sdiction and Pro X .- Supplemental .--Enactments repealed

'ernment may, subject s of this Act, direct the ich suits shall be hear ly in such Courts com ne as it thinks fit,

s fine or penalty under as if it were an array

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rnment may, by notification e, make rules for the pu cts of this Act and present actice thereunder.

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d Amend-	So much as related Acts IX of 1888 XVII of 1889.

ACT No. XII of 1898.

BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

nerived the assent of the Governm General on the 21st October, *1*898.)

Act further to amend the Central Provinces Land-revenue Act, 1881.

HEREAS it is expedient further to amend the Central Provinces Land-revenue Act, 1881; It is reby enacted as follows:-

1. (1) This Act may be called the Central Prov- Short title ees Land-revenue Act, 1898; and

(2) It shall come into force at once.

2. In Chapter I of the Central Provinces Land-Substitution wenue Act, 1881 (hereinafter referred to as "the of new define id Act"), clause (6) of section 4 is repealed, and "sir-land" fter section 4 the following shall be added, for that amely:—

and commencement.

section 4, clause Act XVII 1881.

'4A. (1) Subject to the provisions of sub-section Meaning of (that is to say, the demesne or permament home-farm land of a proprietor) includes the following, and no other, land, namely:-

(a) land finally recorded under section 69 as "sir-land" in the papers of the current settlement;

(b) land declared, under section 132, clause (j), to be "sir-land"; and

(c) land in the Sambalpur district recorded as "bhogra" in the papers of the current settlement.

(2) In

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(Section 2.)

Temporary provisions for districts not settled since 1889.

- (2) In any local area of which no settlembeen made since the commencement of the Provinces Land-revenue Act, 1889, and in settlement of such local area next following immencement of the Central Provinces Land-revenue Act, 1898, "sír-land" includes—
 - (a) land defined as sir-land in the foregoing

Provided that any such land (other bhogra) which, at the comment of the Central Provinces Land-Research, 1889, was unoccupied by proprietor, and which had, after date of the settlement last present the commencement of the said been so unoccupied for a period consecutive years, shall not be demote to be "sir-land";

- (b) land which at the commencement of the Central Provinces Land-revenue 1889, was occupied by and had been contivated by the proprietors or one of the proprietors thereof for a period of the less than twelve consecutive years;
- (c) land which had at the commencement of the Central Provinces Land-revenue 1889, been broken up from waste by a proprietor or one of the proprietors the of, and cultivated by him for a period on not less than six consecutive years: vided that any such land which at vided that any such land which at the commencement of the Central Provinces Land-revenue Act, 1889, was unoccupied by the proprietor, and had been so un occupied by him for six consecutive years shall not be deemed to be "sir-land."

Explanation I.—For the purposes of sub-section (2), land shall be deemed to be occupied by the proprietor when it is leased out by him with an express reservation

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Central Provinces Land-revenue. (Section 3.)

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nmencement of Land-revenue y and had been to ietors or one of for a period of ecutive years; ommencement of All Land-revenue Ato from waste by the he proprietors there him for a period of ecutive years: 1 land which at B Central Province 389, was unoccupied xviv id had been so unix consecutive years, o be "sír-land." poses of sub-section ccupied by the proim with an express reservation.

arvation of his sir-rights, and land shall be deemed he cultivated when it is allowed to lie fallow in ordance with the usual practice of cultivation.

Explanation II.—For the purposes of this sec-

- (a) the word "proprietor" shall be deemed to include an assignee of proprietary rights, but not a málik-mákbuzá:
- (b) when by any local custom land is liable to exchange or redistribution among the cultivators thereof, land which is not "sírland," and which is taken in exchange for "sír-land," becomes "sír-land" and the "sír-land" given in exchange for that land ceases to be "sír-land":
- (c) subject to the proviso to sub-section (2), clause (a), land which has been recorded as "sir-land" in the papers of any settlement made before the commencement of this Act shall be deemed to have been finally recorded as "sír-land" under section 69.
- 3. For section 65A of the said Act the following Substitution shall be substituted, namely:-

65A. (1) The Settlement-officer may inquire Power to into the claim of any person holding from a proprietor a village or part of a village as thikadar, thikadars, gaontia or farmer, and may, notwithstanding any contract to the contrary and with the previous sanction of the Chief Commissioner, declare such thíkádár, gaontia or farmer to be "protected" for the purposes of this section:

Provided that no thíkádár, gaontia or farmer shall be declared to be protected under this section unless he or those from whom he has inherited has or have been in possession of the village or part

of new section for section 65A Act XVIII, 1881.

of the village for a period of not less than years, or unless it is proved to the satisfaction Settlement-officer that he or those from whom inherited has or have established the village or stantially improved it at his or their own cost

Provided also that, when a thikadar, farma gaontia is entitled to claim protection will meaning of this section, the Settlement-officer his discretion and with the previous sanction Chief Commissioner, instead of declaring hand protected, confer on him the rights of an occurrence tenant in respect of the whole or part of an which he may be cultivating, whether as sirotherwise, at the time of the inquiry, and shall determine mine the rent payable by him as occupancy-tenant are such land.

- (2) When a thíkádár, farmer or gaontia is declared to be protected under this section, the Settlement. officer may, at the request of the proprietor of the village, determine the amount of the thika ama which shall be payable by such thikadar, gaontia or farmer to the proprietor of the village on and from the date on which the settlement of the village takes effect.
- (3) Any person who, having held any village or part of a village as a thikadar, farmer or gaontia vas ejected by the proprietor from, or lost possession otherwise than by transfer or voluntary surrender of such village, or part of a village, and who had at the date of such ejectment or dispossession earned a claim to be protected, may at any time before the expiration of two years from the date of such ejectment or dispossession apply to the Settlement-officer to reinstate him in the possession of the village or part of the village from which he was ejected; and the Settlement-officer may, with the previous sanction of the Chief Commissioner, replace him in the possession of such village or part of a village and declare him to be protected, or may confer upon him the rights of an occupancy-tenant

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hole or part of any land in the village which adtivating at the time of his ejectment, and min possession of such land and determine which shall be payable by him to the proas such tenant.

planation.—Any such person as is described in b-section who, having been ejected subsequently first day of January 1893, applied to a Revolficer for reinstatement within two years of his ment, shall be deemed to have made the application of the property of the property

The incidents of the tenure of a thikádár (inling a farmer or gaontia) who has been declared the protected under this section shall be as fol-

- (a) the tenure shall be heritable, but not transferable by sale, gift, mortgage or dower; it shall not be saleable in execution of any decree, nor shall any decree be passed for the sale thereof; and, save in so far as any arrangements to the contrary are in force at the time of the declaration, it shall not be partitioned and shall devolve on one member only of the thikádár's family;
- (b) when on the death of a thikádár there are two or more heirs bearing the same relationship to him, the eldest of such heirs shall succeed:
 - Provided, first, that of such heirs an heir who was joint with the thikádár shall have preference over an heir who was separate: and
 - Provided, secondly, that the eldest of two or more such heirs shall be at liberty at the time of succession to resign his right in favour of another heir bearing the same degree of relationship to the deceased thikádár as he himself bears:

(c) a protected thikádár, whether holding a written lease or a verbal shall be entitled to a renewal of on its expiry, on his agreeing village at a fair and equitable the

(d) in the event of any dispute arising the proprietor and the protected as to what is a fair and equitable jama, the matter shall be referred Deputy Commissioner, whose shall, subject to revision by the sioner and Chief Commissioner, be

(e) not more than one enhancement of that jama or, where it is so specially in the terms of the settlement of the lage, no enhancement of the thick shall be imposed on a protected to during the currency of a settlement

(f) all miscellaneous dues and cesses, and specially authorized by the Chief Comm sioner, shall be included in the thika toms payable under the lease; and

(g) a protected thíkádár shall comply with the rules made under section 124A for the management of malguzari forests.

(5) In any proceedings before a Court for the ejectment of a thíkádár, gaontia or farmer, appears that the thikádár, gaontia or farmer has filed an application before a Revenue-officer to obtain declaration that he is protected, or if he files such an application before the Court, the Court shall stay proceedings until the application has been disposed of in accordance with the provisions of this Act and shall, if the application is filed before itself, forward such application to the Deputy Commissioner or Settlement-officer for disposal.

(6) If any protected thíkádár, gaontia or farmer is shown to have since the commencement of the Central Provinces Land-revenue Act, 1898, contravened,

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Central Provinces Land-revenue.

(Section 4.)

e contravening, the conditions of his tenure as ned in clause (a) or clause (g) of sub-section (4), have grossly mismanaged the village held by m lease, the Settlement-officer or Deputy Comoner may, with the previous sanction of the Commissioner, declare such thíkádár, gaontia rmer to have forfeited the protection previously sered on him under this section, and such thikafarmer or gaontia shall from the date of such faration cease to be protected.

(7) Nothing in this section shall affect the liability any protected thíkádár, farmer or gaontia to ejectent in execution of a decree for ejectment passed, accordance with any law for the time being in force nd not inconsistent with this Act, on the ground-

(a) that he has failed to pay the thíká-jama legally payable by him;

(b) that he has diverted the culturable land of the village to non-agricultural purposes, or is chargeable with some act or omission which renders him liable to be ejected.'

4. For section 69 of the said Act the following substitution hall be substituted, namely:-

of new section for section 69, Act XVIII, 1881.

'69. (1) The Settlement-officer shall ascertain and Determinadetermine the extent of all the land which is held as tion and sir-land as defined in section 4A, and which has not land. lost its character as sír-land under the provisions of section 45 of the Central Provinces Tenancy Act, 898, and shall record the same as sir-land.

(2) The Settlement-officer shall also record as sirland-

(a) land which is at the time of his inquiry cultivated by the proprietor or one of the proprietors thereof and has been continuously so cultivated for a period of not less than twelve consecutive years; and

(b) land

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Revenue-officer to obtain a ted, or if he files such an

ourt, the Court shall eation has been disposed of rovisions of this Agrant led before itself, fo uty Commissioner of Sel-

níkádár, gaontia or farmer ommencement of the Cene Act, 1898, contravened,

Central Provinces Land-rependent (Section 4.)

(b) land which is at the time of his in tivated by the proprietor, or proprietors thereof, and, and broken up from waste-land prietor or one of such propriet since been continuously cultivated for a period of not less than six

Provided that no land shall be recorded under this sub-section if the total area within the mahal already exceeds, or will record be made to exceed, one-quarter of occupied area of the mahal:

Provided, further, that the Settlement-officer with the previous sanction of the Comm exempt any mahal or part thereof from this in respect of land falling under clause (b) of section.

- (3) When a part of such land as is referred sub-section (2) is excluded from the record of under the proviso to that sub-section, the proshall have the right to choose the particular which are to be excluded.
- (4) An order or entry of the Settlement and recording, or omitting or refusing to record, any as sír-land under sub-section (1) shall be final and until it is reversed or modified by the decree and Civil Court in a suit instituted under section 32 A any time after the record is attested by the Selle ment-officer, or his order regarding the entry is passed. and within one year after the settlement comes into effect; and an order or entry recording, or omitting or refusing to record, any land as sir-land under sursection (2) shall be final unless and until it is reversal or modified on appeal or revision in accordance with the provisions of sections 22 to 26.
- (5) The Settlement-officer shall, at the requestion any proprietor, furnish him, free of cost, with a list of all the land which has been recorded as sir-land under

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is at the time of his inquir y the proprietor, or one rs thereof, and, having p from waste-land by r one of such proprieto. continuously cultivated od of not less than six years and shall be recorded as si 1 if the total area of ura 'eady exceeds, or willing ceed, one-quarter of the con

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fficer shall, at the request of m, free of cost, with a list of n recorded as sir-land under Central Provinces Land-revenue. (Sections 5-8.)

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section and is situated within the mahal or patti act wholly or partly by such proprietor.

(6) All land not falling within the purview of ion 4A, sub-section (1), shall be presumed, until contrary is proved, not to be sir-land.

Explanation.—For the purposes of this section the "proprietor" shall be deemed to include an ignee of proprietary rights, but not a málik-

5. In section 78 of the said Act, after the figures Amendment 19," the word and figure "sub-section (1)," shall be serted.

6. To section 91 of the said Act the following Addition of uplanation shall be added, namely :-

Explanation.—The term "assigns" in this section Act XVIII, neludes a mortgagee in possession and a thikadar.

7. After section 91 of the said Act the following fall be added, namely:—

'91A. Without the previous consent of the Deputy ommissioner or of such officer, not being below the ments and ank of tahsildar, as he may appoint in this behalf, the executions ents and profits of a mahal or málik-mákbuzá holding and the produce of a survey-number shall not be revenue. Table to be attached or taken in execution of a decree rorder of any Court until the land-revenue chargeable against such rents, profits or produce, and any arrear due in respect of the mahal, holding or surveynumber, have been paid.'

8. For clause (i) of section 132 of the said Act Addition to the following clauses shall be substituted, namely:-

'(i) inquiring into the claims of thíkádárs, gaontias or farmers, declaring them to be protected for the purposes of section 65A, and, generally, carrying out the provisions of that section; and

(j) declaring.

of section 78, Act XVIII

an explanation to section 91, 1881.

Addition of new section after section 91, Act XVIII, 1881. Avoidance

Act XVIII,

(j) declaring, either on his own motion a reference made by a Court of a officer, land to be sir-land under visions of section 69, sub-section (b), and the provisos thereto.

Addition of new section after section 136V, Act XVIII, 1881. 9. After section 136V of the said Act the following section shall be added, namely:

Partition may be effected by distribution of mahals. this Chapter, when an estate, in respect of the word part of which imperfect partition is sought, const two or more mahals, or shares in two or more in the partition may be effected by the distribution of the mahals or shares between the co-sharers imperfect partition of the mahals or shares, or by such distribution and partly by imperfect partition of the parties, deem or on the application of the parties, deem or on the application referred to in this section. Deputy Commissioner shall be guided by the provision of this Chapter so far as they are compatible with the distribution as aforesaid.'

Rules regarding villagewatchmen may provide for their punishment.

Addition of new section after section 157, Act XVIII, 1881.

Recovery of miscellaneous revenue.

10. In clause (a) of section 147A of the said Act between the words "appointment" and "suspension" the word "punishment" shall be inserted.

11. In Chapter XII of the said Act, after section 157 the following shall be added, namely:—

ernment for the use or occupation of land or votes (whether the property of the Government or not) or on account of any products thereof and all moneys falling due to the Government under any grant delse or contract which provides that they shall be so focuserable, may be recovered under this Act in the same manner as an arrear of land-revenue.

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said Act the ly:--

ything contain spect of the . is sought, com two or more y the distribility he co-sharers ls or shares, or y imperfect pass. 7, of his own makes arties, deem fit o in this section. ided by the provision compatible with the

147A of the said ; "and "suspension e inserted.

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Central Provinces Land-revenue. (Sections 12-13.)

In sections 161A and 161B of the said Act, for Transfer fords "punishable with fine" the words "liable, norder of a Deputy Commissioner, to a fine" be substituted.

inal to Revenue Courts of power to fine a mukad-dam for breach of duty under the Act.

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13. Sections 3, 5, 17, 19, 20 and 24 of the Central Repeals. ovinces Land-revenue Act, 1889, are repealed.