

7. Proprietors shall, subject to the provisions of this Regulation, have the same rights and enjoy the same privileges in respect of lands included in their estates as they have at the commencement of this Regulation. Rights of proprietors.

8. (1) (a) Any person who has before the commencement of this Regulation held immediately under the Government for ten years continuously any land not included either in a permanently-settled estate or in a revenue-free estate, and who has during that period paid to the Government the revenue due thereon, or held the same under an express exemption from revenue, and, Status of landholder how acquired.

(b) except as provided by section 15, any person who has, whether before or after the commencement of this Regulation, acquired any such land under a lease granted by or on behalf of the Government, the term of which is not less than ten years,

shall be deemed to have acquired the status of a landholder in respect of the land.

(2) When land held by one person has come immediately by transfer or succession to be held by another, the holding shall, for the purposes of sub-section (1), clause (a), be deemed to have been continuous, and the latter person may, in reckoning the length of his holding, add the holding of the former to his own.

(3) When any revenue has been paid in respect of land by any person holding the land under another, that revenue shall, for the purposes of the said clause, be deemed to have been paid by the latter person.

9. A landholder shall have a permanent, heritable and transferable right of use and occupancy in his land, subject to— Right of landholders.

(a) the payment of all revenue, taxes, cesses and rates from time to time legally assessed or imposed in respect of the land;

(b) the reservation in favour of the Government of all quarries and of all mines, minerals and mineral oils, and of all buried treasure, with full liberty to search for and work the same, paying to the landholder only compensation for the surface damage as estimated by the Deputy Commissioner; and

(c) the special conditions of any engagement into which the landholder may have entered with the Government.

Forfeiture of landholder's rights on relinquishment.

10. Any landholder who, after the commencement of this Regulation, voluntarily relinquishes any land and ceases to pay the revenue assessed thereon shall at once forfeit his status of landholder in respect of that land.

Rights of settlement-holders.

11. A settlement-holder, who is not a landholder, shall have no rights in the land held by him beyond such as are expressed in his settlement lease.

Power to make Rules for the disposal of Government lands and ejectment therefrom of unauthorized occupiers.

12.* In the case of any land over which no person has the rights of a proprietor, landholder or settlement-holder under this Regulation, the Chief Commissioner may make rules to provide for—

- (1) the disposal by way of grant, lease or otherwise of such land,
- (2) the ejectment of any person who has entered into unauthorized occupation of such land, and
- (3) the disposal of any crop raised, or any building or other construction erected, without authority on such land.

Power to make rules for allotment of grazing grounds.

13. The Chief Commissioner may make rules for the allotment from the land referred to in section 12 of grazing grounds to the inhabitants of any village in the neighbourhood whom he considers to stand in need of such allotment, and for regulating and controlling the enjoyment of those grazing grounds by persons permitted to resort thereto.

Power to make rules for allotment of lands for tribes practising *jhum*, or migratory cultivation.

14. The Chief Commissioner may make rules for the allotment from the land referred to in section 12, for the use of tribes or families practising *jhum* or migratory cultivation, of areas suitable for such cultivation, of sufficient extent, and situated in localities reasonably convenient, for the purposes of the persons to whom they are allotted, and for regulating and controlling the enjoyment of lands so allotted by persons permitted to resort to the same.

Bar to acquisition of rights over land disposed of under sections 12, 13 and 14.

15. No person shall acquire, by length of possession or otherwise, any right over lands disposed of or allotted under section 12, section 13 or section 14 beyond that which is given by the rules made under the section.

Right of fishery.

16. The Deputy Commissioner, with the previous sanction of the Chief Commissioner, may, by proclamation published in the prescribed manner, declare any collection of water, running or still, to be a fishery; and no right in any fishery so declared shall be deemed to have been acquired by the public or any person, either before or after the commencement of this Regulation, except as provided in the rules made under section 155:

* New section substituted by Regulation II of 1905.

Provided that nothing in this section shall affect any express grant of a right to fish made by or on behalf of the British Government, or any fishery rights acquired by a proprietor before the commencement of this Regulation, or the acquisition by a proprietor of such rights in any fishery forming after the commencement of his Regulation in his estate.

CHAPTER III.

SETTLEMENT AND RESUMPTION.

Part A.—General.

17. Settlement operations may consist of one or more of the following :—

Settlement operations defined.

- (a) survey and demarcation of land ;
- (b) assessment of land revenue ;
- (c) record-of-rights.

× 18. (1) When any local area or class of estates is to be settled, the Chief Commissioner may * * * * * General notification of settlement. issue a notification of settlement, and in the notification shall—

(a) define the local area or class of estates to be settled, and

(b) specify the settlement operations to be carried out.

(2) The Chief Commissioner may * * * * * amend or alter any such notification.

× 19. (1) Every local area or class of estates shall be held to be under settlement from the date of any notification published under section 18 and relating thereto, until the issue of another notification declaring settlement operations to be closed therein.

Period, during which local area held to be under settlement.

(2) Every local area or class of estates under settlement at the commencement of this Regulation shall be deemed to be under settlement within the meaning of this section without the issue of the notification prescribed by section 18.

20. The Chief Commissioner may, by rule, direct that this Chapter or any one or more sections or portions of sections thereof shall not apply to any local area or to the settlement of any particular class of estates.

Power of Chief Commissioner to exclude any local area, etc., from the operation of any portion of this Chapter.

* * * The words " with the previous sanction of the Governor General in Council " were omitted by section 2 of the Devolution Act XXXVIII of 1920.

× Do not apply to any area in Assam Valley not included in a village which has been surveyed, notified & closed.

Part B.—Survey and Demarcation of Land.

Power to call for information and assistance.

21. Every proprietor and settlement-holder of any land, and every person entitled to receive rent in respect of any land or occupying any land as a tenant, shall, on the written requisition of a Survey-officer, furnish, personally or otherwise, as the Survey-officer directs, such information or assistance as may be required by that officer for the purposes of the survey of the land.

Power to require erection and maintenance of boundary-marks.

22. (1) Every proprietor and landholder of any land, and every person entitled to receive rent in respect of any land, shall, on the written requisition of a Survey-officer, erect and repair such boundary-marks on the land as the Survey-officer directs.

(2) If any person on whom a requisition has been made under sub-section (1) fails to erect or repair any boundary mark mentioned in the requisition, the Survey-officer may erect or repair it.

Procedure in case of boundary disputes.

23. (1) Whenever in the course of survey it comes to the knowledge of the Survey-officer that any boundary dispute exists, he shall notify the same to the Settlement-officer, who shall proceed as follows :—

- (a) if the dispute is between the proprietors of different estates, the Settlement-officer shall decide it on the basis of actual possession ; or if he is unable to satisfy himself as to which party is in possession, he may determine by summary enquiry who is the person best entitled to possession, and may put him in possession ; or he may refer the dispute to arbitration for decision on the merits, as provided in section 143 :
- (b) if the dispute is between the settlement-holders of the different estates, the Settlement-officer shall, after due enquiry, determine the proper boundaries of those estates :
- (c) if the dispute is between the Government and any settlement-holder as to whether any land is comprised in the settlement, the Settlement-officer shall, after due enquiry, determine the dispute.

(2) The order by which a Settlement-officer determines any boundaries or any dispute under clause (b) or clause (c) of this section shall, subject to the provisions of section 151 of this Regulation, be final.

24. Whenever the Settlement-officer has determined a dispute under section 23, and the order has become final or has been altered by a decree or order of any competent Court or authority, which has become final,

Power of Survey officer in certain cases to cause marks to be erected.

and whenever it comes to the notice of the Survey-officer that any boundary has been determined by a competent Court or authority,

the Survey-officer may cause such marks as he may think fit to be erected in order to secure the boundary permanently.

25. Any person wilfully destroying, removing or damaging any boundary-mark (not being a land mark fixed by the authority of a public servant within the meaning of section 434 of the Indian Penal Code) which has been lawfully erected shall be punished with fine which may extend to two hundred rupees for each mark so destroyed, removed or damaged, in addition to such sum as may be necessary to defray the expense of restoring the boundary-mark so destroyed, removed or damaged.

Penalty for removing boundary-marks.

26. If a permanent boundary-mark lawfully erected on any land, or on the boundary thereof, is injured, destroyed or removed or requires repairs, the proprietor or settlement-holder of the land, and every person entitled to receive rent in respect of the same or occupying it as a tenant, shall be bound to give immediate notice of the fact to the prescribed Revenue-officer; and every person who omits to give notice as required by this section shall be liable to a fine, not exceeding one hundred rupees, to be imposed by order of the Deputy Commissioner.

Obligation to give notice of injury to boundary-marks.

27. The Chief Commissioner may make rules prescribing the mode in which any survey conducted under the provisions of this Part shall be effected, and the manner in which all the cost of such a survey, compensation due on account of anything done under the orders of a Survey-officer, and all expenses incurred under this Part in erecting and repairing boundary-marks, shall be apportioned among and levied from proprietors and landholders and persons entitled to receive rent in respect of land,

Power of Chief Commissioner to make rules.

*Part C.—Assessment of Land.*Land liable
to assess-
ments.

28. All land shall be deemed liable to be assessed to revenue, except—

- (a) land for the time being exempt from assessment under the express terms of any grant made or confirmed by, or on behalf of, the British Government;
- (b) land in respect of which a tax is for the time being imposed under section 47;

Provided that nothing in this section shall—

- (1) affect the provisions of any settlement, grant or lease for the time being in force;
- (2) authorize the assessment of any land included in the limits of a permanently-settled estate, unless it is shown that it was not included in the permanent settlement;
- (3) affect any title to hold land revenue-free if the title existed immediately before the commencement of this Regulation and was valid under the law then in force; or
- (4) authorize the assessment of any land which has been held revenue-free for sixty years continuously unless it is shown that the right so to hold it has ceased to exist.

Settlement
rules.

29. The Chief Commissioner may make rules prescribing the principles on which the land revenue is to be assessed, the term for which, and the conditions on which, settlements are to be made and the manner in which the Settlement-officer is to report for sanction his rates and method of assessment.

Framing
and sub-
mission of
general
proposals
of assess-
ment.

30. The Settlement-officer shall, in accordance with the rules issued under section 29, frame general proposals of assessment for any local area or class of estates to be assessed, and submit those proposals to the Chief Commissioner.

Detailed
assess-
ment and
declaration
thereof to
persons
concerned.

31. After the receipt of the orders of the Chief Commissioner thereon, and subject to such orders, the Settlement-officer shall ascertain, and make an order, determining the amount of the assessment proper for each estate, and shall, on a date and at a place to be notified by proclamation in the prescribed manner, offer a settlement based thereon to the person with whom the settlement of the estate is to be made.

32. (1) The Settlement-officer shall offer the settlement to such persons (if any) as he finds to be in possession of the estate, and to have a permanent, heritable and transferable right of use and occupancy in the same, or to be in possession as mortgagees of persons having such a right.

To whom
settlement
to be offer-
ed.

(2) If the Settlement-officer finds no person in possession as aforesaid, it shall be in his discretion, subject to such rules as the Chief Commissioner may make under section 12, to offer the settlement to any person he thinks fit.

33. (1) It shall be in the option of the person to whom a settlement is offered to accept or refuse the same.

Acceptance
or refusal
of settle-
ment.

(2) If he is willing to accept it, he shall deliver to the Settlement-officer an acceptance in writing under his hand, in the prescribed form.

not a force
in Assam Valley.

(3) If a person to whom a settlement has been offered does not, within the prescribed time, deliver such an acceptance or inform the Settlement-officer in the prescribed manner that he refuses the proposed settlement he shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted the settlement.

Does not apply
in Assam Valley.

34. When a settlement has been accepted, the revenue fixed thereby and no more shall be payable from such date, and for such term, as the Chief Commissioner may fix in this behalf; or, if at the expiry of that term no new settlement has been made, until a new settlement has been made:

Effect of
acceptance
of settle-
ment.

Provided that—

(a) a settlement shall not be final as against the Government until it has been sanctioned by the* Chief Commissioner;*

Does not apply
in Assam Valley.

(b) in the case of gain by alluvion, or by dereliction of a river, or loss by deluvion, during the currency of the settlement, increments shall be assessed and reductions granted by the Deputy Commissioner according to such limitations as to the extent of gain or loss and such other conditions as may be prescribed; and

(c) in any local area to which the Chief Commissioner may, by notification, apply this clause, a settlement holder may, after giving notice at the time and in the

* * The words "Chief Commissioner" were substituted for "Governor General Council" by section 9 of the Devolution Act XXVIII of 1920.

manner prescribed, relinquish the estate of which he has accepted a settlement, or any part thereof on which a separate part of the revenue has been apportioned and shall thereupon be released from a future obligation to pay the revenue of the estate, or the part thereof so apportioned, as the case may be.

Effect of refusal of settlement.

35. If the person to whom a settlement is offered refuses to accept it, it shall be in the discretion of the Settlement-officer, subject to such rules as the Chief Commissioner may make under section 12, to exclude him for the term of the settlement from possession of the estate, and to offer the settlement thereof to any other person he thinks fit.

Procedure when some of those to whom the settlement offered refuse.

36. In the case of an estate held by several persons jointly entitled to an offer of a settlement, if some of those persons refuse to accept the offer, it shall be in the discretion of the Settlement-officer to exclude them from possession for the term of settlement and to offer the settlement of the whole estate to the others.

Settlement-officer when to apportion assessment over land.

37. (1) When the whole or part of the land comprised in an estate is held in severalty, the Settlement-officer shall, on the application of any one or more of the settlement-holders, make an order apportioning to the several holdings the revenue assessed on the estate.

(2) Except as provided by sub-section (1), a Settlement-officer shall not apportion the revenue of an estate over the lands comprised therein unless he is required so to do by rules made by the Chief Commissioner in this behalf.

(3) No apportionment of the revenue by the Settlement-officer shall affect the joint and several liability for the revenue imposed by section 63.

Representation of incompetent persons and of bodies of persons.

38. (1) A lunatic, minor or other person incapable of making a contract, shall be deemed to be duly represented for all the purposes of this part by his manager.

(2) A body of persons for whom representatives have been appointed in this behalf under rules made under section 155, clause (a), shall be deemed to be duly represented for all the purposes of this part by those representatives.

Effect of decision of settlement-officer as to settlement.

39. Subject to the provisions of section 151 of this Regulation, the order of a Settlement-officer as to the person to whom a settlement should be offered, the amount of revenue to be assessed, and the nature and term of the settlement to

be offered, shall be final, and a settlement concluded with that person shall be binding on all persons from time to time interested in the estate; but, except as provided by sections 35 and 36, no person shall, merely on the ground that a settlement has been made with him or with some person through whom he claims, be deemed to have acquired any right to or over any estate, as against any other person claiming rights to or over that estate.

Part D.—Record-of-rights.

40. The Settlement-officer shall frame for each estate a record-of-rights in the prescribed manner. Record-of-rights.

41. (1) Entries in the record made under section 40 shall be founded on the basis of actual possession, and all disputes regarding such entries, whether taken up by the Settlement-officer of his own motion or on the application of a party concerned, shall be investigated and decided by him on that basis and all persons not in possession, but claiming the right to be so, shall be referred by him to the proper court. Entries in record and their effect.

(2) Every entry in the record-of-rights made under this section shall, until the contrary is proved, be presumed to be correct.

42. Notwithstanding anything contained in section 41 in the case of any dispute respecting the class of any tenant under the rent law for the time being in force, or the amount of rent payable by such tenant, the Settlement-officer shall decide the dispute, or, where the rent is open to alteration, fix the rent according to the principles laid down in the said Rent Law, and subject to the provisions of section 151 of this Regulation, his order shall be final. Determination of class of tenants and the rent payable by them.

Part E.—Resumption.

43. Whenever a Deputy Commissioner has reason to believe that any land within his jurisdiction is being held wholly or partially free of assessment and is liable to be assessed under section 28, he may institute an enquiry, and the person claiming the land shall be bound to prove his title to hold the same wholly or partially free of assessment, as the case may be. Enquiry by Deputy Commissioner regarding land liable to resumption.

44. The result of every enquiry instituted by the Deputy Commissioner under section 43 shall be reported to the Chief Commissioner for orders in the prescribed manner. Report to Chief Commissioner of result of enquiry.

Orders of
Chief Com-
missioner
on Deputy
Commis-
sioner's
report.

45. (1) In any case reported to the Chief Commissioner under section 44, if the Chief Commissioner declares the land not liable to assessment, his order shall be final except on proof of fraud or collusion on the part or on behalf of the person interested.

(2) If the Chief Commissioner declares the land liable to assessment, the Deputy Commissioner shall inform the person interested of the Chief Commissioner's decision, and shall proceed to assess the land in accordance with the rules made under section 29 and to settle it with the person in possession.

Suit in Civil
Court to
set aside
Chief Com-
missioner's
order
directing
resump-
tion.

46. Any persons whose lands are assessed by order of the Chief Commissioner passed under section 25 may, at any time within one year from the date of his being informed of the Chief Commissioner's order, institute a suit in the Civil Court to have the order set aside, failing which the order shall be final.

Part F.—Hoe-tax or House-tax.

Hoe-tax or
House-tax.

47. (1) The Chief Commissioner may direct that in lieu of the revenue assessable on any land there shall be collected an annual tax on each male person who has completed the age of eighteen years taking part in the cultivation of the land at any time during the year of assessment, or on each family or house of persons taking part as afore-said.

(2) The rates of the tax, the class of persons upon whom and the localities and mode in which, it may be assessed, shall be determined by the Chief Commissioner.

CHAPTER IV.

REGISTRATION.

Part A.—The Preparation and Maintenance of Registers.

Registers
to be kept.

48. (1) The Deputy Commissioner of every district shall prepare and keep the following registers:—

- (a) a general register of revenue-paying estates;
- (b) a general register of revenue-free estates; and
- (c) such other registers as the Chief Commissioner may direct.