

The Bengal Land Revenue Assessment Regulation, 1801

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Act 1 of 1801

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The Bengal Land Revenue Assessment Regulation, 1801Bengal Regulation 1 of 1801[Dated 15th January, 1801]A Regulation [* * *] [Words and figures in the title are omitted.] to explain and amend the Rules [* * *] [Words and figures in the title are omitted.] for the division of joint estates and allotment of the fixed assessment thereupon [* * *] [Words and figures in the title are omitted.]

1. and 2.

[Repealed by Act 16 of 1874.]

3.

[Repealed by Reg 11 of 1822.]

4.

[Repealed by Act 16 of 1874.]

5. to 7.

[Repealed by Reg. 11 of 1822.]

8. Section 10, Regulation 1, 1793, to be observed in all cases of public sale and private transfer or division.

- Section 10, Regulation 1, 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold or transferred by the private act

of the proprietors, namely, that the assessment upon the portion of the estate to be separated shall bear the same proportion to its actual produce as the fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale or private transfer, or of division between sharers, heirs or joint proprietors of whatever description; and it is hereby explained that by the term "actual produce" is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection and other usual charges of management, inclusive of pulbandi or the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikana or proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above Regulation further provides that the produce to which the general rule of proportion is to be applied shall be ascertained in the mode that is or may be prescribed by the Governor-General-in-Council [* *] [The words and figures 'and the patwari accounts furnished in pursuance of clause Fourth of Section 62, Regulation 8, 1793, for the allotment of the public revenue agreeable to the principles laid down in Regulation 1, 1793, having in many instances proved fallacious or unsatisfactory, and in some instances not being procurable by the officers of Government,' repealed by Act 1 of 1903.] Procedure of officer charged with allotment of assessment of portions of estate, should he doubt accuracy of patwari accounts, or they be not forthcoming. - It is hereby enacted that whenever the [Collector] [See Bengal Reg. 7 of 1822.] or other public officer, to whom the allotment of the assessment upon the portion of an estate may be committed, shall have reason to suspect the accuracy of the village-accounts produced by a patwari, [* * *] [The words and figures 'in pursuance of clause 4 of Section 62, Regulation 8, 1793, or of any other Regulation,' repealed by Act 1 of 1903.] or if such accounts shall be found to have been fabricated or altered, or not to be the true accounts, [* * *] [The words and figures 'under the process prescribed in clause Eighth of the above Section and Regulation,' repealed by Act 1 of 1903.] or if in any case the true village accounts of the lands, rents receipts and disbursements may not be forthcoming, but the Collector or other officer, under the powers vested in him [* * *] [The words and figures 'by clause 1 of Section 29, Regulation 7, or any other Regulation,' repealed by Act 12 of 1891.] shall have obtained satisfactory accounts for the three past years of the lands and rents of the entire zamindari, taluk or other estate, with a specification of the mahal or mahals proposed to be separately assessed, he shall adjust the assessment upon such mahal or mahals, under the general rule of proportion, according to the average neat produce (as above explained) ascertainable from the general accounts of the estate so obtained, without further regard to the village-accounts than may appear to him proper, with a view to compare and check the other accounts: Provided, however, that in all cases the Collector or other officer shall adopt every authorized measure to obtain the most accurate accounts procurable, and shall fully satisfy himself that the accounts from which he may compute the neat produce to an estate to be divided and distinctly assessed are sufficiently accurate to prevent any risk of loss to Government from the proposed allotment of the assessment. - Without evidence of which no distinct assessment is to be proposed by any [Collector] [See Bengal Reg. 7 of 1822 Section 35.] or approved by the [Board of Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.]. Collectors not to fix assessment on portion of estate without Board's sanction: Provided further that nothing in this Regulation shall be understood to authorize the Collectors] 1 to

fix the amount of the assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, without the sanction of the [Board of Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] [* * *] [The words and figure 'or to alter the provisions made for the correction of error or collusion in such allotments, by Section 25, Regulation 25, 1793, in cases of private divisions of estates and by clause 2 of Section 29, Regulation 7 of 1799 in cases of public sales,' in Section 8, repealed by Act 16 of 1874.][* * *] [Repealed by Act 1 of 1903.]

9.

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

10. Collectors authorized to cause attendance of landholder.

- All purchasers of lands at the public sales are required to attend the [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] of the district wherein the lands may be situated, either in person or by their representatives duly authorized and to execute the usual kabuliyat and kistbandi for the public revenue assessed upon the land purchased by them. In cases of doubt as to the real purchaser [* * *] [The words and figures 'or of suspicion that the purchase has been made in opposition to the Rules contained in clauses 3 and 4 of Section 29, Regulation 7 of 1799' repealed by Act 16 of 1874.] the [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] is authorized to cause the personal attendance of the alleged purchaser at his Cutcherry if resident within his jurisdiction; or if the purchaser be resident in any other zila, the [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] of such zila is authorized and required to cause the attendance of the purchaser at his cutcherry on the application of the [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] in whose district the lands may lie, and to make any examination or inquiry that may be desired by the latter Collector or by the Board of Revenue,² to whom a full report is to be made in such cases. [* *] [The words and figures 'for the orders of the Governor-General-in-Council, as directed in clause 4 of Section 29, Regulation 7, 1799' repealed by Act 16 of 1874.] It is further hereby declared that the [Collectors] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] are generally empowered to cause the personal attendance of any landholder or other [**] [The word 'Native' repealed by ALO.] inhabitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public inquiry, or to enable them to perform any part of their public duty, under the Regulations or instructions of the [* * *] [The words 'Governor-General-in-Council,' repealed by Act 1 of 1903.] [Board of Revenue.] [As to the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] Not to enforce personal attendance of principal if that of agent will suffice. - But no [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35] shall cause the personal attendance of any land holder or other person who may appoint an agent duly authorized to attend for him if the attendance of the agent so appointed shall be sufficient for the purpose required. Effect of infringement of Rule - Any infringement of this Rule will subject the Collectors to a prosecution for damages in the Civil

Courts. Summons to persons whose attendance is required. - And, whenever they may have occasion to exercise the powers now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation and residence of the party summoned and the purposes for which his attendance is required.

11.

[* * * *] [Repealed by Reg. 11 of 1822.]

12. and 13.

[* * * *] [Repealed by Bengal Reg. 19 of 1814.]

14.

[* * *] [Portion of Section 14 which was repealed by Act 12 of 1891 is omitted.] Rules regarding separable taluks not applicable to taluk constituted since decennial settlement. - The Rules regarding separable taluks contained in Regulation 8, 1793, were never meant to be applied to any new taluks constituted since the period of the decennial settlement. By Section 9, Regulation 1, 1793, the zamindars and all other proprietors of land have been declared at liberty to transfer by sale, gift or otherwise their proprietary rights in the whole or any portion of their respective estates, but by Section 10 of the same Regulation it is required that all such transfers be notified to the Collector of the zila, that the fixed jama assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed, that the names of the proprietors of each share and the jama assessed thereon may be entered upon the public registers, and that separate engagements for the payment of the jama assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made the whole of the estate is declared responsible to Government for the discharge of the fixed jama assessed upon it, in the same manner as if no transfer had taken place. [* * * *] [The words and figures 'this declaration is also repealed in Section 28, Regulation 25, 1793, which contains the specific rules established by Government for the division of estates paying revenue, and the allotment of jama upon the several portions thereof,' repealed by Act 12 of 1891.] Transfer of proprietary right in portions of estates in certain cases declared invalid as far as it respects rights of Government. - If, therefore, any zamindar shall have disposed of his proprietary rights in any portion of his zamindari subsequently to the promulgation of the Regulation above mentioned, whether under the denomination of an independent taluk or otherwise, and the talukdar or other persons to whom the portion of an estate may have been so transferred shall have omitted to obtain a separate allotment of the public assessment thereon, in the mode prescribed by the Regulations, such transfer, as far as respects the rights of Government, must be considered altogether invalid; and if the land so privately transferred, but not separately assessed, should have been since, or shall be hereafter, included in any public sale for arrears of revenue, the illicit and imperfect private transfer must be deemed to have been altogether done away. In such cases the lands transferred, until publicly registered and separately assessed, form part of an undivided estate; and as such are liable to be sold for any arrear of revenue which may be due from any part of

the estate. Section not to apply to dependent tenures. - Provided, however, that nothing in this Section be considered applicable to dependent taluks, or other tenures dependent on the estate to which they are attached, and from which, by their title-deeds or otherwise, they are not entitled to be separated as a distinct estate. [* * *] [The words and figures 'Section 6, Regulation 44 of 1793, authorizes and confirms such tenures, subject to the restrictions contained in Sections 2 and 5 of that Regulation; with the explanation of the latter in Section 7, Regulation 4 of 1794, and clause 5 of Section 29, Regulation 7 of 1799,' repealed by Act 12 of 1876.]

15.

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