

# The Bengal Land-Revenue (Settlement and Deputy Collectors) Regulation, 1833

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## The Bengal Land-Revenue (Settlement and Deputy Collectors) Regulation, 1833

### Act 9 of 1833

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The Bengal Land-Revenue (Settlement and Deputy Collectors) Regulation, 1833(Bengal Regulation 9 of 1833)[Dated 9th September, 1833]A Regulation to modify certain portion of Regulation 7 of 1822 [\* \* \*] [Repealed by Act 1 of 1903.], also of providing a more speedy and satisfactory decision of judicial questions cognizable by officers of revenue employed in settlements under the above [Regulation] [Substituted by in the title and Section s 1, Repealed by Act 1 of 1903 for 'Regulation'.]; for enforcing the production of the village-accounts; for the [appointment of Deputy Collectors] [Substituted for the words 'more extensive employment of native agency' by Section 3 and Schedule VI of the ALO.] in the Revenue Department; and to declare the intent of Section 5, Regulation 7 of 1822, touching claims to malikana.

### 1. Preamble.

- Experience having demonstrated the expediency of modifying certain enactments of Regulation 7 of 1822 [\* \* \*] [The word 'and Regulation 4 of 1828', in the title and section 1, Repealed by Act 1 of 1903.], also of providing a more speedy and satisfactory mode of deciding such judicial questions as may be cognizable by officers of the Revenue Department under [that Regulation] [Substituted by the Amendment Act, 1903, for 'those Regulations'.] and of declaring the intent of the rules regarding malikana promulgated by Section 5, Regulation 7 of 1822; it having been found expedient likewise that measures should be adopted for enforcing the production of the village-accounts, and for rendering them accessible to all persons concerned having occasion to examine them; also that [persons] [Substituted for 'natives' by ALO.] or respectability should be employed in more important trusts connected with the revenue-administration; the following provisions have been enacted to be in force from the date of their promulgation.

## **2. and 3.**

[\* \* \*] [Repealed by Act 1 of 1903.] The [State] [Substituted by ALO.] Government will hereafter determine the order in which the above matters shall be respectively disposed of.

## **4.**

[\* \* \* \*] [Repealed by Act 16 of 1874.]

## **5. When Collector making settlement considers arbitration necessary he may fix period for production of award.**

- In addition to Section 33, Regulation 7 of 1822 it is hereby enacted that whenever any judicial question may be pending before a [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] or other officer employed in making settlements under the provisions of Regulation 7 of 1822, in which the interests of justice may, in the opinion of such officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the superior Revenue authorities, a period within which the parties must produce the award.

## **6. When Collector may summon panchayat.**

- In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] or other officer to summon a panchayat, to be composed of three or five impartial and otherwise competent persons of good repute for the trial of the matter at issue.

## **7. Procedure of panchayat.**

- After duly considering the statements and evidence offered by the parties or, in case of the default or recusance of either the statements and evidence produced by the party in attendance, the panchayat shall declare their opinions, and judgement shall be recorded according to the sentence of the majority. The superior Revenue authorities will from time to time issue such rules of practice for the guidance of the officers employed on this duty, or the panchayats as they may consider necessary.

## **8. Bar of appeal-submission to second panchayat.**

- No appeal shall be allowed from such decisions, which shall be immediately executed and maintained, unless the Commissioner, subject to the control of the [\* \* \*] [The Word 'Sadar' Repealed by Act 1 of 1903.] Board of [Revenue] [For the present constitutions and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] should think proper, for any special reason, to direct that the case shall be submitted to another panchayat for decision.

## **9. Non-suit of suit to set aside decision, also.**

- Any suit brought before any Court of Justice to set aside a decision made inconformity with the above rules shall be non-suited with costs.

## **10. Suit against arbitrators.**

- In like manner any Court of Justice against the arbitrators, collectively, or individually, appointed in conformity with the rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be non-suited with costs.

## **11. Intention of Rules as to malikana in Section 5, Regulation 7, 1822.**

- It is hereby declared that the Rules concerning malikana contained in Section 5, Regulation 7 of 1822, were intended to have a prospective effect only, and to be applicable solely to settlements made under that Regulation, and to recusance tendered at the completion of such settlements.

## **12. Village-accounts.**

- It is further enacted that the village-accounts which are required to be kept in such manner and form as has heretofore been the custom, or in such other mode as may hereinafter be prescribed by the [Board] [Substituted by Act 1 of 1903, Schedule II for 'Board'.] of [Revenue] [For the present constitutions and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] shall be prepared in duplicate sets-One for deposit in the office of patwari, and one for deposit in the office of Collector of the district in which the respective estates may be situated, and, wherever the office of a kanungo may be established, a third copy shall be prepared and deposited in that office.

## **13. Accounts to be furnished according to directions of Board.**

- The several accounts required for deposit in the pargana and Zila revenue-offices, as above stated, instead of being delivered at the expiration of every six months, as prescribed by the rules at present in force, shall be furnished in such mode and at such periods as the Board may direct. They shall be open to the inspection of every person concerned desirous of examining them.

## **14. & 15.**

[Repealed by Act 10 of 1859].

## **16. Appointment of Deputy Collectors.**

- It shall be competent to the [State] [Substituted by ALO.] Government to appoint to any revenue-jurisdiction a Deputy Collector, with the powers hereinafter specified.

## **17. & 18.**

[Repealed by by Act 10 of 1914].

## **19.**

[Repealed by Act 10 of 1873].

## **20. Subordination of Deputy Collectors.**

- The Deputy Collectors [appointed] [Section 16 which gives the power of appointment to the State Government.] under this Regulation are to be in all respects subordinate to the [Collector] [For the exercise of functions of collectors by other officers, see Bengal Reg. 7 of 1822.] under whom they may be placed, and are required to perform all duties assigned to them by that functionary.

## **21. Duties in which Collectors may employ them.**

- It will be at the discretion of the latter officer to employ them in settlement-duties under the provisions of Regulation 7, 1822, in the superintendence of the Government khas mahal, and generally in the transactions of any other part of the duties of a [Collector.] [For the exercise of functions of collectors by other officers, see Bengal Reg. 7 of 1822.]

## **22. Their proceedings how recorded and how appealable.**

- All proceedings held by a Deputy Collector appointed under this Regulation shall be recorded in his own name and on his own responsibility, subject to the revision and control of the [Collector] [For the exercise of functions of collectors by other officers, see Bengal Reg. 7 of 1822.] and appealable to the superior authorities in the usual course.

## **23. Collector may resume duties committed to Deputy.**

- Provided always that the [Collector] [For the exercise of functions of collectors by other officers, see Bengal Reg. 7 of 1822.] is competent to resume the duties which he may have committed to the Deputy, assigning his reasons for so doing for the information of the Commissioner.

## **24. interference by Commissioners with arrangements of Collectors for employment of Deputies.**

- Provided also that the Revenue Commissioners, whenever they think proper, may interfere with any arrangements made by the [Collector] [For the exercise of functions of collectors by other officers, see Bengal Reg. 7 of 1822.] for the employment of the deputies, or the distribution of business to be assigned to those functionaries, subject to the general control vested in the [\* \* \* \*] [The word 'Sadar', which was repealed by Act 1 of 1903, is omitted.] Board of [Revenue] [For the

present constitution and powers of the Board of Revenue, see B. and O. Act 7 of 1931.] or the [State]  
[Substituted by ALO.] Government as the cases may be.

**25.**

[Repealed by by Act 10 of 1914].