

The Bengal Leases and Land-Revenue Regulation, 1812

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Act 18 of 1812

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The Bengal Leases and Land-Revenue Regulation, 1812(Bengal Regulation 18 of 1812)[Dated 19th September, 1812]A Regulation for explaining Section 2, Regulation 5, [and rescinding Sections 3 and 4, Regulation 44, 1793 and Sections 3 and 4, Regulation 50, 1795] [Words within [] are now obsolete.] and enacting other rules in lieu thereof.

1. Preamble.

- Whereas it has been deemed expedient to remove doubts which have arisen on the construction of Section 2, Regulation 5, 1812, [and to rescind Sections 3 and 4 of Regulation 44, 1793, and Sections 3 and 4 of Regulation 50, 1795] [Words within [] are now obsolete.] the following Rules have been enacted, to be in force from the promulgation of them in the Province[s] of [Bengal,] Bihar [Orissa (exclusive of the district of Cuttack) and the Parganas formerly dependent on that district but now annexed to the zila of Midnapur] [* *] [Words 'and Benares' repealed by Act 1 of 1903.].

2. Explanation of Section 2, Regulation 5, 1812, as to granting leases in perpetuity or otherwise.

- Doubts having arisen on the construction of Section 2, Regulation 5, 1812, it is hereby explained that the true intent of the said Section was to declare proprietors of land competent to grant leases for any period, even to perpetuity, and at any rent which they might deem conducive to their interests: Provided, however, that nothing contained in the former or present Regulation shall be construed to empower persons holding a restricted interest in estates, whether for life or for other limited period, or subject to control or restriction in the use or disposal of the property, to grant leases extending beyond the term of their own interest in the property, or exceeding their power or authority over it.[Clause first repealed by Act 16 of 1874].Rule for apportioning assessment on shares of estates when divided. - Second. - When division of a joint estate shall be made on the

application of the proprietors, or pursuant to the decree of a Court of Justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares agreeably to the principles prescribed in Section 10, Regulation 1, 1793, [* * *] [Words 'Section 7, Regulation 27, 1789', repealed by Act 12 of 1891.] without regard to any engagements that may subsist between the proprietors and their dependent talukdars (excepting the dependent talukdars described in Section 7, Regulation 44, 1793,) under-farmers or raiyats. But all leases made in conformity to Sections 2 and 3, Regulation 5, 1812, and Section 2 of this Regulation shall remain in full force, notwithstanding the division of a joint estate among the shares, or the sale of the whole or a portion of any estate in satisfaction of a decree of a court, or the devolving of the same by inheritance, or the private transfer thereof by sale, gift or otherwise.