

The Bengal Land-Revenue Regulation, 1793

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Act 2 of 1793

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The Bengal Land-Revenue Regulation, 1793(Bengal Regulation 2 of 1793)[Dated 1st May, 1793]A Regulation for abolishing the Courts of Mal Adalat or Revenue Courts, and transferring the trial of the suits which were congizable in those Courts to the Courts of Diwani Adalat and prescribing Rules for the conduct of the Board of Revenue and the Collectors.

1. Preamble.

- In [* * *] [The words 'the British territories in' repealed by ALO.] Bengal the greater part of the materials required for the numerous and valuable manufactures, and most of the other principal articles of export are the produce of the lands; it follows that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture. But it is not for commercial purposes alone that the encouragement of agriculture is essential to the welfare of these provinces. The Hindus who form the body of the people, are compelled, by the dictates of religion, to depend solely upon the produce of the lands for subsistence; and the generality of such of the lower orders of the natives as are not of that persuasion are, from habit or necessity, in a similar predicament. The extensive failure or destruction of the crops that occasionally arises from drought or inundation is in consequence invariably followed by famine, the ravages of which are felt chiefly by the cultivators of the soil and the manufacturers, from whose labours the country derives both its subsistence and wealth. Experience having evinced that adequate supplies of grain are not obtainable from abroad in seasons of scarcity the country must necessarily continue subject to these calamities until proprietors and cultivators of the lands shall have the means of increasing the number of the reservoirs, embankments and other artificial works, by which, to a great degree, the untimely cessation of the periodical rains may be provided against, and the lands protected from inundation; and as a necessary consequence the stock of grain in the country at large shall always be sufficient to supply those occasional, but less extensive, deficiencies in the annual produce which may be expected to occur notwithstanding the adoption of the above precautions to obviate them. To effect these improvements in agriculture, which must necessarily be followed by the increase of every article of produce, has accordingly been one of the primary objects to which the attention of

the [Government] [Substituted by ALO for the words 'British Administration'.] has been directed in its arrangements for the internal government of these provinces. As being the two fundamental measures essential to the attainment of it, the property in the soil has been declared to be vested in landholders, and the revenue payable to Government from each estate has been fixed for ever. These measures have at once rendered it the interest of the proprietors to improve their estates, and given them the means of raising the funds necessary for that purpose. The property in the soil was never before formally declared to be vested in the landholders, nor were they allowed to transfer such rights as they did possess, or raise money upon the credit of their tenures, without the previous sanction of Government. With respect to the public demand upon each estate, it was liable to annual or frequent variation at the discretion of Government. The amount of it was fixed upon an estimate formed by the public officers of the aggregate of the rents payable by the raiyats or tenants for each bigha of land in cultivation, of which, after deducting the expenses of collection, ten elevenths were usually considered as the right of the public and the remainder the share of the landholder. Refusal to pay the sum required of him was followed by his removal from the management of his lands, and the public dues were either let in farm or collected by an officer of Government and the abovementioned share of the land-holder, or sum as special custom, or the orders of Government, might have fixed, was paid to him by the farmer or from the public treasury. When the extension of cultivation was productive only of a heavier assessment, and even the possession of the property was uncertain, the hereditary land-holder had little inducement to improve his estate, and moneyed men had no encouragement to embark their capital in the purchase or improvement of land whilst not only the profit, but the security for the capital itself, was so precarious. The same causes, therefore, which prevented the improvement of land depreciated its value. Further measures, however, are essential to the attainment of the important object above stated. All questions between Government and land holders respecting the assessment and collection of the public revenue, and disputed claims between the latter and their raiyats, or other persons concerned in the collection of their rents, have hitherto been cognizable in the Courts of Mal Adalat or Revenue Courts. The Collectors of the Revenue preside in these Courts as Judges, and an appeal lies from their decision to the Board of Revenue, and from the decrees of that Board to the Governor-General-in-Council in the Department of Revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the Revenue Officers are vested with these judicial powers. Exclusive of the objections arising to these Courts from their irregular, summary, and often ex parte proceedings, and from the Collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious that, if the Regulations for assessing and collecting the public revenue are infringed, the Revenue Officer themselves must be the aggressors, and that individuals who have been wronged by them in one capacity can never hope to obtain redress from in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants. Other security, therefore, must be given to landed property and to the rights attached to it before the desired improvements in the agriculture can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges which as exercising legislative authority, it has conferred on the landholders. [The Revenue officers must be deprived of their judicial powers.] [This clause, and some of the preceding clauses of this preamble, are obsolete in consequence of the repeal of parts of this Regulation by later enactments.] All financial claims of the public, when disputed under the Regulations, must be subjected to the cognizance of Courts of Judicature,

superintended by Judges who from their official situations and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but, bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The Collectors of the Revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the Courts of Judicature, and collect the public dues subject to a personal prosecution for every exacting the amount which they are authorized to demand on behalf of the public, and for every deviation from the Regulations prescribed for the collection of it. No power will then exist in the country by which the rights vested, in the landholders by the Regulations can be infringed or the value of landed property affected. Land must, in consequence, become the most desirable of all property, and the industry of the people will be directed to those improvements in agriculture which are as essential to their own welfare as to the prosperity of the State. The following Rules, being the Rules passed for the guidance of the Collectors and the Board of Revenue, on the 8th June, 1787, and the 25th April, 1783, with alterations adapted to the principles above stated, have been accordingly enacted.

2.

[* * *] [Repealed by Act 12 of 1973.]

3. Collectors of revenue.

- The collection of the revenue payable to Government from the estates in each zila is to be committed, as heretofore, to a civil covenanted servant of Company, who is to be styled Collector of the [Revenue] [For the exercise of functions by other officers, see (Ben. Reg. 7 of 1822), Section 35. As to the general powers of a Collector, see the Board's Miscellaneous Rules, 1939.] of the zila to which he may be appointed [* * *] [The second sentence of Section 3, as to oaths, repealed by Act 12 of 1873.].

4. Collectors subject to Board of Revenue.

- The [Collectors] [For the exercise of functions by other officers, see (Ben. Reg. 7 of 1822), Section 35. As to the general powers of a Collector, see the Board's Miscellaneous Rules, 1939.] are to correspond with the Board of [Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913, Section 2.] and to conform to all instructions with which they have been furnished by that Board, and that are or may not be altered or revoked by this or any other Regulation [* * * *] [The words and figures 'published in the manner directed in Regulation 41, 1793', repealed by Act 16 of 1874.] and also to all instructions which the Board of [Revenue] [As to the present constitution and powers of the Board of Revenue, see B. and O. Act, 1 of 1913, Section 2.] may hereafter transmit to them.

5. Seals of Collectors.

- The [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of

1822.] of the several zilas are to use circular seal one inch-and-a-half in diameter. The seals of the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] in Bengal and Orissa are to bear an inscription to the following effect, in the Bengali [* *] [The words 'and Persian' repealed by ALO.] characters and [language] [Substituted by ALO for 'languages'.] and the seal of the Collectors in Bihar a similar inscription, in the [x x x] [The words 'Persian Character and language, and the' repealed by ALO.] Hindustani language and Nagri character "The seal of the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] of the zila of.....

6. Collector to keep diary.

- The [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] are to keep a regular diary of their official transactions, either in the English [* * *] ['Persian' repealed by A.L.O.] or Bengali language, recording and attesting them with their official signature at the time they take place.

7. Duties of Collectors.

- The duties prescribed in the following Section are to be performed by the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] under the superintendence of the Board of Revenue.

8. Nature of duties.

- First. - To collect the amount of the fixed revenue assessed upon the land of the zamindars, independent talukdars or other actual proprietors of land with or on behalf of whom a settlement has been or may be concluded. Second. - To collect stipulated annual revenue from the farmers of estates let in farm. Third. - To levy the rents and revenue from estate held khas. Fourth. - To make the future settlement of khas or farmed estates, agreeably to the Regulations and instructions which they may receive for that purpose. Fifth. - To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue under illegal or invalid tenures. Sixth. - To pay the pensions and allowances included in the public revenue and the pensions and compensations granted in consequence of the abolition of the sair. Seventh. - To execute the instructions which may be issued to them by the Court of Wards regarding disqualified landholders and their estates. Eighth. - To superintend the division of landed property paying revenue to Government which may be ordered to be divided into two or more distinct estates. Ninth. - To apportion the public revenue on lands ordered to be disposed of at public sale for the discharge of arrears of revenue. Tenth. - To collect the tax on spirituous liquors and intoxicating drugs or [articles] [For the enactment relating to excise in force in Bihar, see B. and O. Act 2 of 1915.] Eleventh and Twelfth. - [* * * *] [Eleventh and twelfth clauses repealed by Act 16 of 1874.] Thirteenth. - To perform the above, and all other duties accordingly to the Rules that have been or may be prescribed to them [* * * *] [The words 'by any Regulation published in the manner directed in Regulation 11 of 1793', repealed by Act 12 of 1876.] Fourteenth. - To transmit such annual, monthly or other accounts as they now furnish, or may be hereafter required to send by the Board of

[Revenue,] [For the present constitution and powers of the Board of Revenue, see B. and O, Act 1 of 1913.] or any officer under that Board empowered to require such accounts. Fifteenth. - To conform to all special orders that have been or may be issued to them by the Board of [Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O, Act 1 of 1913.], or by public officers empowered to issue such orders.

9. Officer to obey orders of Collector.

- [* * *] [The words 'The diwan and', repealed by Act 16 of 1874.] all [* * *] [The words 'Native' repealed by ALO.] officers under the [Collectors] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] are to act agreeably to his orders and such Rules as he may prescribe. [* * * *] [The second paragraph of Section 9 was repealed by the A.O., para 3 and Schedule XIV.]

10. Collectors not to employ private servants in public matters.

- The [Collectors] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] are prohibited from employing, directly or indirectly, their private, servants whether banyas or others in the discharge of any part of their public duties, it being required that, in all matters relating to the trust committed to them, they act as the only empowered agents of Government. This prohibition, however, is not meant to restrict them from occasionally employing their assistants [* * *] [The words 'or diwans', by Act 16 of 1874.] or their inferior public servants in the cases and in the manner in which they are authorized to make use of their agency.

11.

[Repealed by the A. O.]

12.

[Repealed by Act 25 of 1854.]

13.

[Repealed by the A. O.]

14. In absence of Collector, senior Assistant to officiate.

- In the event of the death or removal of a [Collector] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] or of his absence from his station, the senior, Assistant on the spot is to perform the duties of Collector, [* *] [The words 'and the diwan' repealed by Act 16 of 1874.], and the public officers of the collector-ship are accordingly to obey his orders.

15. Collectors and their officers prohibited being concerned extra-officially in revenues.

- No [Collector,] [As to the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] Assistant [* * *] [The words 'or diwan' repealed by Act 16 of 1874.] a Collector, or any [person] [The word 'Native' Substituted by A.L.O.] in the employ of a Collector or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned on their private account in the collection or payment of the revenue of any land in the zila, either as farmer, surety or otherwise; and [* *] [Repealed by A.L.O.] officers and private servants and dependants of Collectors and Assistants are prohibited from purchasing, directly or indirectly, any land that the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.] may dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made, to the satisfaction of the [State] [Substituted by ALO.] Government, of the property having been so purchased.

16. Bona fide purchasers of land at private sale by Collector's, officers, etc.

- The Rules in the proceeding Section, however, are not to be considered to prohibit [* * *] [The words 'diwan or other' repealed by Act 16 of 1874.] [an officer] [Substituted by ALO for' a 'Native Officer'.] of a [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.], or any private servant of a [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.] or of an Assistant, from purchasing bona fide the proprietary right in lands situated in the zila, by private sale.

17.

[Repealed by Act 8 of 1868].

18.

[Repealed by the AO].

19.

[Repealed by Act 12 of 1873].

20. Collectors to keep records.

- The [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.] are to be careful that the accounts and records of their respective zila are kept complete and duly preserved.

21. & 22.

[Repealed by Act 16 of 1874].

23.

[Repealed by Act 26 of 1871].

24. Collectors not to exercise authority beyond limits of their zilas without orders.

- The [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.] are prohibited deputing any person into the zila of any others Collector, or exercising any authority beyond the limits of their respective zilas, excepting in cases in which they may be authorized so to do [* * *] [The words 'by a Regulation published in the manner directed in Regulation 41, 1793, or' repealed by Act 16 of 1874.] by special orders from a competent authority.

25. Rule with regard to receipts.

- The [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Regn. 7 of 1822.] are to give monthly receipts for all payments of revenue into their treasuries, specifying the date or dates on which the money may be received [* * *] [The words 'and the species of rupee in which each payment may be made', repealed by Act 16 of 1874.]. The keepers of the [x x x] [The word 'Native' repealed by ALO.] records are to keep a register of these receipts regularly numbered. After having registered the receipts they are to attest on the face of them the date on which they may be registered. A copy of this register to be transmitted monthly to the Board of [Revenue] [For the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] or as often as that Board may require. A similar register of receipts to be kept by all tahsildars, sazawals or other [x x x] ['Native' repealed by A.L.O.] officer entrusted with the immediate collection of the public revenue, and a copy of it to be transmitted to the [Collector] [For the exercise of functions Collectors by other officers, see Bengal Reg. 7 of 1822.] monthly or as often as he may require.

26. Register of receipts for salaries, etc.

- The monthly or other receipts, for salaries pensions or allowances, of whatever kind, which may be paid by the [Collectors] [For the exercise of functions Collectors by other officers, see Bengal Reg. 7 of 1822.] are to be deposited amongst the public records of their respective zila, and a register of them is to be kept by the keepers of the [x x x] ['Native' repealed by A.L.O.] records [x x x] [The words 'A copy of the register is to be transmitted annually to the Board of Revenue', repealed by Act 16 of 1874.]

27.

[Repealed by Act 16 of 1874].

28. & 29.

[Repealed by Act 3 of 1822].

30. to 32.

[Repealed by Act 16 of 1874].

**33. [In what cases Board may require personal attendance of Natives.
[Substituted by ALO.]**

- The Board of [Revenue] are empowered to require the personal attendance of any. proprietor or farmer of land, or any dependent talukdar, under farmer or raiyat, or any [x x x] ['Native' repealed by A.L.O.] officer employed under a [Collector] [For the exercise of functions Collectors by other officers, see Bengal Reg. 7 of 1822.], for the purpose of adjusting any settlement, or examining any accounts, or inquiring into any matter coming within their cognizance, provided the personal attendance of the party shall appear to them indispensably necessary.]In such cases the [Board] [For the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] are to direct the [Collector] [For the exercise of functions Collectors by other officers, see Bengal Reg. 7 of 1822.] to serve such person with a written notice under his official seal and signature, specifying the business on account of which his attendance is judged necessary, and requiring him to attend the Board by such period as they may limit, under pain of being subject to such daily fine until he attends or shows, satisfactory cause for his non-attendance, as the Board may think proper to impose.The [Board] [For the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] are empowered to fine such persons neglecting to appear by the time required, in such amount as may appear to them proper upon a consideration of the case and the situation and circumstances in life of the party, and the amount of the fine shall be levied by the [Collector] [For the exercise of functions Collectors by other officers, see Bengal Reg. 7 of 1822.] by the process prescribed for the recovery of arrears of revenue.But the Board of [Revenue] [For the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] are prohibited requiring the personal attendance of any person in cases in which the business can be transacted by a vakil.

34. & 35.

[Repealed by Reg. 3 of 1822].

36. Powers of Board as to settlement of lands held khas.

- The Board of [Revenue] [For the present constitution and powers of the Board of Revenue see B. and O. Act 1 of 1913.] are empowered to issue orders to their subordinate officers for making the settlement of lands that are or may be khas, in conformity to the Regulations and any special instructions which may be prescribed to them by the [State] [Substituted by ALO.] Government.

37. Security for payment of revenue.

- In all cases of a settlement being made with or on behalf of zamindars, independent talukdars or other actual proprietors of land, their lands are to be deemed sufficient security for the payment of the revenue. But, where lands are let in farm, a malzamin, or surety for the punctual discharge of the revenue, is to be invariably required.

38. Remissions.

- No remissions upon the settlement of a preceding year, nor any remissions whatsoever, are to be granted by the Board without the sanction of the [State] [Substituted by ALO.] Government.

39. Settlements to be made by Collectors.

- It is to be observed as a general principle that the settlement of lands that are or may be khas is to be made by the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1922.] under the Regulations and the instructions of the Board of [Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] But if the Board should deem a special deputation of one of their members, or of any other person, necessary to form the settlement of any such lands, they are to propose the measures to the [State] [Substituted by ALO.] Government with their reasons for recommending it.

40. Procedure on settlement being concluded.

- Upon a settlement being concluded with any proprietor or farmer, conformably to the Regulations, the Board of [Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] are to issue the usual bandobasti parwana to the proprietor or farmer, without applying to the [State] [Substituted by ALO.] Government for [its] [The word 'his' in the original text, is to be read as if the word 'its' were substituted therefor, see Act 1 of 1903, Schedule II] sanction for that purpose.

41. Collection of Revenue.

- The collection of the revenue is committed to the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1922.] but the Board of [Revenue] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] are to see that the

revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the [Collectors] [Substituted by ALO.] for the delay or deficiency. The power of corrasion over the proprietors and farmers of land is also vested in the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1922.] as prescribed in [Regulation 14, 1793,] [Bengal Reg. 14 of 1783 was repealed by Act 16 of 1874 but this reference is saved by the proviso to that Act.]

42. Temporary suspensions.

- The [Board] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1922.] are authorized to grant temporary suspensions of the demands of revenue whenever it may appear to them indispensably necessary, reporting the sum suspended, without delay to the [State] [Substituted by ALO.] Government, with their reasons for the measure. But they are not to grant any suspensions beyond the current year.

43. Remissions of balances.

- No remissions of balances are to be granted without the special authority of the [State] [Substituted by ALO.] Government.

44.

[Repealed by Act 26 of 1871].

45. Duty of Board to furnish accounts etc.

- The Board of [Revenue] [As to the present constitution and powers of the Board of Revenue, see B. & O. Act 3 of 1913.] are to furnish the [State] [Substituted by ALO.] Government with such annual, monthly accounts as they now are or may be required to submit to [it.] ['him' in the original text, is to be read as if the word 'it' were substituted therefore, see Act 1 of 1903 Schedule II.] They are likewise to observe all special orders which they have received or may receive from the [State] [Substituted by ALO.] Government.

46. to 47.

[Repealed by Act 16 of 1874].

48.

[Repealed by Act 12 of 1873].

49. to 70.

[Repealed by Reg. 3 of 1822].