability, such suit or application may be instituted or made within a period of five years from the date when the disability ceases.

Explanation.—For the purposes of this sub-section, the disability of a person shall cease,—

(*a*) in the case of a widow, if she re-marries, on the date of her remarriage or if any person succeeds to the widow on her death, on the date of her death;

(*b*) in the case of a minor, on the date of his attaining majority;

(*c*) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband on the date of her marriage or remarriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (*d*) or (*e*), on the date on which the disability of the husband ceases;

(*d*) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(*e*) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist.

119. Restoration of possession of land to under-raiyat.—Where a person who has taken possession of any land by evicting an under-raiyat therefrom on the ground that the land had been reserved for personal cultivation by him, fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the under-raiyat shall be entitled to be restored to possession of the land from which he was evicted.

Explanation.—For the purpose of this section, land shall not be deemed to be under the personal cultivation of a person (not being a person under disability) unless such person or a member of his family engages himself in the principal agricultural operations.

120. Certain lands to be non-resumable land of under-raiyat.—If a raiyat fails to—

(*a*) apply for reservation of any land within the period prescribed in section 100, and the land is not deemed to have been reserved under section 103, or

(*b*) file a suit or application for the eviction of the under-raiyat from any land reserved under section 101 within the period prescribed in sub-section (*3*) of section 118, or

(*c*) cultivate or ceases to cultivate the land and the under-raiyat is restored to possession of the land under section 119,

the competent authority may *suo motu* and shall, on application, after making such inquiry as may be prescribed, declare the land to be the non-resumable land of the under-raiyat.

121. Compensation for improvements.—(*1*) An under-raiyat who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation, before he is so evicted, for such improvement as, in the opinion of the competent authority, is reasonable.

(*2*) The compensation payable to an under-raiyat under sub-section (*1*) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters, namely:—

(*a*) the amount by which the value of the land has increased by reason of the improvement;

(*b*) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;

(*c*) the labour and capital involved in the making of the improvement; and

(*d*) the advantages secured by the under-raiyat in consideration of the improvement made by him.

(*3*) In any case in which compensation is payable to an under-raiyat under this section, the competent authority may direct that—

(*a*) the whole or any part of any loan which the under-raiyat has taken on the security of his interest in the land under section 109 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;

(*b*) any arrear of rent due by the under-raiyat to the raiyat and the costs, if any, awarded to the raiyat shall be adjusted against the compensation.

122. Under-raiyat may remove building, works, etc., not deemed improvements.—An under-raiyat against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the under-raiyat desires to remove, or any building or construction or work (which is not an improvement) in respect of which the raiyat is not willing to pay the compensation.

123. Restoration of possession of land in certain other cases.—(*1*) Where an under-raiyat of any land has, on or after the 10th August, 1957, surrendered, or been evicted from, such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, *suo motu* or on application made by the under-raiyat, restore him to possession of the land which he surrendered or from which he was evicted unless some other under-raiyat, not being a member of the raiyat"s family, had *bona fide* been admitted to possession of such land.

(*2*) The competent authority shall, before making an order under sub-section (*1*), make such inquiry as may be prescribed.

124. Relief against termination of tenancy for act of waste.—Where a tenancy is sought to be terminated on the ground that the under-raiyat has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the under-raiyat unless and until the raiyat has served on the under-raiyat a notice in writing specifying the damage complained of and the under-raiyat has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

125. Surrender of land by under-raiyat.—(*1*) After the commencement of this Act, no under-raiyat shall surrender any land held by him as such, and no raiyat shall enter upon the land surrendered by the under-raiyat, without the previous permission in writing of the competent authority.

(*2*) Such permission shall be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is *bona fide* and in case the surrender is by a person who was holding the land as under-raiyat immediately before the commencement of this Act, the permissible

limit of the raiyat concerned is not exceeded by such surrender; in other cases, the permission shall be refused.

(*3*) Where permission is refused in any case, and the under-raiyat gives a declaration in writing relinquishing his rights in the land, the competent authority shall, in accordance with the rules made in this behalf, lease out the land to any other person who shall acquire all the rights of the under-raiyat who relinquished his rights.

126. Transfer of ownership of land to under-raiyats.—Subject to the other provisions of this Act, the ownership of any land which is declared to be the non-resumable land of an under-raiyat under section 104 or section 120 shall stand transferred from the raiyat thereof to the under-raiyat with effect from the date of such declaration, and the under-raiyat shall become the owner of such land and be liable to pay land revenue therefor.

127. Compensation to raiyat.—(*1*) In respect of every land the ownership of which stands transferred to the under-raiyat under section 126, the raiyat shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say,—

(*a*) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;

(*b*) the value of trees, if any, planted by the raiyat.

Explanation.—Where any improvement has been made on the land at the expense of the raiyat at any time subsequent to the last settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(*2*) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (*1*) shall be determined in the prescribed manner.

(*3*) Every raiyat entitled to compensation under this section shall, within a period of six months from the date of the declaration referred to in section 126, apply to the competent authority in the prescribed manner for determining the compensation.

128. Payment of compensation to raiyat.—(*1*) The compensation to which a raiyat is entitled under section 127 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding twenty or in the form of bonds which may be negotiable or non-negotiable but transferable.

(*2*) From the date of the declaration referred to in section 126, the raiyat shall be entitled to interest at the rate of 2½ per cent. per annum on the compensation or such portion thereof as remains un paid.

(*3*) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the under-raiyat under section 126 shall be a valid charge on the amount of compensation payable to the raiyat.

(*4*) Notwithstanding anything contained in sub-sections (*1*) to (*3*), where the person entitled to compensation under section 127 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

129. Under-raiyat to pay compensation amount.—(*1*) Every under-raiyat to whom ownership of any land has been transferred under section 126 shall be liable to pay to the Government in respect of that land compensation as determined under section 127.

(*2*) The compensation shall be payable in cash, in lump sum or in such number of annual instalments, not exceeding twenty as may prescribed. Interest at the rate of 2½ per cent. per annum shall be payable on the compensation or such portion thereof as remains unpaid.

(*3*) The compensation payable under this section shall be a charge on the land.

(*4*) The compensation or any instalment thereof shall be re-coverable in the same manner as an arrear of land revenue.

130. Issue of certificate to under-raiyats.—When the compensation or the first instalment of the compensation, as the case may be, has been paid by the under-raiyat, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the under-raiyat a certificate in the prescribed

form declaring him to be the owner of the land specified therein.

131. First option to purchase.—(*1*) If a raiyat at any time intends to sell his land held by an under-raiyat, he shall give notice in writing of his intention to such under-raiyat and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(*2*) If there is any dispute about the reasonable price payable for the land, either the raiyat or the under-raiyat may apply in writing to the competent authority for determining the reasonable price; and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(*3*) The under-raiyat shall deposit with the competent authority the amount of the price determined under sub-section (*2*) within such period as may be prescribed.

(*4*) On deposit of the entire amount of the reasonable price, the competent authority shall issue a certificate in the prescribed form to the under-raiyat declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the raiyat.

(*5*) If an under-raiyat does not exercise the right of purchase in response to the notice given to him by the raiyat under sub-section (*1*) or fails to deposit the amount of the price as required by sub-section (*3*), such under-raiyat shall forfeit his right of purchase, and the raiyat shall be entitled to sell such land to any other person.

(*6*) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the under-raiyat in such land.

132. Power to make rules.—(*1*) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the form of notices to be issued under this Part and the manner of their service;

(*b*) the manner of holding inquiries under this Part;

(*c*) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;

(*d*) the conditions subject to which lands may be leased by the Collector under section 106;

(*e*) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;

(*f*) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land, for the purposes of this Part;

(*g*) the time and manner of payment of rent by the under-raiyat;

(*h*) the form of receipt for rent to be given by the raiyat;

(*i*) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;

(*j*) the nature and the extent of relief to the under-raiyat in cases of suspension or remission of land revenue by the Government;

(*k*) the determination of compensation for improvements to under-raiyats who are evicted from land;

(*l*) the grant of permission to surrender land;

(*m*) the determination of the amount of compensation payable to the raiyat in respect of the non-resumable lands of under-raiyats;

(*n*) the form of certificates to be granted to under-raiyats;

(*o*) the determination of the price to be paid by under-raiyat for land in respect of which the first option to purchase is exercised;

(*p*) any other matter which is to be or may be prescribed.

PART IV

CHAPTER XI.—ACQUISITION OF ESTATES AND OF RIGHTS OF INTERMEDIARIES THEREIN

133. Definitions.—In this Part,—

(*a*) "estate" means lands included under one entry in any of the general registers of revenue-paying and revenue-free lands and includes—

(*i*) revenue-free lands not entered in any register, and

(*ii*) a part of, or a share in, an estate;

(*b*) "homestead" means a dwelling house together with any courtyard, compound, garden, or outhouse and includes any outbuildings used for purposes connected with agriculture and any family graveyard, library, office, guest house, grainstore, latrines, boundary walls, tanks, wells or places of worship appertaining to such dwelling house;

(*c*) "intermediary" means a person who holds in an estate the right, title or interest of a talukdar and includes—

(*i*) a person who holds land either revenue-free or at a concessional rate, and

(*ii*) a tenure holder;

(*d*) "tenant" means a person who cultivates or holds the land of an intermediary under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of an intermediary under the system generally known as "*bhag*", "*adhi*" or "*barga*"; and the term "sub-tenant" shall be construed accordingly;

(*e*) "tenure holder" means a person who has acquired from an intermediary the right to hold lands for the purpose of collecting rents or bringing them under cultivation by establishIng tenants thereon.

134. Notification vesting estates in the State.—(*1*) As soon as may be after the commencement of this Act, the Administrator may, by notification in the Official Gazette, declare that, with effect from the date specified in the notification (hereinafter referred to as the vesting date), all estates situated in any area or areas and all rights, title and interest of every intermediary in such estates shall vest in the Government free from all encumbrances.

(*2*) Every notification under sub-section (*1*) shall also be published in such other manner as may be prescribed.

(*3*) The publication of a notification in the manner provided in sub-sections (*1*) and (*2*) shall be conclusive evidence of the notice of declaration to the intermediaries whose interests are affected by such notification.

135. Consequences of notification under section 134.—Notwithstanding anything contained in any law for the time being in force or in any agreement or contract, express or implied, with effect from the vesting date,—

(*a*) each estate to which the notification relates and all rights, title and interest of intermediaries in such estate shall vest in the Government free from all encumbrances, including—

(*i*) rights in hats, bazars, ferries, forests, wastelands, *abadi* sites, fisheries, tolls and other interests;

(*ii*) rights in any building other than a dwelling house or in any part of such building, used primarily as office *cutcherry* for collection of rent;

(*b*) all grants and confirmation of title to the estate and rights therein made in favour of an intermediary shall cease and determine;

(*c*) any building used for educational or charitable purposes and held by the intermediary shall vest in the Government for those educational or charitable purposes;

(*d*) subject to the other provisions of this Act, every tenant holding any land under an intermediary shall hold the same directly under the Government as a raiyat thereof and shall be liable to pay to the Government land revenue equal to the rent payable by him to the intermediary on the vesting date, subject to a maximum of the value of one-eighth of the gross produce which value shall be determined in the manner prescribed:

Provided that the tenant shall become the owner of any building or structure constructed on such land at the expense of the intermediary on payment of such compensation to the intermediary as is equivalent to its market value on the vesting date, which value shall be determined in accordance with the rules made in this behalf;

(*e*) all arrears of land revenue, local rates, cesses and other dues lawfully payable to the Government by the intermediary on the vesting date in respect of the estate shall, without prejudice to any other mode of recovery, be recoverable by deduction from the compensation payable to the intermediary;

(*f*) all rents and other dues in respect of the estate for any period after the vesting date which, but for this Act, would be payable to an intermediary shall be payable to the Government and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(*g*) where under any agreement or contract made before the vesting date, any rent, cess, local rate or other dues for any period after the said date has been paid to or compounded of released by an intermediary, the same shall, notwithstanding such agreement or contract, be recoverable by the Government from the intermediary, and may, without prejudice to any other mode of recovery, be realised by deduction from the compensation payable to the intermediary.

136. Rights of intermediary to certain lands.—(*1*) Notwithstanding anything contained in sections 134 and 135, an intermediary shall, subject to the provisions of sub-section (*2*), be entitled to retain with effect from the vesting date,—

(*a*) homesteads, buildings and structures together with the lands appurtenant thereto in the occupation of the intermediary other than buildings vested in the Government under section 135;

(*b*) lands under the personal cultivation of the intermediary;

(*c*) lands in which permanent rights have not already accrued to a tenant under any custom, agreement or law and which have been leased by an intermediary who, both at the commencement of the lease and on the vesting date, was a person under disability;

(*d*) lands held by the intermediary as mortgagor which are subject to usufructuary mortgage and are under the personal cultivation of the mortgagee;

(*e*) lands comprised in orchards or used for the purpose of live-stock breeding, poultry farming, or dairy farming, which are in the occupation of the intermediary;

(*f*) so much of the lands comprised in a tea garden, mill, factory or workshop as in the opinion of the Administrator is required for such tea garden, mill, factory or workshop.

(*2*) An intermediary who is entitled to retain possession of any land under sub-section (*1*) shall hold such land directly under the Government from the vesting date as a raiyat thereof and be liable to pay therefor land revenue at full rate applicable to similar lands in the locality.

137. Collector to take charge of estates, etc., vested in the Government.—(*1*) The Collector shall take charge of estates and interests of intermediaries which vest in the Government under section 135.

(*2*) For the purpose aforesaid, the Collector may, by written order served in the prescribed manner, require any intermediary or other person in possession, of any such estate or interest to give up such possession by a date to be specified in the order (which shall not be earlier than sixty days from the date of service of the order) or to deliver by that date any documents, registers, or records, connected with the management of such estate or interest which are in his custody or to furnish a statement in the prescribed

form in respect of such estate or interest.

(*3*) The Collector or any other officer authorised by him in this behalf may take such steps or use such force as may be necessary to enforce compliance with the order and may also enter any building or place for the purpose of taking possession of the documents, registers or records referred to in sub-section (*2*).

(*4*) An intermediary shall be entitled to make inspection of any documents, registers or records which have been delivered to or taken possession of by the Collector, to make notes therefrom or to have certified copies thereof granted to him. No fees shall be charged for making inspection or for making notes, but fees may be charged, according to the prescribed scale, for the grant of certified copies.

(*5*) Nothing in this section shall be deemed to authorise the collector to take possession of—

(*a*) any land or of any right of an intermediary therein, which may be retained by the intermediary under section 136, or

(*b*) any religious institution or any building connected therewith.

138. Decision of disputes.—If there is any dispute as to the possession of any homestead or land or building referred to in sub-section (*1*) of section 136, the Collector shall, on application made to him in this behalf, make such inquiry as he deems fit and pass such orders thereon as may appear to him just and proper.

139. Appeal.—An appeal against an order of the Collector passed under section 138, if preferred within sixty days of such order, shall lie to the District Judge having jurisdiction.

CHAPTER XII.—ASSESSMENT AND PAYMENT OF COMPENSATION

140. Intermediaries entitled to receive compensation.—Every intermediary, whose right, title and interest in any estate vest in the Government under Chapter XI shall be entitled to receive and be paid therefor compensation as hereinafter provided.

141. Date from which compensation shall be due.—The compensation referred to in section 140 shall be due as from the vesting date and the portion remaining unpaid shall carry interest at the rate of $2_{1/2}$ per cent. per annum.

142. Every intermediary to be treated as a separate unit.—(*1*) For the purpose of assessing compensation under this Chapter,—

(*a*) every intermediary shall be treated as a separate unit;

(*b*) if two or more intermediaries hold an estate or any interest therein jointly, the share of each intermediary in such estate or interest shall be treated as a separate unit:

Provided that where any such estate or interest is held by a Hindu joint family consisting of a common ancestor in the male line and his descendants, the family shall if the common ancestor was alive on the vesting date, be treated as one unit;

(*c*) if an intermediary holds shares or interest in two or more estates, the aggregate of his shares or interest in all such estates shall be treated as a single unit.

(*2*) Notwithstanding anything to the contrary contained in any other law, no partition or transfer by way of sale or gift of an estate or part thereof made on or after the 10th August, 1957, shall be recognised for the purpose of assessing the compensation.

(*3*) Nothing in sub-section (*2*) shall apply to—

(*a*) any sale made under an order of court in execution of any decree or order for payment of money, or

(*b*) any sale or gift made in favour of a wakf, a trust, an endowment or a society registered under the Societies Registration Act, 1860 (21 of 1860) and established wholly for charitable purposes, unless the Government in any particular case directs otherwise.

143. Appointment of compensation officers.—The Administrator shall, as soon as possible after the publication of a notification under section 134, appoint one or more officers to be compensation officers to prepare compensation assessment rolls and to perform such other duties as may be prescribed.

144. Compensation assessment roll.—(*1*) The compensation officer shall prepare a compensation assessment roll in respect of every estate vested in the Government under Chapter XI.

(*2*) The compensation assessment roll shall contain particulars of the gross income and the net income from the estate, the share of the net income of the intermediary or each of the intermediaries, the amount of compensation payable to him or them and such other particulars as may be prescribed.

(*3*) Where an intermediary has shares or interest in two or more estates all of which have vested in the Government, the particulars of the shares or interest of such intermediary in the net income from all such estates and the compensation payable to him in respect of his shares or interest in all such estates shall be shown in the compensation assessment roll relating to any one of such estates.

(*4*) Where an intermediary has shares or interest in two or more estates either or any of which has not vested in the Government, the compensation payable to the intermediary shall be determined after all such estates have vested in the Government, on the basis of the aggregate of his shares or interest in the net income from all such estates.

(*5*) Nothing in sub-section (*4*) shall be construed as authorising the postponement of payment of *ad interim* compensation to any such intermediary as is referred to in that sub-section in respect of the estate or estates which have vested in the Government.

(*6*) For the purpose of preparing the compensation assessment roll, the compensation officer may require an intermediary to submit such statements and furnish such particulars as may be prescribed.

145. Determination of gross income and net income.—(*1*) For the purpose of assessment of compensation payable in respect of an estate,—

(*a*) the gross income from the estate shall be taken to consist of—

(*i*) in respect of lands other than those referred to in section 136, the rents, cesses, local rates and other amounts payable or deemed to be payable to the intermediary or intermediaries by the tenants and tenure-holders for the previous year, including the commuted value of rents payable in kind which value shall be determined in the prescribed manner;

(*ii*) the gross income from *abadi* sites, fisheries, hats, bazars, ferries, forests, tolls, waste lands and other interests in the estate for the previous year;

(*iii*) the aggregate of the annual rents for the previous year from buildings used as offices or *cutcherries* and any other building which vest in the Government;

(*iv*) any other income during the previous year appertaining to the estate vesting in the Government not expressly mentioned in the foregoing sub-clauses;

(*b*) the net income from the estate shall be computed by deducting from the gross income the following, namely:—

(*i*) any sum which was payable by the intermediary or intermediaries during the previous year as land revenue, cesses, local rates or rent to the Government in respect of the interests to which the gross income relates;

(*ii*) any sum payable under the Bengal Agricultural Income-tax Act 1944 (Ben. IV of 1944), as extended to Tripura or the Indian Income-tax Act 1922 (11 of 1922), during the previous year as defined in those Acts, in respect of the interests to which the gross income relates;

(*iii*) charges on account of management and collection at the following rates, namely:—

Amount of gross income	*Rate*
(*a*) Where the gross income exceeds Rs. 30,000.	15 *per centum* of such gross income.

(*b*) Where the gross income exceeds Rs. 10,000 but does not exceed Rs. 30,000.	12 1/2 *per centum* of such gross income.
(*c*) Where the gross income exceeds Rs. 5,000 but does not exceed Rs. 10,000.	10 *per centum* of such gross income.
(*d*) Where the gross income exceeds Rs. 2,500 but does not exceed Rs. 5,000.	7 1/2 *per centum* of such gross income.
(*e*) Where the gross income does not exceed Rs. 2,500.	5 *per centum* of such gross income.

Provided that the net income (after deducting the charges on account of management and collection) from an estate which falls under item (*a*), (*b*), (*c*) or (*d*) shall in no case be less than the maximum net income from an estate which falls under the item immediately, following.

Illustration.—The net income after deducting the charges on account of management and collection at 12 1/2 per cent. under item (*b*) from an estate the gross income of which is Rs.10,100 will be Rs. 8,837.50 while the net income after deducting the charges on account of management at 10 per cent. under item (*c*) from an estate the gross income of which is Rs.10,000 will be Rs. 9,000; under the proviso, the net income from the first mentioned estate shall be taken to be Rs. 9,000 and not Rs. 8,837.50.

(*2*) The net income from the estate as determined under sub-section (*1*) shall be apportioned among all the intermediaries having a share or interest in the estate in the proportion of their shares or interest, and if in doing so, any dispute involving a question of title arises, the compensation officer shall refer the parties to a civil court.

Explanation.—For the purpose of this section except clause (*b*) (*ii*) of sub-section (*1*), "previous year" means the year immediately preceding the year in which the vesting date falls.

146. Compensation payable to intermediary.—(*1*) The compensation payable to an intermediary shall be a multiple of his net income from the estate or where the intermediary has shares or interests in two or more estates, of the aggregate of his net incomes from all such estates, in accordance with the following table, namely:—

Amount of net income	*Total compensation payable*
(*a*) Where the net income does not exceed Rs.1,000.	Fifteen times such net income.
(*b*) Where the net income exceeds Rs. 1,000 but does not exceed Rs. 2,500.	Twelve times such net income or the maximum amount under (*a*) above, whichever is greater.
(*c*) Where the net income exceeds Rs. 2,500 but does not exceed Rs. 5,000.	Eleven times such net income or the maximum amount under (*b*) above, whichever is greater.
(*d*) Where the net income exceeds Rs. 5,000 but does not exceed Rs. 7,500.	Ten times such net income or the maximum amount under (*c*) above, whichever is greater.
(*e*) Where the net income exceeds Rs. 7,500 but does not exceed Rs. 10,000.	Nine times such net income or the maximum amount under (*d*) above, whichever is greater.

Amount of net income

(*f*) Where the net income exceeds Rs. 10,000 but does not exceed Rs. 15,000.

(*g*) Where the net income exceeds Rs. 15,000 but does not exceed Rs. 30,000.

(*h*) Where the net income exceeds Rs. 30,000 but does not exceed Rs. 50,000,

(*i*) Where the net income exceeds Rs. 50,000 amount but does not exceed Rs. 1,00,000. (*j*) Where the net income exceeds Rs. 1,00,000 but does not exceed Rs. 3,00,000.

(*k*) Where the net income exceeds Rs. 3,00,000.

	Total compensation payable
Eight times such net income or the maximum amount under (*e*) above, whichever is greater.	
Seven times such net income or the maximum amount under (*f*) above, whichever is greater.	
Six times such net income or the maximum amount under (*g*) above, whichever is greater.	
Five times such net income or the maximum amount under (*h*) above, whichever is greater.	
Three times such net income or the maximum amount under (*i*) above, whichever is greater.	
Two times such net income or the maximum amount under (*j*) above, whichever, is greater.	

(*2*) Where the net income or any portion of the net income from an estate is dedicated exclusively to charitable or religious purposes, the compensation payable in respect of such net income or portion shall, instead of being assessed under sub-section (*1*), be assessed as a perpetual annuity equal to such net income or portion, as the case may be, payable in the prescribed manner for those purposes.

Explanation.—For the purpose of this sub-section, if the salary, remuneration or any allowance payable to the Mutawalli of a wakf or the shebait of a Hindu temple or a trustee of any other charitable or religious trust does not exceed 15 per cent. of the net income, then such net income shall be deemed to be dedicated exclusively to charitable or religious purposes.

147. Disposal of claims of creditors.—(*1*) The Administrator shall appoint a claims officer not below the rank of sub-judge to dispose of the claims of creditors whose debts are secured by a mortgage of or charge on any estate or part thereof vested in the Government under section 134 and to discharge any other duties assigned to him by this Act or the rules made thereunder.

(*2*) Every creditor referred to in sub-section (*1*) shall prefer his claim in writing before the claims officer in the manner and with-in the time prescribed.

(*3*) The claims officer shall inquire into the claims in accordance with such rules as may be prescribed and determine the amount to which each of the creditors is entitled.

(*4*) Where there are two or more creditors, the claims officer shall determine, in accordance with the provisions of the Transfer of Property Act, 1882 (4 of 1882), the order in which each such creditor is entitled to receive the amount due to him.

148. Appeal against the decision of claims officer.—(*1*) Any person aggrieved by an order of the claims officer may, within sixty days of the date of the order, prefer an appeal to the District Judge having jurisdiction.

(*2*) The decision of the District Judge on appeal, or of the claims officer where no appeal is preferred, shall be final.

149. Preliminary publication of compensation assessment roll and disposal of objections.—(*1*) After the amount of compensation has been determined in accordance with the provisions of section 146 and entered in the compensation assessment roll, the compensation officer shall cause a draft of such roll to be published in the prescribed manner and for the prescribed period. The compensation officer shall send copies of the relevant portions of the draft roll to the intermediaries concerned and shall receive and consider any objections which may be made within three months of the receipt of such copy to any entry therein or to any omission therefrom. The compensation officer shall dispose of such objections in the prescribed manner.

(*2*) Separate draft compensation assessment rolls may be prepared and published under sub-section (*1*) for different villages or groups of villages.

150. Contents of the order of compensation officer.—Every order of the compensation officer deciding an objection under sub-section (*1*) of section 149 shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

151. Appeals against order of compensation officer.—(*1*) From every order passed by a compensation officer under section 150, an appeal shall lie to a Special Judge appointed for the purpose, within ninety days of the date of the order.

(*2*) An appeal shall lie to the court of the Judicial Commissioner, from every order passed on appeal by a Special Judge under sub-section (*1*), within sixty days of the passing of such order, on any of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908).

(*3*) The decision of the Judicial Commissioner, or of the Special Judge where no second appeal is preferred, or of the compensation officer where no appeal to the Special Judge is preferred, shall be final.

152. Final publication of the compensation assessment roll.—(*1*) Where no objection or appeal has been filed or all the objections and appeals filed have been finally disposed of, the compensation officer shall cause the draft compensation assessment roll to be finally published, or make such alterations in the draft compensation assessment roll as may be necessary to give effect to any order passed on objection made under sub-section (*1*) of section 149 or on appeal under section 151 and cause the roll as so altered to be finally published, in the prescribed manner together with a certificate stating the fact of such final publication and the date thereof.

(*2*) The publication of the compensation assessment roll under sub-section (*1*) shall be conclusive evidence that the said roll has been duly made under this Chapter and every entry in such roll shall, save as otherwise provided in this Act, be conclusive evidence of the matters referred to in such entry.

153. Correction of *bona fide* mistakes.—(*1*) No Correction of the compensation assessment roll after it has been finally published under section 152 shall be made except as provided in this section.

(*2*) Correction of *bona fide* mistakes or corrections necessitated by succession to or inheritance of any interest in the estate can be made by the compensation officer at any time before the payment of compensation, either of his own motion or on the application of the person interested, but no such correction shall be made while any legal proceeding affecting such entry is pending.

(*3*) Every time a correction is made under sub-section (*2*), the compensation officer shall cause a draft of the correction to be published in the same manner as the draft compensation, assessment roll, and after considering and disposing of any objections that may be made, shall cause the correction to be finally published.

154. *Ad interim* payment of compensation.—After the vesting date and before the final publication of the compensation assessment roll, *ad interim* payment to the outgoing intermediary may be made as follows:—

(*a*) the compensation officer shall calculate the probable amount of compensation payable to him;

(*b*) two and a half per cent. of such probable amount shall be paid *ad interim* to each intermediary in cash every year until such time as the compensation assessment roll is finally published;

(*c*) if there is any dispute as to the title of any person to receive the amount or as to the apportionment of it, the amount shall be kept in deposit in the manner prescribed until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portion thereof to the person or persons entitled to receive the same.

155. Mode of payment of compensation.—(*1*) After the compensation assessment roll has been finally published, the compensation officer shall deduct from the amount shown in such roll as payable to an intermediary or any other person having interest in the estate, the following amounts namely:—

(*a*) *ad interim* payments made under section 154;

(*b*) the amount, if any, the deduction of which has been ordered under section 135;

(*c*) the amounts payable to creditors as determined by the claims officer.

(*2*) The balance remaining after the deductions referred to in sub-section (*1*) are made shall be given in cash, in one lump sum or in annual instalments not exceeding twenty, or in bonds, or partly in cash and partly in bonds, in accordance with such rules as may be prescribed.

(*3*) The bonds referred to in sub-section (*2*) may be either negotiable or non-negotiable, and transferable in such circumstances and in such manner as may be prescribed and shall carry interest at the rate of two and a half per cent. per annum on the amount outstanding thereon, with effect from the date of issue.

(*4*) If any dispute, arises as to the title of any person to receive the, amount or as to the apportionment of it, the compensation officer may, if he thinks fit, keep the amount of compensation or the bonds referred to above in deposit in the manner prescribed, until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portions thereof to the person or persons entitled to receive the same.

156. Compensation due to maintenance holder.—(*1*) If any person claiming as maintenance holder to be entitled to any portion of the compensation awarded to any intermediary under this Chapter applies to the compensation officer for payment of the same to him, the compensation officer may, with the consent of the intermediary, direct the payment to the applicant out of the compensation of such amount as the intermediary may have agreed to be paid to the applicant, and any such payment shall be a valid discharge of the liability of the Government in respect of the amount so paid.

(*2*) If the intermediary does not give his consent, the compensation officer shall direct the applicant to file, within three months, a suit or other proceeding in the court having jurisdiction to establish his claim and order that the amount claimed shall, not in the meantime be paid to the intermediary.

(*3*) The Government shall not be made a party to any suit or proceeding instituted or commenced in pursuance of any direction given under sub-section (*2*).

(*4*) If the suit or proceeding referred to in sub-section (*2*) is instituted or commenced within the period aforesaid, the compensation officer shall place the amount claimed at the disposal of the court before which such suit or proceeding is instituted.

(*5*) If the suit or proceeding is not instituted or commenced within the period of three months aforesaid, the compensation officer shall order the amount to be paid to the intermediary.

Explanation.—For the purpose of this section, a maintenance holder means a person entitled to receive maintenance under a registered deed, decree or order of court.

157. Compensation due to person incompetent to alienate.—If any intermediary entitled to receive compensation in respect of any interest is a person incompetent to alienate such interest, the compensation officer shall keep the amount of compensation payable, in respect of such interest, whether in cash or in bonds, in deposit with the Collector who shall arrange to invest the cash or the income from the bonds in the purchase of such Government or other approved securities as the Collector thinks fit and shall direct the payment of the income from such investment to the intermediary who would for the time being have been entitled to hold and enjoy such interest if it had not vested in the Government; and such cash, bonds and securities shall remain so deposited until they are made over to any person or persons becoming absolutely entitled thereto:

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation under this section to pay the same to the person lawfully entitled thereto.

158. Inquiries to be judicial proceedings.—The Collector, the compensation officer and the claims officer, for the purposes of any inquiries or proceedings under this Part, shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of—

(*a*) enforcing the attendance of any person and examining him on oath or affirmation;

(*b*) compelling the production of documents; and

(*c*) issuing commission for the examination of witnesses;

and such inquiries or proceedings shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

159. Penalties.—Whoever—

(*a*) wilfully fails or neglects to comply with any requirements made of him under this Part, or

(*b*) contravenes any lawful order passed under this Part, or

(*c*) obstructs or resists the taking by the Collector or any other officer authorized by him in writing of charge of any property which is vested in the Government under this Part, or

(*d*) furnishes information which he knows or believes to be false or does not believe to be true, shall, on conviction before a Magistrate, be punishable with fine which may extend to five hundred rupees.

160. Application of Part III to persons becoming raiyats or under-raiyats under Part IV.— Where, as a result of the operation of this Part, any person acquires the right to hold land either as a raiyat or an under-raiyat, the provisions of Part III shall as far as may be, apply to the determination of such right and in such application, any reference in the said Part to the commencement of this Act shall be construed as a reference to the vesting date.

161. Power to make rules.—(*1*) The Administrator may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner of publication of a notification under section 134;

(*b*) the procedure to be followed and the forms to be adopted in inquiries and proceedings under this Part;

(*c*) the mode of service of any order, notice or other documents under this Part;

(*d*) the form of the statements to be furnished by intermediaries;

(*e*) the inspection of and making notes from documents, registers and records under section 137, the grant of certified copies thereof and the fee to be charged for such grant;

(*f*) the form and the manner in which compensation assessment rolls shall be prepared and the particulars to be mentioned therein;

(*g*) the manner of apportionment of net income among intermediaries;

(*h*) the procedure to be followed in the case of intermediaries having shares or interest in different estates;

(*i*) the manner in which the preliminary and the final publication of the compensation assessment roll shall be made;

(*j*) the manner of determining the amount of annuities payable to religious and charitable institutions and the procedure for making payments;

(*k*) the manner in which the income of the previous year shall be determined;

(*l*) the determination of the amount of *ad interim* compensation;

(*m*) The manner in which and the period within which creditors may prefer their claims before the claims officer and the procedure to be followed in the disposal of such claims;

(*n*) the manner in which objections shall be submitted to the compensation officer and the procedure to be followed in the disposal of such objections;

(*o*) the manner of determining the commuted value of rents under section 145;

(*p*) the manner of preferring appeals under Chapters XI and XII;

(*q*) the manner of keeping in deposit the amount of compensation under sections 155 and 157;

(*r*) the form and contents of bonds;

(*s*) the manner in which, and the circumstances under which, bonds shall be transferable, and

(*t*) any other matter which is to be, or may be, prescribed.

PART V

CHAPTER XIII.—CEILING ON LAND HOLDINGS

162. Exemptions.—The provisions of this Chapter shall not apply to land owned by the Government or a local authority.

163. Definitions.—For the purposes of this Chapter,—

(*a*) "ceiling limit", in relation to land, means the limit fixed under section 164;

(*b*) "family", relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grand-children, of such person;

(*c*) "land" does not include land used for non-agricultural purposes.

164. Ceilings on holdings.—No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a raiyat or an under-raiyat or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres for each member in excess of five, so, however, as not to exceed fifty standard acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five standard acres.

165. Submission of returns.—Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of August, 1957 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

166. Collection of information through other agency.—If any person, who under section 165 is required to submit a return, fails to do so, the competent authority may collect the necessary information through such agency as may be prescribed.

167. Procedure for determination of excess land.—(*1*) On-receipt of any return under section 165 or information under section 166 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 168 and section 169 or of any rules that may be made in this behalf, it shall determine—

(*a*) the total area of land held by each person representing the family;

(*b*) the specific parcels of land which he may retain;

(*c*) the land held by him in excess of the ceiling limit;

(*d*) whether such excess land is held by him as a raiyat or as an under-raiyat or as a mortgagee with possession;

(*e*) the excess land in respect of which the under-raiyat or the mortgagee with possession may acquire the rights of the raiyat or the mortgagor, as the case may be;

(*f*) the excess land which may be restored to a raiyat or a mortgagor;

(*g*) the excess land which shall vest in the Government; and

(*h*) such other matters as may be prescribed.

(*2*) For the purposes of determining the excess land under this section, any land transferred at any time during the period between the 10th day of August, 1957 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

form containing the particulars determined by him under sub-section (*1*) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

168. Selection of excess land in cases of certain transfers.—(*1*) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 167 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of a family holding and no land shall be selected out of the land transferred.

(*2*) Where any person holding land in excess of the ceiling limit at any time—

(*a*) during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(*b*) during the period between the 2nd day of December, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 167 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(*3*) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(*4*) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(*5*) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purposes of this sub-section, "homestead land" means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

169. Excess land to vest in Government.—(*1*) Where any excess land of a raiyat is in his actual possession, the excess land shall vest in the Government.

(*2*) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(*3*) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the raiyat or of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(*4*) Where there is any excess land of an under-raiyat or of a mortgagee with possession, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by the raiyat or the mortgagor together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage.

170. Publication of the final list and consequences thereof.—(*1*) Any person aggrieved by an entry in the list published under sub-section (*3*) of section 167 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Collector.

(*2*) The Collector or any other officer authorised in this behalf by the Administrator may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(*3*) The list as approved or modified under sub-section (*2*) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

(*a*) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or

(*b*) the possession of the excess land shall stand restored to the raiyat or the mortgagor, as the case may be; or

(*c*) the rights of the raiyat or the mortgagor in respect of the excess land shall stand transferred to the under-raiyat or the mortgagee, as the case may be.

171. Compensation.—(*1*) Where any excess land of a raiyat vests in the Government there shall be paid by the Government to the raiyat compensation, subject to the provisions of sub-section (*2*), of an amount equal to twenty times the net annual income from such land.

Explanation.—For the purposes of sub-section (*1*), the net annual income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed.

(*2*) Where such excess land or any part thereof is in the possession of an under-raiyat, the compensation payable under sub- section (*1*) in respect of the land shall be apportioned between the raiyat and the under-raiyat in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(*3*) In addition to the compensation payable in respect of any excess land under sub-section (*1*), there shall also be paid compensation in respect of any structure or building constructed on such land and any trees planted thereon and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of such structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.

(*4*) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of any excess land is void by virtue of sub-section (*4*) of section 168, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(*5*) Where an under-raiyat acquires the rights of a raiyat in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the raiyat would have been paid as compensation under sub-section (*2*) or sub-section (*3*) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the raiyat by the Government and shall be recovered from the under-raiyat in such manner as may be prescribed.

(*6*) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (*3*) of section 169, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land.

(*7*) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (*1*) or sub-section (*2*), or sub-section

(*3*), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(*8*) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

172. Manner of payment of compensation.—(*1*) The compensation payable under section 171 shall be due from the date of the publication of the list under sub-section (*3*) of section 170 and may be paid in cash, in a lump sum or in instalments, or in bonds.

(*2*) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding twenty years from the date of issue, as may be prescribed.

(*3*) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

173. Limit of future acquisition of land.—No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land of the transferee and the provisions of sections 167 to 172 shall, as far as may be, apply to such excess land.

174. Excess land not to be surrendered in certain cases.—Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

175. Power of Collector to take possession of excess land.—After the publication of the list of excess land under sub-section (*3*) of section 170, and after demarcation in the prescribed manner of such land where necessary, the Collector may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

176. Offences and penalties.—(*1*) Whoever being bound to submit a return under section 165 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

(*2*) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

177. Finality of orders.—Subject to the provisions of this Act, every order made under this Chapter shall be final.

178. Power to exempt, etc.—(*1*) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 164—

(*a*) any land which is being used for growing tea, coffee or rubber including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber to be determined in the prescribed manner;

(*b*) any sugarcane farm operated by a sugar factory;

(*c*) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(*d*) any person who holds a compact block of land exceeding the ceiling limit which—

(*i*) is being used as an orchard from before the 1st January, 1958; or

(*ii*) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production:

Provided that where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;

(*e*) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit:

Provided that the Administrator may entertain the application after the expiry of the said period of three months, if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(*2*) Where any land in respect of which exemption has been granted to a person under clause (*d*) of sub-section (*1*) is transferred to another person, the Administrator may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 164 and section 173 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(*3*) Where the Administrator is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 173, acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(*4*) Where any land, in respect of which exemption has been granted under sub-section (*1*) or sub-section (*2*) or sub-section (*3*), ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Administrator may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

CHAPTER XIV.—PREVENTION OF FRAGMENTATION

179. Definitions.—For the purposes of this Chapter,—

(*a*) "holding" means the aggregate area of land held by a person as a raiyat;

(*b*) "fragment" means a holding of less than two standard acres in area;

(c) "land" has the same meaning as in Chapter XIII.

180. Restrictions on transfer, etc.—(*1*) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment:

Provided that the provisions of this sub-section shall not apply to a gift made in favour of the *Bhoodan* movement initiated by Acharya Vinoba Bhave.

(*2*) No portion of a holding shall be transferred by way of lease, where as a result of such lease,—

(*i*) the lessor shall be left with less than two standard acres, or

(*ii*) the total area held by the lessee exceeds the limit of a family holding.

(*3*) No fragment shall be transferred to a person who does not have some land under personal cultivation or to a person who holds, or by reason of such transfer shall hold, land in excess of the limit of a family holding.

181. Partition of holding.—(*1*) No holding shall be partitioned in such manner as to create a fragment.

(*2*) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two standard acres or more or in fragments so as to create holdings of two standard acres or more.

(*3*) Whenever, in a suit for partition, the court finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding, direct the sale of the same and distribute the proceeds thereof among the co-sharers.

(*4*) Wherever a holding is put up for sale under sub-section (*3*), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

182. Transfers in contravention of this Chapter.—(*1*) Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void.

(*2*) No document of transfer, partition or lease of land shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties thereto before the competent registering authority under the Indian Registration Act, 1908 (16 of 1908), regarding lands held by each prior to the transaction and the land which each shall come to hold thereafter.

(*3*) No registering authority shall register under the Indian Registration Act, 1908 (16 of 1908), any document of transfer, partition or lease of land if, from the declarations made under sub-section (*2*), it appears that the transaction has been effected in contravention of the provisions of this Chapter.

183. Penalty.—The parties to any transfer, partition or lease made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which may extend to one hundred rupees.

184. Power to make rules.—(*1*) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form in which, and the period within which, a return under section 165 may be submitted;

(*b*) the agency through which information may be collected under section 166;

(*c*) the manner of holding enquiries under this Part;

(*d*) the matters which may be determined under sub-section (*1*) of section 167 and the manner of determination of excess lands under this Part;

(*e*) the form in which a list under sub-section (*3*) of section 167 or sub-section (*3*) of section 170 may be prepared and the manner of publication of such list;

(*f*) the period within which an application for restoration of excess land may be made under the proviso to sub-section (*4*) of section 169;

(*g*) the manner of apportionment of compensation between the raiyat and the under-raiyat under sub-section (*2*) of section 171;

(*h*) the manner of assessment of the market value of any structure or building or trees under sub-section (*3*) of section 171;

(*i*) the manner of recovery of the compensation payable by the under-raiyat under sub-section (*5*) of section 171;

(*j*) the manner of determining under sub-section (*6*) of section 171 the market value of any excess land in respect of which a mortgagee in possession acquires the rights of the mortgagor;

(*k*) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation under section 171;

(*l*) The manner of payment of compensation, including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;

(*m*) the manner of demarcation of any excess land under section 175;

(*n*) the matters which may be determined by the Administrator in granting an exemption under section 178 including the

form in which applications and intimations may be made or given, under section 178;

(*o*) the form of declarations under section 182;

(*p*) any other matter which has to be, or may be, prescribed.

PART VI

CHAPTER XV.—GENERAL AND MISCELLANEOUS

185. Recovery of amount due as arrear of land revenue.—Without prejudice to any other provision of this Act, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Act shall be recoverable in the same manner as an arrear of land revenue.

186. Protection against eviction or surrender in certain cases.—(*1*) After the commencement of this Act and before the vesting date referred to in sub-section (*1*) of section 134,—

(*a*) the provisions of sections 111 to 117 shall, so far as may be, apply to tenants and sub-tenants as defined in clause (*d*) of section 133;

(*b*) no such tenant or sub-tenant shall surrender any land held by him as such and no person shall enter upon any such land unless such surrender is *bona fide* and is made with the previous permission in writing of the competent authority, and the provisions of sub-section (*3*) of section 125 shall apply to any case where such permission is refused;

(*c*) no such tenant or sub-tenant shall, whether in execution of a decree or order of court or otherwise, be evicted from any such land on any ground other than those specified in clauses (*c*) and (*d*) a sub-section (*1*) of section 118, and any proceeding for eviction of such tenant or sub-tenant on any ground other than those specified in the said clauses (*c*) and (*d*) pending at such commencement shall abate without prejudice to any action that may be taken under the provisions of this Act.

(*2*) Where, on or after the 10th day of August, 1957 and before the commencement of this Act, any such tenant or sub-tenant has surrendered any land held by him as such or been evicted from such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, either on his own motion or on application made by the tenant or sub-tenant in this behalf, restore him to possession of the land which has been surrendered or from which he has been evicted.

187. Special provision regarding Scheduled Tribes.—No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless—

(*a*) the transfer is to another member of the Scheduled Tribes; or

(*b*) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Collector; or

(*c*) the transfer is by way of mortgage to a co-operative society.

188. Jurisdiction of civil courts excluded.—No suit or other proceeding shall, unless otherwise expressly provided in this Act, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Act:

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

189. Act to over-ride contracts and other laws.—Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of court.

190. Court-fees.—Notwithstanding anything contained in the Courtfees Act, 1870 (7 of 1870), every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

191. Village officers to be public servants.—Every village accountant and every other village officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

192. Power to exempt.—With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Act.

193. General provision as to penalties.—Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

194. Protection of action taken in good faith.—No suit, prosecution or other proceedings shall lie—

(*a*) against any officer of the Government for anything in good faith done or intended to be done under this Act;

(*b*) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act.

195. Delegation of powers.—The Administrator may, by notification in the Official Gazette delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

196. Power to remove difficulties.—If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

197. General power to make rules.—Without prejudice to any power to make rules contained elsewhere in this Act, the Administrator may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

198. Laying of rules before Parliament.—Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

199. Repeal and savings.—(*1*) On and from the date on which any of the provisions of this Act are brought into force in any area in the Union territory of Tripura, the enactments specified in the Schedule or so much thereof as relate to the matters covered by the provisions so brought into force shall stand repealed in such area.

(*2*) The repeal of any enactment or part thereof by sub-section (*1*) shall not affect,—

(*a*) the previous operation of such enactment of anything duly done or suffered thereunder;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;

(*c*) any penalty, for forfeiture or punishment incurred in respect of any offence committed against such enactment;

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

(*3*) Subject to the provisions contained in sub-section (*2*), any appointment, rule, order, notification or proclamation made or issued, any lease, rent, right or liability granted, fixed, acquired or incurred and any

other thing done or action taken under any of the enactments or parts thereof repealed, under sub-section (*1*) shall, in so far as it is not inconsistent with the provision of this Act brought into force, be deemed to have been made, issued, granted, fixed acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.

(*4*) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in the Union territory of Tripura and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

THE SCHEDULE

[*See* section 199 (*1*)]

(*1*) Praja Bhumyadhikari Sambandha Bishyak Ain (EK Ain, 1296 Tripurabda).

(*2*) 1296 Tripurabder Praja Bhumyadhikari Ain Sansudhan Bishyak 1337 Tripurabder EK Ain, and 1296 Tripiurabder Praja Bhumyadhikari Ain Sansudhan Bishyak 1335 Tripurabder EK Ain.

(*3*) Rajdhani Agartala Sahar Bondobasta Sambandhiya Bidhan, 1346 T.E.

(*4*) Jarip-o-Bondobasta Sambandhiya Niyamabali, 1309 Tripurabda.

(*5*) Tripura Rajyer Jarip Bondobasta Sambandhyia Niyamabali Sansudhan Bishyak, 1336 Tripurabder Tin Ain.

(*6*) Jarip-o-Bondobasta Sambandhiya Niyamabali (Prathem Khanda).

(*7*) Jarip-o-Bondobasta Sambandhiya Niyamabali (Dwitiya Khanda), 1323 T.E.

(*8*) 1290 Saner EK Ain Orthat Rajaswa Sambandhiya Niyamabali, and 1323 Tripurabder Dui Ain Orthat Rajaswa Sambandhiya 1290 Saner EK Ain Sansudhan Bishyak Bidhi.

(*9*) Sarkari Prapya Aday Sambandhiya 1326 Tripura Char Ain, and Sarkari Prapya Aday Sambandhiya 1326 Tripura Char Ain Sansudhan Bishyak Ain Athaba 1358 Tring Saner 18 Nang Ain.