

The Bengal Ghatwali Lands Regulation, 1814

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Act 29 of 1814

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The Bengal Ghatwali Lands Regulation, 1814Bengal Regulation 29 of 1814[Dated 3rd December, 1814]A Regulation for the settlement of certain mahals in the district of Birbhum, usually denominated the Ghatwali mahals.

1.

Whereas the lands held by the class of persons denominated ghatwals, in the district of Birbhum, form a peculiar tenure to which the provisions of the existing Regulations are not expressly applicable;And Whereas every ground exists to believe that, according to the former usages and constitution of the country, this class of persons are entitled to hold their lands, generation after generation, in perpetuity, subject nevertheless to the payment of a fixed and established rent to the zamindar of Birbhum and to the performance of certain duties for the maintenance of the public peace and support of the police;And Whereas the rents payable by those tenants have been recently adjusted, after a full and minute inquiry made by the proper officers in the Revenue Department;And Whereas it is essential to give stability to the arrangements now established among the ghatwals, the following Rules have been adopted, to be in force from the period of their promulgation in the district of Birbhum.

2. Ghatwals in Birbhum, and their descendants in perpetuity to be maintained in possession of lands, and not liable to enhancement of rent.

- A settlement having lately been made on the part of the Government with the ghatwals in the district of Birbhum, it is hereby declared that they and their descendants in perpetuity shall be maintained in possession of the lands so long as they shall respectively pay the revenue at present assessed upon them, and that they shall not be liable to any enhancement of rent so long as they shall punctually discharge the same and fulfil the other obligations of their tenure.

3. Ghatwali lands to form part of Zamindari of Birbhum. Rents how paid.

- The ghatwali lands shall be considered, as at present, to form a part of the zamindari of Birbhum; but the rents of ghatwals shall be paid direct to the Assistant Collector stationed at Suri, or to such other public Officer as the [Board of Revenue] [As to the present constitution and powers of the Board of Revenue, see the B & O. Board of Revenue Act, 1913.] [* * *] [With the sanction of the Governor-General in Council,' repealed by Act 1 of 1903.] may direct to receive the rents.

4. Amount payable to zamindar of Birbhum.

- The difference between the amount of the revenue assessed on the ghatwals and the fixed assessment of revenue in this portion of the zamindari of Birbhum payable to Government shall be paid to the zamindar of Birbhum and his heirs and successors, in perpetuity.

5. Disposal of tenure of ghatwals failing to discharge rents.

- Should any of the ghatwals at any time fail to discharge their stipulated rents, it shall be competent for the [State] [Substituted by A.L.O.] Government to cause the ghatwali tenure of such defaulter to be sold by public sale in satisfaction of the arrears due from him, in like manner, and under the same Rules, as lands held immediately of Government, or to make over the tenure of such defaulter to any person whom the [State] [Substituted by A.L.O.] Government may approve on the condition of making good the arrear due; or To transfer it by grants assessed with the same revenue, or with an increased or reduced assessment, as to the Government may appear meet; or [to dispose of it in such other form and manner as shall be judged by the [State] [[This paragraph has been extended to paragana Barabhum by the following notification. - No. 1246. L.R. dated the 7th March 1903, published in the Gazette of India of 14th idem, Part I, p. 191, and in the Calcutta Gazette of 11th idem, Part I, p. 313-'In exercise of the powers conferred by Sections 5 and 5A of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend to paragana Barabhum in the district of Manbhum the first paragraph of Section 5 of Bengal Regulation 29 of 1814 (a regulation for the settlement of certain Mahals in the District of Birbhum, usually denominated the Ghatwali Mahals), in the following restricted and modified form:-Paragraph 1 of Section 5 of Bengal Regulation 29 of 1814, as extended to pargana Barabhum.Should any of the Ghatwals at any time fail to pay the amount of any decree obtained against him in competent Court for the rent of his tenure, or for any sum payable in respect of his tenure under the Cess Act, 1880, it shall be competent for the Commissioner, if written application is made to him by the decree-holder within three years from the date of the decree, or (if the decree was made before the date of this notification, and the execution thereof has not at that date been barred by limitation) within six months from the date of this notification, either to make over the tenure of such defaulter to any person whom the Commissioner may approve, on the conditions of his paying the amount of the decree, and also on the same conditions in respect to the payment in future of rent and cesses and the performance of the duties for the maintenance of the public peace to which the defaulter was liable at the time when the tenure was so made over; or to cause the tenure of such defaulter to be sold by public auction, in satisfaction of the arrears due from him under the procedure prescribed in Act 11 of 1859 (an Act to improve the law relating to sales of

land for-arrears of revenue in the Lower Provinces under the Bengal Presidency), and subject to all provisions of that Act so far as they can be made applicable, and subject also to the same conditions in respect to the payment in future of rent and cesses and the performance of the duties for the maintenance of the public peace to which the defaulter was liable at the time of the sale; or to dispose of the case in such manner as shall be judged by the Commissioner proper'.]] Government proper.]Should any increase of revenue be obtained from the operation of any arrangements of the nature above described, such increase shall be paid in conformity to the tenor of the preceding article to the zamindar of Birbhum, his heirs and successors.