

The Bengal Land-Revenue Sales Regulation, 1812

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Act 5 of 1812

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The Bengal Land-Revenue Sales Regulation, 1812(Bengal Regulation 5 of 1812)[Dated 1st May, 1812]A Regulation for amending some of the Rules at present in force for the collection of the Land-revenue.

1.

[* * *] [Repealed by Act 16 of 1874.]

2. [Proprietors competent to grant leases for any term. [Section 2 is explained in Reg. 18 of 1812, Section 2.]

- [* * *] Proprietors of lands are declared competent to grant leases for any period which they may deem most convenient to themselves and tenants and most conducive to the improvement of their estates.]

3. Proprietors competent to grant leases and receive engagements in any convenient form.

- [* * *] [Repealing clauses in Sections 2 and 3, which were repealed by Act 16 of 1874, are omitted.] The proprietors of land shall henceforward be considered competent to grant leases to their dependent talukdars, under-farmers and raiyats, and to receive correspondent engagements for the payment of rent from each of those classes, or any other classes of tenants, according to such form as the contracting parties may deem most convenient and most conducive to their respective interests;Prohibition of arbitrary cesses. - Provided, however, that nothing herein contained shall be construed to sanction or legalize the imposition of arbitrary or indefinite cesses, whether under the denomination of abwab, maththa or any other denomination.All stipulations or reservations of that nature shall be adjudged by the Court of Judicature to be null and void: but the Courts shall notwithstanding maintain and give effect to the definite clause of the engagements contracted

between the parties, or, in other words, enforce payment of such sums as may have been specifically agreed upon between them.

4. [No attachment of lands on part of the State Government or purchaser at public sales, entitled to annul existing leases within year. [For the local repeal of Sections 4 and 26, see footnote under under Section 3 of this Regulation.]

- [* * * *] Neither any person deputed to attach lands on the part of the [State] [Substituted by ALO.] Government, nor purchasers at the public sales, shall be deemed entitled to annul existing leases within the year in which the attachment or sale may have taken place, on the ground that such leases were evidently collusive, without a decision to that effect in a Court of Judicature [* * * *] [The Words 'the case to be tried as a summary unit under Regulation 7, 1799' Repealed by Act 16 of 1874.]

5. to 23.

[* * * *] [Repealed by Act 10 of 1859.]

24. Sales of entire estates not liable to be annulled on ground of some sharers not having obtained possession.

- It is hereby declared that sales made of entire estates for the recovery of arrears of public assessment are not liable to be annulled by the Courts of Judicature on the ground that one or more of the sharers may not have obtained possession of his or their interest in the property. The consideration of and decision on the expediency of selling the entire estate, or of disposing in the first instance of any particular part of it is hereby declared to reside in the Board of [Revenue] [As to the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] [* * *] [The Words 'and board of Commissioners, respectively,' Repealed by Act 12 of 1876.] subject to the control exercised by the [State] [Substituted by ALO.] Government, in its executive capacity, in matters connected with the public revenue.

25. Nor on ground of proceeds having materially exceeded arrears due.

- No means existing by which any certain or accurate computation can be formed a priori of the real value of any estate, or portion of estate, which may be exposed to sale for the recovery of arrears of public assessment or of the adequacy of the price which may be offered for such estate or portion of estate; it is hereby declared that sales made at public auction for that purpose are not liable to be annulled by the Courts of Judicature on the ground that the proceeds of the sales have materially exceeded the amount of the arrears due from the proprietor of the [lands] [Substituted by A.O. for the words 'to Government'.] to the [Government] [Substituted by ALO.]. The Board of [Revenue] [As to the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] [* * *] [The Words 'and board of Commissioners, respectively,' Repealed by Act 12 of 1876.] will be guided in cases of that nature by their own discretion; subject, of courses, to any instructions with which

they may at any time be furnished by the [State] [Substituted by ALO.] Government.

26. [Appointment by Judges of managers of Joint undivided estates.] [The word 'and Regulation 4 of 1828', in the title and section 1, Repealed by Act 1 of 1903.]

- In convenience to the public and injury to private rights having been experienced in certain cases from disputes subsisting among the proprietors of joint undivided estates it is hereby enacted that whenever sufficient cause shall be shown by the Revenue Authorities, or by any of the individuals holding an interest in such estates, for the interposition of the Courts of Judicature, it shall be competent to the Zila [* * *] [The Words 'and City' Repealed by Act 1 of 1903.] Judges to appoint a person, duly qualified and under proper security, to manage the estate; that is, to collect the rents and discharge the public revenue and provide for the cultivation and future improvement of the estate [* * * *] [Portion of Section 26 which was repealed by Act 16 of 1874, is omitted.]

27. Court may be moved for removal of managers.

- In like manner, should the Authorities aforesaid, or any individual holding an interest in the estate, be at any subsequent time dissatisfied with the conduct of the manager, it shall be competent for them or him to represent the circumstance of the case to the Zila [* * *] [Words by Act 1 of 1874, are omitted.] Judge, and to move the Court for the removal of the said manager [* *] [Words by Act 1 of 1874, are omitted.]

28.

[* * * *] [Repealed by Bengal Reg. 12 of 1824 and Bengal Reg. 7 of 1830.]