

The Bengal Land Revenue Assessment (Resumed Lands) Regulation, 1819

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The Bengal Land Revenue Assessment (Resumed Lands) Regulation, 1819(Bengal Regulation 2 of 1819)[Dated 12th February, 1819]A Regulation for modifying the provisions contained in the existing Regulations, regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.

1. Preamble.

- The Rules contained in Regulations 19 and 37, 1793, relative to the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and the corresponding provisions enacted in subsequent years, having been found inadequate to secure the just rights of Government, have from time to time been partially repealed or modified. Those Rules, however, are still in force within several of the districts subordinate to this Presidency, and the Regulations by which they have in other districts been superseded appear to be in several respects defective. It further appears to be necessary, in order to obviate all misapprehension on the part of the public officers, or of individuals, to declare generally the right of Government to assess all lands which, at the period of the decennial settlement, were not included within the limit of an estate for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the above period, nor lands held free of assessment under a valid and legal title, and at the same time formally to renounce all claim on the part of Government to additional revenue from lands which were included within the limits of estates for which a permanent settlement has been concluded, at the period when such settlement was so concluded, whether on the plea of error or fraud, or on any pretext whatever, saving, of course, mahals, expressly excluded from the operation of the settlement. With the view, therefore, of establishing, on proper principles, one uniform course of proceeding in resuming the revenue of lands liable to assessment, so that the dues of Government

may be secured without infringement of the just rights of individuals, the following rules have been enacted to be in force from the date of their promulgation throughout the [territories] [Substituted by ALO.] immediately subordinate to the [Presidency of Fort William.] [This includes the present State of Bihar.]

2.

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

3. Lands not included in decennial settlement, etc., liable to assessment, except lands held free of assessment under valid title.

- First. - It is hereby declared and enacted that all lands which, at the period of the decennial settlement, were not included within the limits of any pargana, mauza or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations 19 and 37, 1793, and in the corresponding Regulations subsequently enacted, are and shall be considered liable to assessment in the same manner as other unsettled mahals; and the revenue assessed on all such lands whether exceeding one hundred bighas or otherwise, shall belong to [the Government] [Substituted by ALO for the words 'the Crown'.]:Proviso. - Provided, however, that nothing in the above Rule shall be construed to affect the rights reserved to zamindars, talukdars and other proprietors of estates with whom a permanent settlement has been concluded, to the exclusive enjoyment of the rent assessed on lands held on an invalid tenure, free of assessment, within the limits of their respective estates and taluks, and of which the extent may not exceed one hundred bighas if in [Bengal,] Bihar [or Orissa] [x x x] [The words 'and fifty bighas if within the Province of Benares', repealed by Act 1 of 1903.] Same principle applicable to chars and alluvion lands. - Second. - The foregoing principles shall be deemed applicable not only to tracts of land such as are described to have been brought into cultivation in the Sundarbans, but to all chars and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether from an intercession of the sea, an alteration in the course of rivers or the gradual accession of [soil on their banks.] [As to the assessment of lands gained from sea or river by alluvion or dereliction see Act 9 of 1847.] Also to lands included within particular taluks. - Third. - The same principle shall likewise be deemed applicable to all land which, though included at the period of the permanent settlement within the limits of taluks held by individuals under special pattas from the Collector, such as the patitabadi and jangal-bari taluks in the districts of the 24-Parganas and Jessore, may not have been permanently assessed at the above-mentioned period:Proviso. - Provided, however, that in respect to such lands, if in the possession of the original patta-holder, or his legal representative, the conditions of the patta in regard to the assessment of the land included within the limits specified in that instrument shall be strictly maintained.

4. Application of existing Rules to grants for holding lands under mukarrari or other tenures.

- The several Rules prescribed in Regulations 19 and 37 of 1793 [* * *] [The words and figures 'and Regulations 41 and 42 of 1795, Regulations 31 and 36 of 1803, Regulation 8' repealed by Act 12 of 1891.] and 12 of 1805 for determining the validity of grants for holding lands exempt from the payment of public revenue, are hereby declared applicable to grants for holding lands under mukarrari or other tenures limiting the demand of the [Government] [Substituted by ALO for the words, 'the Crown'.]:Proviso. - Provided, however, that nothing in this Section shall be construed to affect the Rules contained in Regulation 8, 1793, relative to the assessment of lands held under valid grants or leases of the above nature [* * *] [The words and figures 'nor to alter the provisions contained in Regulation 1, 1815, by which tenures of that descriptions are declared liable to assessment on the death of the grantee.' repealed by Act 12 of 1891.]

5. [Power to direct investigation regarding liability of lands to be assessed. [Modified by Bengal Reg. 9 of 1825, Section 5.]

- First. - Whenever a [Collector] of revenue or other officer exercising the powers of [Collector] [For the exercise of functions of Collector by other officers see Bengal Reg. 7 of 1822, Section 35.] shall have reason to believe that any lands lying within the sphere of his official control are liable to assessment, either as being held under an invalid tenure free of assessment, or at an inadequate jama, or as being liable to assessment on the principles stated in Section 3 of this Regulation, he shall report the circumstances to the Board of Revenue or other authority exercising the powers of that [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.], who, should they be of opinion that proper grounds exist for inquiry, shall direct the Collector or other officer aforesaid to enter on an investigation of the case in the manner hereafter mentioned.] Notice to party. - Second. - The Collector, on receiving the authority of the Board of Revenue, shall call the party before him by a notice stating the demand of the [Government] [Substituted by ALO for the words, 'the Crown'.] on the lands and requiring him to attend either in person or by wakil, within the period of one month, and to produce all sanads or other writings in virtue of which he may possess the lands, or under which they may have been, or may be, claimed to be held free of assessment, or at a fixed jama. Or to his agent if accredited agent reside at sadar station. - Third - If the person whose lands it is proposed to assess have an accredited agent at the sadar station, with general powers to act for his principal, the notice to be issued under the preceding clause shall be tendered to such agent, to be communicated by him to his principal and the agent's acknowledgement to be endorsed upon it shall be accepted as a sufficient service of it, he be desirous of giving such acknowledgement in preference to the notice being served on the person of his principal by a chaprasi or peon of the Collector. Notice on principal to be served through nazir by single peon - Fourth - If the person, the revenue of whose lands it is proposed to resume, shall not have an accredited agent at the sadar station of the description above-mentioned, or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the collectorship, it shall be served on him through the nazir of the Collector by a single chaprasi or peon, who shall require the acknowledgement of the party to be endorsed upon it,

or, if he be absent from his usual place of residence, the acknowledgement of his principal agent, or of any person acting for him during his absence. Notice how served if party reside in another jurisdiction. - If the party be resident within the jurisdiction of any other collectorship than that in which the lands proposed to be assessed are situated, the notice shall be transmitted to the Collector of the district in which the party may reside, to be served in the manner above directed. If the party be neither resident within the collectorship in which the lands in question may be situated, nor in any other collectorship, the notice shall be served upon his agent or representative in charge of the lands. If acknowledgement be refused, tender of notice sufficient service. - Fifth. - Provided always that, if any party or his agent in charge of his land, on whom a notice may be served in the manner above prescribed, shall refuse to acknowledge/the receipt of it when required by the person serving it, the tender of the notice to such party or his agent shall be taken for a sufficient service; such tender to be proved by the evidence of two persons residing on the lands or in the nearest village. Contents of notice - Sixth - The [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] shall, in the notice summoning the party, warn him that, if he withholds any writings of the nature specified in the second clause of this Section within the period prescribed, they will not afterwards be received unless he shall show good and sufficient cause for not producing them and shall assign such cause on his appearing before him.

6. [If notice cannot be served, proclamation to be issued. [Modified by Bengal Reg. 9 of 1825, Section 5.]

- First. - If the holder of such lands to whom a notice may have been issued as directed in the preceding Section shall abscond, or is not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the [Collector] or other officer exercising the power of [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] on receiving the nazir's return to this effect, shall issue a proclamation, to be affixed in some conspicuous part of his cutcherry.] The proclamation shall be written [in the vernacular of the district,] [Substituted by Act 12 of 1891, Schedule II, for certain words.] and it shall contain a copy of the former notice and a further notification to the party that, if he shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the proclamation may be fixed up) the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.], will proceed, without further notice, to hold the inquiry ex-parte. The Collector or other officer exercising the power of [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] shall likewise order a copy of the proclamation and notice to be fixed up, with all practicable despatch on the outer door of the house in which the holder of the lands may have usually dwelt, or in some conspicuous place in the chief village within or in the neighbourhood of, the lands proposed to be assessed. Nazir's return how made - Second. - The nazir shall return the order with an endorsement stating at what times and places the proclamation may have been fixed up. The return of the nazir shall be filed with the [Collector's] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] proceedings in the case. If party does not appear, or refuses to answer, case to be investigated. - If the party shall not appear at the time limited in the proclamation, or if a party who may have been served with a notice shall not

appear within the time therein limited or if, having appeared, he shall refuse to give answer, the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] shall proceed to investigate and decide upon the case in the same manner as if the party has appeared, answered and entered into proof.

7. What inquiry to be made.

- In cases of land supposed to be liable to assessment under the provisions of Section 3 of this Regulation, the [Collector or other officer] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 35.] exercising the powers of Collector shall institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement, and, in cases of alluvion land, into the period of its formation.

8. [Collector with sanction of Board may cause survey or measurement. [Sections 8 and 10 modified by Bengal Reg. 9 of 1825, and Section 11 extended by Bengal Reg. 7 of 1822, Section 19(2).]

- When an inquiry in regard to land of the nature of that described in the foregoing Section shall have been authorized, it shall be competent to the [Collector,] with the sanction of the Board of Revenue or other authority exercising the powers of that [Board,] [For the present constitution and powers of the Board of Revenue, see B. & O. Act 3 of 1913.] previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands may be alleged to belong.]

9. Collector may summon patwaris, and require accounts and examine on oath.

- It shall likewise be competent to the [Collector,] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822, Section 35.] in all cases of inquiry held under the provisions of this Regulation, to summon the patwari, gumashta or other person by whom the accounts relating to the lands proposed to be assessed, or to the estate to which the lands may be alleged to belong, are kept and to require him to produce all accounts relating to such lands or estate, and to examine him on [oath,] [For oath, see Act 10 of 1873.] to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section 22, Regulation 12 of 1817.

10. [And may require attendance of person claiming land, with his accounts. [Sections 8 and 10 modified by Bengal Reg. 9 of 1825, and Section 11 extended by Bengal Reg. 7 of 1822, Section 19(2).]

- It shall be further competent to the Collector in such cases, with the sanction of the Board of Revenue or other authority exercising the powers of that [Board,] to require the person claiming to

be proprietor or farmer of the lands proposed to be assessed, or of the estates to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate within a reasonable period, not being less than one week.]

11. Notice to such person.

- [* *] [The words 'First' repealed by Act 12 of 1876.]. - Whenever the Collector or person exercising the powers of [Collector,] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822, Section 35.] shall require the attendance of, any proprietor or farmer, or of any patwari or gumashta or other officer for the purpose stated in the above Section, he is to serve such proprietor or other person as aforesaid with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.[* * *] [Omitted by Act 12 of 1896.]

12. [Penalties on patwaris neglecting to produce accounts, falsifying them or giving false evidence. [Extended by Bengal Reg. 7 of 1822, Section 19 (2).]

- If any patwari, gumashta or other person by whom the account of lands are kept, and who may be summoned by a Collector [or Commissioner] under the provisions contained in Sections 9 and 11 of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the [Collector] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] or Commissioner or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the Collector [or Commissioner] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] when summoned and examined as aforesaid, or shall alter, fabricate, falsify or mutilate the account relating to such lands, or to the estate to which such lands are stated to belong, [he] [Inserted by Act 12 of 1896, Schedule II.] shall be and be held liable to the pains and penalties specified in Section 23 [x x x] [The figures '26', repealed by Act 12 of 1896.] and [27 of Regulation 12, 1817,] [See the Bengal Patwaris Regulation, 1817.] according as the provisions of one or other of those sections may be applicable to the offence committed by him.]

13. [Lands may be attached, if holders neglect to furnish accounts. [Modified by Bengal Reg. 9 of 1825.]

- First. - If the holder of any lands in regard to which the [Collector] shall have been authorised 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 other authority described by Section 7 of this Regulation shall refuse or neglect to furnish the accounts relating to such lands within the period specified in the [Collector's] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] requisition, the Board of Revenue or other authority exercising the powers of that [Board] [For the present constitution and powers of the Board of revenue, see B. and O. Act 1 of 1913.] shall be competent to direct the lands to be immediately attached, and the rents collected on account of the [Government] [Substituted by ALO for the word 'Crown'.] in the same manner as if the lands were the property of

the [Government.] [Substituted by ALO for the word 'Crown'.] Inquiry in such cases. - In such cases, however, it shall still be the duty of the [Collector] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the [Board,] [For the present constitution and powers of the Board of revenue, see B. and O. Act 1 of 1913.] who will decide whether the lands shall be deemed permanently liable to assessment. Accounts not furnished to Revenue authorities not afterwards to be received in evidences in suits to contest their decision. Exception. - Second. - Provided further that if the holder of any lands assessed under the Rules of this Regulation shall institute a suit in Court to contest the decision of the Revenue-authorities, and shall produce any accounts or documents besides such as he may have delivered to the [Collector,] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] the accounts or documents so produced shall not be received by the Court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall show good cause, to the satisfaction of the Court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the [Collector's] [For the exercise of functions of Collector by other officers, see Bengal Reg. 7 of 1822.] requisition, or show good cause for not having done so. [Fines for non-attendance of proprietor or agent, or for omission to furnish accounts. [Clauses 3 of Section 13 has been extended by Bengal Reg. 7 of 1822.] - Third - Provided also that, if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the Collector [or Commissioner] by the time prescribed in the notice issued by the Collector [or Commissioner] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 25.] shall omit or refuse to furnish the accounts or documents required, and to show sufficient cause for such omission, the Board of Revenue or other authority exercising the powers of that [Board,] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] are authorized and empowered to impose upon him such [daily fine] [For power of Collector to impose a daily fine, see Act 20 of 1848.] to be payable daily, until he complies with the [Collector's] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 25.] requisition, as they may think adequate to his situation and circumstances in life, reporting, however, the amount for the information of the [State] [Substituted by ALO for 'Local Government'.] Government.] The fine, when confirmed by the [State] [Substituted by ALO for 'Local Government'.] Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

14. [Penalties for resistance of process. [Section 14 has been extended by Bengal Reg. 7 of 1822, Section 19(2).]

- If any zamindar or other person shall resist, or cause to be resisted, the attachment or measurement of lands which the [Board of Revenue] or other authority exercising the powers of that [Board] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] shall have authorized the Collector [or Commissioner] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 25.] to attach or measure under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the Collector [or Commissioner] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 25.] to compel a patwari, gumashta or other officer to produce his accounts,

and to give his evidence respecting them under the provisions contained in Section 6 of this Regulation, it shall be competent to the Board of Revenue, or other authority exercising the powers of that [Board,] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] on being satisfied that he is guilty of the charge to adjudge the zamindar or other person so offending to pay such fine to [State] [Substituted by ALO for 'Local Government'.] Government] Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and levy the fine in the mode prescribed for the recovery of arrears of revenue:Proviso. - Provided, however, that, if the fine shall exceed five hundred rupees, the [Board] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] shall submit a report of the case to the [State] [Substituted by ALO for 'Local Government'.] Government and shall not proceed to levy the fine until they shall receive authority from the [State] [Substituted by ALO for 'Local Government'.] Government for that purpose.]

15. [Procedure when parties attend and produce title-deeds. [Modified by Bengal Reg. 9 of 1855, Section 5.]

- When the party whose lands it may be proposed to assess shall appear in conformity with the notice or summons, and shall deliver up his title-deeds the [Collector] shall give a receipt for them, and, after duly examining them shall deliver to the party a statement of the grounds on which his land may appear liable to assessment, with copies, on plain paper, of all documents on which his opinion may be founded.]The [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822, Section 25.] shall then desire the party to deliver a written answer within seven days.]

16. Procedure in respect of documents produced.

- If shall be the duty of the Collector or other officer exercising the powers of [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg.7 of 1822, Section 35.] carefully to number, mark, date and sign all documents produced by a zamindar or other person in possession of the land proposed to be assessed in support of his claim to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him;and the [Collector's] [For the exercise of functions of Collectors by other officers, see Bengal Reg.7 of 1822, Section 35.] shall, before proceeding to judgement, warn the party that no accounts or other documentary evidence of any kind which he shall not produce before him, and for not producing which he may not assign good and sufficient cause, will be received at any future period, either by the Revenue or Judicial Authorities, and shall record his having done so on the face of his proceedings.

17. Witnesses for and against claim of Government to be examined.

- On receiving the answer of the party the [Collector] [For the exercise of functions of Collectors by

other officers, see Bengal Reg.7 of 1822, Section 35.] shall summon any witnesses he may deem necessary to support the claim of Government, with any which the party may desire to have summoned on his behalf, and shall take their depositions in judicial form, and in the presence of the party or his authorized agent.

18. Examination of documents.

- The [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg.7 of 1822, Section 35.] shall carefully examine all documents that may be produced by the party, and shall likewise give the party access to inspect all documents on which he may rely in proof of the liability of the land to assessment.

19. [Collector's authority to summon, witnesses and administer oath. [Extended by Bengal Reg. 7 of 1822, Section 19 (2).]

- First - The Collectors and other officers exercising the powers of [Collectors] are hereby authorized to summon witnesses and [administer oaths,] [As to oaths, see Act 10 of 1873.] or cause the execution of solemn declarations in lieu thereof, in all cases brought before them under this Regulation.] [* * * *] [Portion repealed by Act 16 of 1874 is omitted.][* * * *] [Clause 2 repealed by Act 12 of 1873.][* * * *] [Clause 3 repealed by Act 12 of 1876.]

20. Procedure on completion of inquiry.

- Having closed his proceedings, the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg.7 of 1822, Section 35.] shall record his opinion in a [* *] [The word 'Persian' repealed by Act of 1874.] rubakari detailing the grounds on which it is founded, and whether the lands appear liable to assessment or otherwise, and shall forward his proceedings to the Board of Revenue or other authority exercising the powers of that [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] in such mode as may be directed by that authority, furnishing the party at the same time with a copy on plain paper of the final rubakari aforesaid, and reporting his having done so to the [Board or other authority] [For the present constitutions and powers of the Board of Revenue see B. and O. Act 1 of 1913.] as aforesaid.

21. Procedure of Board on receipt of Collector's proceedings.

- First - The [Board of Revenue or other authority] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913, Section 35.] aforesaid after calling for any further evidence which, on a consideration of the [Collector's] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] proceedings, they may deem wanting, shall, on a day to be fixed by a public notice affixed in the office, not being less than six weeks from the date on which the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] may have furnished the party with a copy of his final rubakari, and after hearing anything which the party, if in attendance, may wish to urge in his own behalf, proceed to pass judgement in the case,

and shall record their opinion in a [* * *] [The word 'Persian' repealed by Act of 1874.] rubakari delivering a copy thereof the party on his requisition to that effect. Final rubakaris. - Second. - The final rubakaris which the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] and the [Board] [Substituted for 'Boards' by Act 1 of 1903, Schedule II.] are by the provisions of this Section directed to record shall contain a distinct statement of the subject-matter of the case, the grounds on which the decision may be given, the names of the witnesses whose depositions may have been taken and the title of every exhibit read. In what cases decision of Board Final. - Third. - If the [Board of revenue or other authority] [For the present constitutions and powers of the Board of Revenue see B. and O. Act 1 of 1913.] aforesaid pronounce against the assessment, the proceedings shall be considered final, except on proof in a Court of Judicature of fraud or collusion in the previous inquiry. If land declared liable to assessment Collector to fix assessment. - Fourth. - In the event of the [Board's] [Substituted for 'Boards' by Act 1 of 1903, Schedule II.] declaring the lands liable to assessment the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] shall inform the party or his wakil of the decision of the [Board] [Substituted for 'Boards' by Act 1 of 1903, Schedule II.] and shall proceed to ascertain the limits of the land, and shall fix an assessment on the principles of the general regulations on such information as may be procurable.

22. [When party may be left in possession of land. [Modified and restricted by Bengal Reg. 9 of 1825, Sections 5 and 8, and had also been modified by Bengal Reg. 3 of 1828, Section 10.]

- First. - If the party shall, within a fortnight of his receiving intimation of the [Board's] decision, tender to the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] responsible security for the payment from that date of the jama which may eventually be fixed on the land, with interest at the rate of twelve per cent, and shall engage to institute a suit in the Court in which the case may be cognizable within ten days, commencing from the date of the deed of security, or (if the Court shall be shut, and shall not be opened until after the expiration of such ten days) within three days, calculating from the day on which it may be opened, to try the justness of the demand, the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] shall leave the party in possession as before, reporting the circumstance for the information of the Board:] Proviso. - Provided, however, that in such cases the party shall produce all his accounts of collections for the information of the [Collectors] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822.] in estimating the amount of the security to be required. Procedure of Collector, if party do not furnish full security. - Second. - If the party be willing to give security for a portion only of the jama eventually assessable on the land, it shall be competent to him to do so on the conditions above specified. In this case the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822 Section 35.] shall, under the orders of the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] either hold the lands khas or farm them for such period as the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] may direct, and shall pay to the party of portion of the collections proportionate to the amount for which he may be willing and able to give responsible security. Court may determine on sufficiency of security tendered. - Third. - It shall be competent to the Court to direct the [Collector] [For the

exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822 Section 35.] to take the security offered by the party, if he shall refuse to do so, and the Court shall be satisfied that it is sufficient; but it shall rest with the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822 Section 35.] subject to the directions of the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] to fix the amount for which the surety is to be held bound. Amount of security how regulated. - Fourth. - The amount shall not, in the first instance, exceed the estimated annual revenue assessable on the lands, or the amount receivable by the party in one year, with interest; but at the expiration of one year from the date on which the party may receive intimation of the [Board's] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] decision, the suit shall still be pending, it shall be competent to the [Collector] [For the exercise of functions of Collectors by other officers, see Bengal Reg. 7 of 1822 Section 35.] to require additional security for the same amount. Security in case of mukarraris. - Fifth. - In mukarraris the parties giving security, and intending to sue, shall continue to pay the mukarrari jama, and will be required to give security for the remaining revenue which may be eventually demandable from them.

23. [Final assessment. [Sections 23 and 24 have been modified by Bengal Reg. 3 of 1828, Section 13.]

- If the party do not give security, or having given security, neglect to sue, the [Collector] shall proceed to the final assessment of the land.]

24. [Limitation of suits in Civil Courts. [Sections 23 and 24 have been modified by Bengal Reg. 3 of 1828, Section 13.]

- First. - Persons whose Lands may be assessed, either in failure' to give security or to institute a suit within the prescribed time, shall nevertheless be entitled to sue any time within one year from the date of their being informed of the [Board's] decision; but after the above period shall have elapsed the decision of the [board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] shall be final and conclusive: Proviso. - Provided, however, that in cases in which the party may be able to show good and sufficient cause for not having sued within the said period such as minority or absence, no limitation as to time shall prevail other than that generally prescribed by the existing Regulations in regard to private claims.][* * * * *] [Clause 2 repealed by Act 16 of 1874.]

25.

[* * * * *] [Section 25 repealed by Act 16 of 1874.]

26. [Appeal from Zila to Sadar Court. [Section 26 is modified by Bengal Reg. 14 of 1825, Section 6 and is saved by Bengal Reg. 3 of 1828.]

- First. - In cases instituted in the Zila Court [* * *] an appeal shall be received by the Court of Sadar Diwani [* *] [Repealed by Act 16 of 1874.] an appeal shall be received by the Court of Sadar Diwani Adalat [* *] [Repealed by Act 16 of 1874.] Procedure on such appeals. - Second. - [* *] [Repealed by Act 16 of 1874.] The Sadar Diwani Adalat [* *] [Repealed by Act 16 of 1874.] in all cases of [* *] [Repealed by Act 16 of 1874.] appeal being preferred in conformity with the provisions of this Regulation, shall, together with the decree against which such appeal may be lodged, likewise peruse the final ruba/car/filed in the case by the Board of Revenue or other authority exercising the powers of that [Board] [For the present constitution and powers of the Board of Revenue, see now B. and O. Act 1 of 1913.] and, if on a consideration of those documents, the decision of the Court should appear unjust or erroneous or doubtful, or its proceedings in the case manifestly irregular or imperfect, or if, from the nature of the cause, as stated in the decree or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal, they shall admit [an appeal] [The original words were 'a special appeal'. The word 'special' was repealed by Act 16 of 1874, and the words 'an appeal' were substituted by Act 12 of 1891, Schedule II.].

27.

[* * *] [Section 27 repealed by Act 16 of 1874.]

28. Validity of farmans, sanads or grants to be carefully ascertained.

- First. - On the production of any written document purporting to be a farman of any King of Delhi or to be a sanad, parwana or other grant of any Wazir, or of any Nawab, Raja or other potentate or person formerly exercising authority in any part of the [territories of India] [Substituted by ALO for 'the Provinces and territories now subject to the British Government'.], it shall be the duty of the Revenue and Judicial Authorities before whom such document may be produced to ascertain the validity and authenticity of it, by reference to such offices and records, and by the examination of such living witnesses, as may be likely to lead to the due appreciation thereof; and the said authorities shall not receive such document in evidence merely on the credit of the seal, or other attestation impressed upon it, without some external evidence in corroboration of its authenticity. Such deeds not to be received unless registered. - Second. - Provided also that no document of the above description which may be produced to any Court or adalat shall be received, nor any proceedings held therein, nor any faith given thereto, unless it shall be proved that the said document has been duly registered under the Rules and Requisitions of Regulations 19 and 37, 1793, [and 42, 1795] [Ben. Reg. 41 and 42 of 1795 and 31 and 36 of 1803 were repealed (except in certain areas) by the N. W. Provinces I and Revenue Act, 1873.] 8, 1800 [31 and 36 of 1803 and 7, 1808] [Ben. Regs. 7 of 1808 was repealed by Act 19 of 1871.] or unless due cause be shown for the non-registry.

29.

[* * * *] [Repealed by Act 12 of 1891.]

30.

[* * * * *] [Repealed by Bengal Act 7 of 1862.]

31. Regulation not to affect right of proprietors to wasteland guaranteed at permanent settlement.

- First. - Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates for which a permanent settlement has been concluded to the full benefit of all Waste-lands included within the ascertained boundaries of such estates respectively at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the Courts of Judicature to decide on all contested cases whether lands assessed under the provisions of this Regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the Revenue-authorities in any case in which it shall appear that lands which actually formed, at the period in question, a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zamindars and other proprietors of land will be enabled, by an application to the Courts, to obtain immediate redress in any case in which the Revenue-authorities shall violate or encroach on the rights secured to them by permanent settlement. Not to warrant claim to additional revenue from lands permanently assessed on plea of error or fraud. Exception. - Second. - It is further hereby declared and enacted that all claims by the Revenue-authorities on behalf of the Government to additional revenue from lands which were at the period of the decennial settlement included within the limits of estates for which a permanent settlement has been concluded, whether on the plea of error or fraud or on any pretext whatever, saving of course, the case of lands expressly excluded from operation of the settlement such as lakhiraj and thanadari lands, shall be and be considered wholly illegal and invalid.