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The Colonization of Government Lands (Punjab) Act, 1912

Act 5 of 1912

Keyword(s):
Collector, Colony, Improvement, Tenant, Original Tenant

Wondershare PDFelement

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[1]THE COLONIZATION OF GOVERNMENT LANDS.

PUNJAB ACT 5 OF 1912

[21st *June*, 1912.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1912 ..	5	The Colonization of Government Lands (Punjab) Act, 1912	Repealed in part and Amended Act 38 of 1920 Amended, Punjab Act 3 of 1920[2] Amended, Government of India (Adaptation of Indian Laws) Order, 1937 Amended by Punjab Act 13 of 1941[3] Amended by Punjab Act 6 of 1944[4] Amended by the Indian Independence (Bengal and Punjab Acts) Order of 1948 (G. G. O. 40) Amended by the Adaptation of Laws Order, 1950 Amended by the Adaptation of Laws (Third Amendment) Order, 1951 Extended to Pepsu Territory by Punjab Act 5 of 1957[5] Amended by Punjab Act 25 of 1964[6]

[1]For Statement of Objects and Reasons, *see Punjab Gazette*, 1910, Part V, page 176, for Report of the Select Committee, *see Punjab Gazette*, 1911, Part V, page 429, and *ibid*, 1912, Part V, page 85, and for Proceedings in Council, *see ibid*, 1910, Part V, page 188, *ibid*, 1911, Part V, page 420, and *ibid*, 1912, Part V, pages 50 and 135.

[2]For Statement of Objects and Reasons, *see Punjab Gazette*, 1920, Part V, pages 8-9, for Proceedings in Council, *see ibid*, 1920, pages 166—176. It came into force on the 4th June, 1920.

[3]For Statement of Objects and Reasons, *see Punjab Gazette*, 1941, page 568, and for Proceedings in Assembly, *see* Punjab Legislative Assembly Debates, Vol. XVIII, pages 32, 256-57.

[4]For Statement of Objects and Reasons, *see Punjab Gazette*, Extraordinary, 1944, pages 351-52, and for Proceedings in Assembly, *see* Punjab Legislative Assembly Debates, Vol. XXII, pages 870—75.

[5]For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1957, page 339.

[6]For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1964, pages 935-937.

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PUNJAB ACT 5 OF 1912.

An Act to make better provision for the colonization and administration of Government Lands in [1]*Punjab.*

WHEREAS it is expedient to make better provision for the colonization and administration of Government land in [1]Punjab ;

It is hereby enacted as follows :—

Title and local extent.

1. (*1*) This Act may be called the Colonization of Government Lands (Punjab) Act, 1912.

(2) It extends to [2]Punjab.

2. The Government Tenants (Punjab) Act, 1893, is hereby repealed. III of 1893.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

"Collector" means the Collector of the district as described in the [3]Punjab Land Revenue Act, 1887, and includes (1) any officer appointed by the [4][State] Government to perform all or any of the functions and exercise all or any of the powers of the Collector under this Act and (2) any Colonization Officer or Assistant Colonization Officer appointed as such before the commencement of this Act, whether or no such officer was by notification appointed to perform all or any of the functions of a Deputy Commissioner under the Act hereby repealed. XVII of 1887.

"Commissioner" includes any officer appointed by the [4][State] Government to perform all or any of the functions and exercise all or any of the powers of a Commissioner under this Act.

"Colony" means any area to which this Act shall be applied by order of the [4][State] Government and, unless the [4][State] Government otherwise directs any area to which the Government tenants (Punjab) Act, 1893, has been applied. III of 1893.

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[1]Substituted for the words "East Punjab" [which had been inserted for the word "the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948] by the Adaptation of Laws (Third Amendment) Order, 1951.

[2]Substituted for "East Punjab" by Adaptation of Laws Order, 1950.

[3]*See* Volume I.

[4]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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"Prescribed" means sanctioned by the [1][State] Government under this Act or under the Act hereby repealed.

"Improvements" means such improvements as defined in section 4(19) of the [2]Punjab Tenancy Act, 1887, as the tenant is permitted to make under the conditions applicable to his tenancy. XVI of 1887.

"Tenant" means any person holding land in a colony as a tenant of [3][Government] and includes the predecessors and successors in interest of a tenant.

[4]["Original tenant" means any male to whom a tenancy is first allotted by the Collector, and includes the male transferee of such a tenant and any male nominated by the Collector in accordance with the provisions of section 21 to succeed a female, to whom a tenancy was first allotted.].

CHAPTER I
PRELIMINARY.

Application of the Act.

4. This Act shall, unless the [3][State] Government otherwise directs, apply to land to which the provisions of the Government Tenants (Punjab) Act, 1893, have been applied and to any other land to which the [3][State] Government may by notification in the Official Gazette apply it and which at the time of the notification was the property of the [4][State Government] : III of 1893.

Provided that [5][unless the [3][State] Government by general or special order otherwise directs] nothing in sections 20, 21, 22 and 23, or in the proviso to section 14, of this Act, shall, * * [5] * * apply [6] * * * * to any class of tenancies created hereafter which the [3][State]

[1]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[2]Added by section 2 of Punjab Act 3 of 1920.

[3]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4]Substituted for the words "Crown for the purposes of the Province" by the Adaptation of Laws (Third Amendment) Order, 1951.

[5]The words "unless the Local Government by general or special order otherwise directs" were inserted by Act 38 of 1920 and in the same proviso the words "without the previous sanction of the Governor-General in Council" were omitted by the same Act.

[6]The words "to tenancies specified in Schedule I of this Act, or" omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40).

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Government may declare to be scheduled tenancies under this section.

Power to withdraw a colony from the operation of the Act.

5. The [1][State] Government may, at any time by notification in the Official Gazette, withdraw a colony or any part of a colony from the operation of all or any of the provisions of this Act.

Applicability of the Punjab Tenancy Act.

6. (*1*) Except as provided in section 7 of this Act, the Punjab Tenancy Act, 1887, shall not be applicable to tenancies held under this Act. XVI of 1887.

(*2*) Nothing in sub-section (*1*) of this section shall affect the application of the Punjab Tenancy Act, 1887, to any matter or dispute arising between [2][tenants of the [3][Government]] and their sub-tenants to which [3][Government] is not a party. XVI of 1887.

Applicability of the Punjab Land Revenue Act and Punjab Tenancy Act.

7. Subject to the provisions of this Act, the Punjab Land Revenue Act, and Chapter VII of the Punjab Tenancy Act and the rules made thereunder shall, in so far as they are applicable, apply to all proceedings under this Act. But nothing in the Punjab Land Revenue Act or the Punjab Tenancy Act, 1887, shall be so construed as to vary or invalidate any condition entered in any statement of conditions issued by the [1][State] Government, and in particular shall not be so construed as to limit successions to tenancies otherwise than as provided in such statement of conditions. XVII and XVI of 1887.

Amendment of section 136(1) of the Punjab Land Revenue Act.

8. Section 136 (*1*) of the Punjab Land Revenue Act, 1887, shall be amended by inserting after the words "under section 49" the words "or any Revenue Officer in a colony". XVII of 1887.

Application of Chapter IV of Land Revenue Act, 1887, to certain village sites.

9. Notwithstanding anything in section 4 of the Punjab Land Revenue Act, 1887, the provisions of Chapter IV of that Act shall apply to all village sites in a colony. XVII of 1887.

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[1]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2]Substituted for the words "Government tenants" by the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

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CHAPTER II

PROVISIONS RELATING TO TENANTS

Issue of statements of conditions of tenancies.

10. (*1*) The [1][State] Government may grant land in a colony to any person on such conditions as it thinks fit.

(*2*) The [1][State] Government may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

(3) Where such statements of conditions have been issued, the Collector may, subject to the control of the Financial Commissioner, allot land to any person, to be held subject to such statement of conditions issued under sub-section (*2*) of this section, as the Collector may by written order declare to be applicable to the case.

(*4*) No person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector. After possession has been so taken, the grant shall be held subject to the conditions declared applicable thereto.

Legal effect of statements of conditions.

11. Subject to the provisions of this Act, the grant of any tenancy in accordance with any statements of conditions which have been or may hereafter be issued by the [1][State] Government under the Government Tenants (Punjab) Act, 1893, or under this Act shall be deemed to be transfer of a land within the meaning of the [2]Government Grants Act, 1895, and shall be governed by the provisions of the said Act.

III of 1893

XV of 1895

Temporary absence.

12. Any condition included in any statement of conditions which imposes an obligation of residence shall not be deemed to have been infringed by reason only of the temporary absence of a tenant who has established a permanent residence in the estate in which his holding is situated.

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[1]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2]Unrepealed Central Acts, Vol. III.

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Entries in record-of-rights or in annual record to be equivalent to entries in register issued under Act, III of 1893.

13. Where in any statement of conditions issued before the commencement of this Act reference is made to any register prescribed under the Government Tenants (Punjab) Act, 1893, then the record-of-rights or the annual record shall, so far as may be, be deemed to be such a register.

Position of tenant's holding hitherto under Act III of 1893.

14. Any person who at any time before the commencement of this Act was a tenant from [1][Government] of land to which the Government Tenants (Punjab) Act, 1893, applied and for which a statement of conditions was issued under that Act, shall, notwithstanding any previous agreement or anything contained in the [2]Punjab Tenancy Act, 1887, or any other enactment now in force, be deemed to have accepted and to hold the lands of which he is a tenant in accordance with such statement of conditions:— III of 1893. XVI of 1887.

Provided that unless such tenant shall, by deed executed and registered within twelve months from the date on which this Act comes into force, declare that the succession to his tenancy shall be in accordance with the statement of conditions applicable thereto, the succession to his tenancy shall be regulated by the provision of sections 20, 21, 22 and 23 of this Act.

Purchaser to be tenant pending payment in full money.

15. A purchaser from the [1][Government] of land who has been placed in possession of the land by order of the Collector shall be deemed to be a tenant of such land until the full amount of the purchase money with any interest due thereon has been paid and the other conditions set forth in the statement of the conditions of sale issued by the Collector have been fulfilled.

False information by a tenant.

16. If any person who after the commencement of this Act has been put in possession of land in a colony as a tenant shall have given false information intending or having reason to believe that any officer of the [1][Goverment] may be thereby deceived regarding his qualifications to become a tenant, he shall be

[1]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2]*See* Volume I.

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deemed to have committed a breach of the conditions of his tenancy :

Provided that this section shall not apply to persons who have been in possession of a tenancy for more than three years or to any person who has acquired a right of ownership.

Exchange.

17. Subject to any orders that he may receive from the Commissioner, the Collector may allow any tenant to exchange the whole or any part of his tenancy for other land in the colony, and the land so taken in exchange shall, in the absence of any special condition to the contrary recorded in writing by the Collector, be deemed to be held on the same conditions and subject to the same obligations as the surrendered land was held.

Rights of tenant not to be attached or sold.

18. None of the rights or interests vested in a tenant from Government of land to which this Act applies shall be attached or sold in execution of a decree or order of any court or in any insolvency proceedings.

Transfers of rights to be void.

19. Except as provided in section 17, none of the rights or interests vested in a tenant by or under the Government Tenants (Punjab) Act, 1893, or this Act, shall, without the consent in writing of the Commissioner, or of such officer as he may by written order empower in this behalf, be transferred or charged by any sale, exchange, gift, will, mortgage or other private contract, other than a sub-lease for not more than one year in the case of a tenant who has not acquired a right of occupancy, and seven years in the case of a tenant who has acquired a right of occupancy. Any such transfer or charge made without such consent in writing shall be void, and if (after the commencement of this Act) the transferee has obtained possession, he shall be ejected under the order of the Collector:

III of 1893.

Provided that the right of sub-letting conferred by this section shall not release any tenant from a condition requiring him to reside in the estate in which his tenancy is situated.

Succession to tenants acquiring otherwise than by succession.

[1][**20.** Subject to the proviso to section 14, when after the commencement of this Act, any original tenant dies

[1]Substituted by Punjab Act 3 of 1920, section 3.

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the succession to the tenancy shall devolve in the following order upon—

(*a*) the male lineal descendants of the tenant in the male line of descent. (The term 'lineal descendants' shall include an adopted son whose adoption has been ratified by a registered deed);

(*b*) the widow of the tenant until she dies, or remarries, or loses her rights under the provisions of this Act;

(*c*) the unmarried daughters of the tenant until they die or marry, or lose their rights under the provisions of this Act ;

(*d*) the successor or successors nominated by the tenant by registered deed from among the following persons, that is to say, his mother, [1][his predeceased son's widow, his predeceased grandson's widow], his married daughter, his daughter's son, his sister, his sister's son; and the male agnate members of his family;

(*e*) the successor or successors nominated by the Collector from among the persons enumerated in clause (*d*) of this section.].

Succession to tenants acquiring by succession.

[2][**21**. When, after the commencement of this Act, any male tenant, who is not an original tenant, dies, or any female tenant dies, marries or re-marries, the succession to the tenancy shall devolve—

(*a*) in the case of a female, to whom the tenancy has been first allotted, on the successor nominated by the Collector from the issue of such female tenant, or from the male agnates of the person, on account of whose services the tenancy was allotted to her ;

(*b*) in all other cases, on the person or persons, who would succeed if the tenancy were agricultural land acquired by the original tenant.]

Acquisition of ownership not to affect nomination of heir.

22. When a tenant has nominated a successor to his tenancy under section 20 (*d*) and subsequently acquires a right of ownership in the tenancy, the right

[1]Inserted by Punjab Act 13 of 1941, section 2.
[2]Substituted by Punjab Act 3 of 1920, section 4.

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of succession of the persons so nominated shall, unless the deed of nomination expressly provides to the contrary, be unaffected by such acquisition of ownership.

Revocation of nomination.

23. When a tenant has, under section 20 (*d*) of this Act, nominated a successor, he may at any time, whether before or after acquiring ownership, revoke such nomination, but not otherwise than by registered deed.

Power of imposing penalties for breaches of conditions.

24. When the Collector is satisfied that a tenant in possession of land has committed a breach of the conditions of his tenancy, he may, after giving the tenant an opportunity to appear and state his objections—

(*a*) impose on the tenant a penalty not exceeding one hundred rupees, or

(*b*) *order the resumption of the tenancy* :

Provided that if the breach is capable of rectification, the Collector shall not impose any penalty or order the resumption of the tenancy unless he has issued a written notice requiring the tenant to rectify the breach within a reasonable time, not being less than one month, to be stated in the notice and the tenant has failed to comply with such notice

Power of re-entry and provisions as to compensation in certain cases.

25. Where an order resuming the tenancy has been passed under the last preceding section, the Collector may forthwith re-enter upon the land and resume possession of it, subject to the payment of compensation, to be fixed by the Collector, for uncut and ungathered crops and for the improvements, if any, that may have been made by the tenant :

Provided that if the tenancy be allotted to any other person, the amount of compensation, if any, paid to the out-going tenant shall be recoverable by the Collector from the incoming tenant.

Provisions for re-entry on and compensation for buildings on sites allotted for residential purposes.

26. In any case where a tenant has been allotted a site for residential purposes in consideration of his tenancy, and such tenancy has been resumed under the

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provisions of sections 24 and 25 of this Act, the Collector may re-enter on and take possession of such site :

Provided that the Collector shall fix and pay to the said tenant reasonable compensation for, or permit him to remove, any buildings or improvements made by him on such site.

Saving of certain tenancies and conditions.

27. (*1*) Nothing in sections 24, 25 or 26 shall apply to—

(*a*) [1]* * * * *.

(*b*) any breach of a condition regarding arboriculture included in any statement of conditions other than a statement pertaining to tree-planting tenants, [2][or]

[3][(**c**) any tenancy scheduled under the proviso to section 4, except to such extent as may be specified in the statement of conditions applicable to such tenancy.]

* * * [4] * * *.

Sums due to Government to be recoverable as arrears of land revenue.

28. All sums due to the [5][Government] in respect of a tenancy granted in pursuance of the Government Tenants (Punjab) Act, 1893, or under the provisions of this Act or of the rules and conditions issued thereunder, and all sums due on account of fines, confiscations, costs and penalties, shall be recoverable as if they were arrears of land revenue. III of 1893.

Power to abrogate conditions.

29. The [6][State] Government may, at any time by notification in the Official Gazette, abrogate any of the limitations and obligations imposed upon tenants as part of the conditions of their tenure.

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[1]Omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948 (G. G. O. 40).

[2]The word "or" inserted by Punjab Act 6 of 1944, section 2(*a*)(*i*).

[3]Added by Punjab Act 6 of 1944, section 2 (*a*) (*ii*).

[4]Omitted by Punjab Act 6 of 1944, section 2 (*b*).

[5]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[6]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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CHAPTER III.

PROVISIONS RELATING TO PROPRIETORS.

Acquisition of proprietary rights.

30. Notwithstanding anything entered in any statement of conditions issued under the Government Tenants (Punjab) Act, 1893, a tenant who, either in pursuance of any such condition or otherwise by agreement with, or under rules issued by the [1][State] Government, has acquired proprietary right in any land included in his tenancy shall in respect of such land cease to be subject to any statement of conditions issued under the above-mentioned Act; Provided always that he shall in respect of such land be bound by the conditions set out in Schedule II of this Act and be bound by the other provisions of this Act applicable to proprietors of land.

III of 1893.

Rights of alienation in respect of, and rule of succession to, certain proprietary rights acquired by a female.

[2][**30-A.** (*1*) Notwithstanding any custom and the provisions of any law to the contrary, when after the commencement of the Colonization of Government Lands (Punjab) (Amendment) Act, 1944, proprietary rights in any land are acquired by a female tenant, her rights of alienation of any such land shall be the same—

(*a*) if she succeeded to the tenancy directly or indirectly from a male tenant, as if the proprietary rights had been acquired by the last male tenant, and she had succeeded to such rights as his heir; and

(*b*) if the tenancy was first allotted on account of some male person, either to her, or to another female to whom she succeeded either directly or in a continuous line of female succession, as if the proprietary rights had been acquired by such male person and she had succeeded to such rights as his heir,

and in cases falling under clause (*a*) or clause (*b*) in the event of such female proprietor dying while in possession of the proprietary rights in question, the said rights shall devolve upon the persons who would be entitled to succeed, if such rights had been acquired by the last male tenant, or the male person on whose account the tenancy was first allotted, as the case may be.

[1]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2]Added by Punjab Act 6 of 1944, section 3.

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(2) Nothing herein contained shall be construed to alter the law of succession applicable to any female tenant, in respect of proprietary rights in land acquired by her, if the tenancy in such land was acquired by or accrued to her in circumstances other than those specified in sub-section (1).

(3) For the purposes of this section the expression "any such land" shall be deemed to include any land obtained in exchange for part or all of the land in which proprietary rights have been acquired.]

CHAPTER IV

SUPPLEMENTARY PROVISIONS

Mares, camels or their progeny mainfained under prescribed conditions not to be attached or sold.

31. No mare or camel or other animal maintained in accordance with any prescribed statement of conditions and no progeny, if less than eighteen months old, of any mare or camel so maintained, shall be liable to attachment or sale in execution of any decree.

Power of re-entry in case of squatters and trespassers.

32. When the Collector is satisfied that any person has taken or is in possession of land in a colony to which he has no right or title, the Collector may, in addition to any other powers he may possess, forthwith re-enter upon the land and resume possession of it and take posession of all crops, trees and buildings thereon on behalf of the [1][Government] without payment of any compensation whatsoever.

Penalties.

33. If any person, without permission of a Revenue Officer of a grade to be specified by the [2][State] Government—

(a) clears or breaks up for cultivation, or cultivates any land which is owned by, or is in the possession of the [1][Government] and is not included in any tenancy or allotted residential enclosure or which has been set apart for the common purposes of a town or village community or section of the same or for a road, canal or water-course; or

(b) erects any building on any such land; or

[1]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[2]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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(c) fells or otherwise destroys standing trees on such land; or

(d) otherwise encroaches on any such land; or

(e) makes an excavation or constructs a water channel on any such land;

he shall, on complaint made by order of or under authority from the Collector, be punished on conviction [* * * *] with a fine not exceeding Rs. 200.

Explanation.—The felling of trees planted by an owner or tenant on any village road or water-course traversing his holding is not an offence under this section.

Additional powers of Collector in regard to offences.

34. When the Collector is satisfied that an act punishable under section 33 has been committed, he may in lieu of proceeding against the offender under that section or after conviction of the offender under that section—

(*i*) in the case of an offence under section 33 (*a*), confiscate the crops growing on any land cultivated in contravention of this Act or, if the crops have been cut, recover such sum as he may assess as the value thereof from the offender ;

(*ii*) in the case of an offence under section 33 (*c*); recover such sum as he may assess as the value of the trees or tree destroyed ;

(*iii*) in the case of an offence under section 33 (*b*), (*d*) or (*e*), cause the building or other encroachment to be demolished or removed or the excavation or channels to be filled up, and levy the costs of so doing from the person responsible for such act.

Power to levy a cess for administration of common village expenses.

35. (*1*) If in any estate the majority of the tenants and owners of the estate shall apply for the levy of a cess for village purposes, the Collector may order the payment of such a cess from the proprietors, tenants and inhabitants of the village in such way and at such rates as he holds to be suitable.

(*2*) Any cess leviable under this section shall be recoverable by suit under section 77 (3) (*j*) of the Punjab Tenancy Act, 1887.

XVI of 1887.

[1]The words "by any Magistrate" omitted by Punjab Act 25 of 1964.

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Jurisdiction of Civil Court barred as regards matter arising under the Act.

36. A Civil Court shall not have jurisdiction in any matter of which the Collector is empowered by this Act to dispose, and shall not take cognizance of the manner in which the [1][State] Government or Collector or any other Revenue Officer exercises any power vested in it or in him by or under this Act.

Public servants indemnified for acts done under this Act.

37. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Legalization of orders passed previous to the Act.

38. (*1*) Any act hitherto done or order passed by [1][State] Government or by an officer holding the post of Colonization Officer, Asssitant Colonization Officer or Settlement Commissioner, or exercising the powers of an Assistant Collector or of a Revenue Officer of higher class within any area to which the Government Tenants (Punjab) Act, 1893, has been applied or to which this Act may hereafter be applied, which is not contrary to the provisions of this Act. shall be deemed to have been done or passed under this Act. III of 1893.

(*2*) In particular and without prejudice to the generality of the foregoing sub-section, no right of occupancy or right of ownership and no condition applicable thereto shall be invalidated by reason of—

(*i*) the right having been granted before the particulars regarding it have been entered in a prescribed register; or

(*ii*) the prescribed register not having been signed by the tenant; or

(*iii*) the prescribed statement of conditions having been affixed to the prescribed register instead of being prefixed thereto :

Provided that if the register has not been signed by the tenant, the statement of conditions applicable to the tenancy shall be deemed to be that which was in force for tenancies of the same description at the time when the land was allotted.

[1]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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[1][SCHEDULE I]

SCHEDULE II.

(Referred to in Section 30.)

Conditions applicable to grantees who acquire proprietary right.

Exceptions of channels, rights to minerals, etc.

1. The [2][Government] does not grant to the grantee but hereby absolutely excepts and reserves to itself out of and in respect of the said lands (*1*) all grounds situate in the said lands or any part thereof already marked out, excavated or otherwise utilized for the distributary channels, and(*2*) all existing rights to and over all mines and minerals, coals, gold-washings, earth-oil and quarries in or under the said lands or any part thereof, together with all easements heretofore enjoyed by the [2][Government] in respect of the said lands or any part thereof. And it likewise excepts and reserves the right of the public to use existing thoroughfares traversing the said lands or any part thereof including a width of 1½ kadams on either side of survey base line, and also any lines of road which, though not yet made, have been marked out upon the ground.

Power of Government entry to search for minerals, etc.

2. The grantee shall at all times permit the officers of the [2][Government] to enter and do all acts and things that may be necessary and expedient for the purpose of searching for, working, getting or carrying away any such mines and minerals, coals, gold-washings earth-oil and quarries, and for the full enjoyment of the ground and of the rights herein before reserved to the [2][Government] to and over all mines and minerals, coals, gold-washings, earth-oil, quarries and easements in or under the said lands and all parts thereof.

Compensation for damage by entry.

3. The Government agrees to pay the grantees compensation for all damage occasioned by the exercise of the rights reserved to itself in clauses 1 and 2. Such compensation shall be assessed by the Collector, and if the grantee is not satisfied with the finding of the Collector, he may appeal to the Commissioner.

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[1]Schedule I omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

[2]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

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Demarcation of boundaries.

4. The grantee shall duly comply with such directions as the Collector shall from time to time issue requiring him to construct boundary marks on limits of the said lands or any part thereof, and shall keep them when erected in good repair to the satisfaction of the Collector.

Arbitration.

5. In the event of any dispute arising between the [1][State] Government and the grantee as to the property and rights hereby reserved, to the [2][Government], or as to any matter in any way relating thereto, or as to any of the conditions of the grant, or as to any matter or thing anywise connected therewith, the said dispute shall be referred for the opinion of the Commissioner whose decision shall be final and conclusive between the [1][State] Government and the grantee.

[1]Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2]Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.