

The Bengal Land-Revenue Settlement Regulation, 1822

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Act 7 of 1822

- Published on 8 August 1822
- Commenced on 8 August 1822
- [This is the version of this document from 8 August 1822.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bengal Land-Revenue Settlement Regulation, 1822(Bengal Regulation 7 of 1822)[Dated 8th August, 1822]A Regulation for declaring the principle according to which the settlement of the land-revenue in Cuttack, Pataspur and its dependencies is to be hereafter made and the powers and duties belonging to Collectors or other officers employed in making, revising or superintending settlements; for defining, settling and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rest or produce thereof; and for vesting the Revenue-authority with judicial cognizances in certain cases of suits and claims relating to land, the rent and produce of land.

1. Preamble.

- Whereas the existing settlement of the revenue in the [ceded] [The words 'Provinces' shall stand undefined, see para 3 and Schedule VI of the ALO.] Provinces will expire with the present Fasli [year] [i.e., the 1st September, 1822.] and it has therefore become necessary to declare and enact the principles and rules according to which the demand of the State is thereafter to be regulated, and the manner in which future settlements and revisions of settlements are to be conducted;And whereas a moderate assessment being equally conducive to the true interests of Government and to the well-being of its subjects, it is the wish and intention of Government that in revising the existing settlement of efforts of the Revenue-officers should be chiefly directed not to any general and extensive enhancement of the jama but to the objects of equalizing the public [burthens,] [Burthen : Archac from of Burden.] and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent of revenue payable on account of land, or the produce of land, or paying or receiving any cesses, contributions or perquisites to or from any persons resident in, or owning, occupying or holding parcel of, any village or mahal;And whereas, with these views and intention, the Governor-General in-Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the

existing assessment in all cases in which the settlement has been formed with zamindar or other persons acknowledged as proprietors or possessors of a permanent interest in the mahals for which they may have engaged, until a new settlement can be made, combining, with the revision of the Government jama and the deliberate investigation of the facts by the determination of which its amount must be regulated, a full inquiry into, and a careful settlement of, the rights and interests of all classes connected with the land; And whereas the same principles are applicable to the district of Cuttack the pargana Pataspur and its dependencies of which the settlement will expire with the present "Amli" [year] [i. e., the 2nd September, 1822.]; And whereas it has appeared expedient to make special provision for the early settlement of [* * *] [The Words 'the district of Gorakhpur, the chakla of Azamgarh, Repealed by Act 1 of 1903.] the pargana of Pataspur and its dependencies: [* * *] [Portion relating to 'the Conquered Provinces' and the Province of Bundelkhand Repealed by Act 1 of 1903.] And whereas it is the desire of Government that the proceeding held, and the records, by the Collectors when making settlements or otherwise specially employed in conducting inquiries of the above nature should be such as that all demands, claims and suits may be adjudged and determined according to the facts therein stated until the same shall have been formally altered, or it shall be shown, by the result of a full investigation in a regular suit, that the proceeding or record of the Collector was erroneous or incomplete; And whereas it is necessary to declare and define the powers and authority to be vested in Collectors in the conduct of the said inquiries, and the adjustment of the differences arising out of or made known by them; And whereas it further appears advisable that the revenue-officers should in certain cases be vested with authority judicially to receive, here, investigate and determine suits, claims and demands of the above description; And whereas it appears to be expedient to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the sadar malguzars or persons admitted to engage for the payment of the Government revenue, and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as jagirdars and other owners or managers of lakhiraj lands; and it is particularly necessary, in the case of estates held in pattidars or bhaiya chara tenure, to make further provision for protecting the sharers who have not been admitted to engagement with Government against the encroachments of the sadar malguzar, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former of the funds whence the Government revenue ought to be discharged; For the purposes and objects above specified the following Rules have been enacted, to be in force [* * *] [The words 'from the date of their promulgation, throughout the ceded and Conquered Provinces, Repealed by Act 1 of 1903.] in the district of Cuttack, the pargana Pataspur and its dependencies.

2.

[* * * * *] [Repealed by Act 16 of 1874.] General rule relative to zamindars holding on after expiration of their leases. - Sixth [* * *] [Formal words repealed by Act 16 of 1874 are omitted.] if any zamindar or other malguzar [acknowledged as the proprietor or possessor of a permanent interest in the mahal for which he has engaged] [Substituted by Schedule II of Act 1 of 1903 for as 'aforesaid'.] who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any mahal, shall be allowed by the Revenue authorities to continue in the management of such mahal after the expiration of such engagement, and shall do or

direct any act relative to the cultivation or management of such mahal, or the settlement assessment or collection of the rents of such mahal, in or on account of any year subsequent to the term of such engagement, such zamindar or other malguzar aforesaid shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon: Provided further that it shall be competent for Collectors or other officers exercising the power of Collector with the sanction of the [Board] [For the present constitutions and powers of the Board of Revenue, see B. & O. Act of 1913.] or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the zamindars or other malguzars as aforesaid to declare whether or not they are willing to continue their engagements for the ensuing year, and, if such zamindars or other malguzars shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. Zamindars or other malguzars who may be allowed to hold on from year to year shall not be chargeable with any additional revenue on account of any year, unless the Collector or other officer exercising the powers of [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] shall notify his intention to revise the assessment on or before the commencement of such year, unless where otherwise specially provided.

3. Settlement how made.

- With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the [State] [Substituted by ALO.] Government may direct. A preference shall be given to the zamindars or other persons possessing a permanent property in the mahals, if willing to engage for the payment of the public revenue on reasonable terms: Provided also that, in cases wherein such mahals, may be let in farm the term of the lease granted to the farmers shall not exceed twelve years. The above Rules shall likewise be applicable to estate now held khas. So in any case wherein the zamindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements, on equitable terms, it shall be competent to the Revenue-authorities to let the lands in farm for such period, not exceeding twelve years, as the [State] [Substituted by ALO.] Government shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid or such shorter period as may be judged proper: Provided further that, if in any case it shall appear to the Revenue authority that the continuance or admission of any Raja, zamindar, talukdar or other person who may have engaged, or may claim to engage, for any mahal or mahals in or to the management of such mahal or mahals, would endanger the public tranquillity or otherwise be seriously detrimental, it shall be their duty to report the circumstances to the [State] [Substituted by ALO.] Government, and it shall be competent to the [State] [Substituted by ALO.] Government, [by notification in the [Official Gazette] [The words 'by an Order in Council, in the original text, are to be read as if the words 'by Notification in the Local Official Gazette' were substituted therefor - see Act 1 of 1903, Schedule II.], to cause such mahal or mahals or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

4. Admission of particular persons to engage for payment of revenue, not to bar Revenue officers from interfering to adjust rights of other persons or classes.

- In admitting particular parties to engage it was in no degree the intention of Government to compromise private rights or privileges, or to vest the sadar malguzars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged might be improved by the limitation of the Government demand, or otherwise by the resignation in their favour of rights previously vested in Government itself, or as it may have been found necessary, with a view to the punctual realization of the public dues, to vest the sadar malguzar, by special Regulation, with authority of distraint, or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers, to secure every one in the possession of the rights and privileges which he may lawfully possess or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do or shall be construed to bar the Revenue-Officers, duly empowered in that behalf, from interfering to adjust the respective rights of the sadar malguzars and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf; but, if such decision or order shall operate materially to reduce the profits derived by any zamindar or malguzar from the mahal owned or managed by him, it shall be competent for such zamindar or malguzar to relinquish his engagements, and the Revenue Officers shall in such case proceed to make a settlement of the mahal de novo.

5.

[* * *] [Clause First Repealed by Act 1 of 1903.] Malikana to be allowed to proprietors of estate farmed or held khas. - [Second.] [For an explanation of the rules in Section 5 as to malikana, see Bengal Reg. 9 of 1833.] - The proprietors of estates let in farm or held khas shall be entitled to receive an allowance of malikana, at such rate as the Board or other authority exercising the powers of that Board may determine, anything in the existing Regulation notwithstanding; the said malikana to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively: Provided also that the malikana allowance granted to the proprietor or proprietors of any mahal shall not in any case be less than five per cent, on the net amount realized by the [State] [Substituted by ALO.] Government from the lands; nor shall it exceed ten per cent, on the amount with the special sanction of the [State] [Substituted by ALO.] Government: Provided further that, if the said proprietors shall in any case be in the receipt of any perquisite or the profits of any lands in lieu of the naukhar formerly granted to them [* *] [The words 'by the Native Governments or otherwise' Repealed by ALO.] in consideration of their proprietary tenure, the amount of such allowance shall be deducted from the malikana to which they are by this Section declared to be entitled: Provided also that this Rule shall not apply to such zamindars as may continue in the occupancy of their tenures whilst the mahal in which they are included is held khas or farmed, or of

any part of them, that is to say, zamindars who may cultivate or lease their lands and pay the revenue to the farmer or Government Officer; nor, without the special sanction of the [State] [Substituted by ALO.] Government, to any malguzar, zamindar or other, proprietor or holder of land who may directly or indirectly continue to draw any allowance from the raiyats of the lands farmed or held khas: Provided also that malguzars, not being actual proprietors of the land included in the estates for which they may have formerly been under engagements though recorded in the accounts of past settlements as zamindars, talukdars or other like, or being proprietors of a part only of such land, shall not receive the above allowance on the jama of the estate, but shall receive such allowance in lieu of their title of management as it may appear to the [State] [Substituted by ALO.]

Government to be equitable to assign, in addition to the malikana to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy; and no malikana shall be granted to any sadar malguzar on account of lands the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a Court of Justice, or to the satisfaction of the [Board.] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1903.] But in such cases such provision will be made for the intermediate support of the party as the [State] [Substituted by ALO.]

Government may on the recommendation of the Board, see fit to direct. Zamindars may be called non to state jamas for which they are willing to engage. - Third. - Provided also that, if any zamindar or sadar malguzar shall have been called upon by a Collector or other officer exercising the powers of a Collector to state the highest amount of jama for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such zamindar or sadar malguzar and not the jama ultimately realized by the [State] [Substituted by ALO.] Government shall form the basis on which his malikana allowance shall be adjusted; and in such case it shall and may be lawful for the Revenue Authorities to limit the said allowance to five per cent on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said zamindar or sadar malguzar: Provided also that, if a zamindar or sadar malguzar, when so called upon, shall fail to specify or tender any sum as aforesaid, then and in that case the net revenue derived by the [State] [Substituted by ALO.] Government from the mahal, on account of the year preceding that in which the Collector or other officer aforesaid may make the said requisition, shall be taken as the sum by which the amount of malikana (not being less than five, nor more than ten, per cent on the same) shall be adjusted.

6. Revenue Officers may revise settlement of which existing lease shall be extended under Section 2, during continuance of such extended lease.

- First. - In cases wherein the existing engagements may be continued in Section 2 of this Regulation, it shall and may be lawful for the Collectors with the sanction of the [Board.] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1903.] [* * *] [The words 'of Commissioners' Repealed by Act 16 of 1874.] to enter at any time in the course thereof on a revision of the settlement notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands, and the amount jama properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interest, privileges and properties of the agricultural community, and to determine the same, with the same powers and authority as they

now are or may hereafter be entitled to exercise in forming the settlement of estates open to reassessment. Revision of settlement how made. - Second. - The said revision of the settlement shall be made village by village and mahal by mahal; and such number of mahals shall be revised in each year, as the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] under the orders of the [State] [Substituted by ALO.] Government may direct. Revision of settlement not to operate to alter jama payable on account of lands included in existing engagement. - Third. - Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section 2 of this Regulation in so far as such engagements relate to the amount of jama demandable by Government; but the said engagements shall be held considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and, if on the revision of the settlement of any mahal it shall be found that there has been any material error or concealment of lands belonging to such mahal the Collector shall be authorized, subject to the orders of the [Board,] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] separately to assess the lands so withheld from the knowledge of the Revenue-Authorities, in the same manner and with the same powers as he would assess an unsettled mahal: Provided also that nothing in this or the preceding sections shall be construed to prevent the Revenue-Officers from passing and enforcing such orders in regard to the rights and interests to be enjoyed by the different classes of persons connected with any mahal during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce when adjusting the assessment of an unsettled mahal. [* * *] [Clause Fourth Repealed by Act 1 of 1903.]

7. Leases to be granted on revision of settlement.

- First. - When a [Collector] [For the exercise of the functions of Collectors by other officers see Section 35.] [* * *] [The words 'in the Ceded Provinces or,' Repealed by Act 1 of 1903.] [in the province] [The words 'Provinces' shall stand unmodified, see para 3 and Schedule VI of the ALO.] if Cuttack shall have completed the revision of the settlement of any mahal under the Rules contained in the preceding section it shall and may be lawful for him, subject to the orders of the Board [* * *] [The Words 'of Commissioner' Repealed by Act 16 of 1874.] and [of the [State] [Substituted by AO for Government] Government], to grant to the proprietors, if willing to engage on adequate terms renewed lease for such further term of years subsequent to the [year 1234] [i.e., A.D. 1826.] Fasli or Amli as the State Government may direct. Jama for years subsequent to 1234, how adjusted - Second. - The assessment to be demanded on account of the years subsequent to the year 1234 fasli to which lease renewed as above may extend, shall be fixed with reference to the produce and capabilities of the lands as ascertained at the time when the revision of the settlement shall be made unless under special circumstances justifying a prospective enhancement of the Government demand: Provided also that the amount of such assessment shall not be raised above that of the present jama 9 unless it shall clearly appear that the net profits to be derived from the land by the zamindars and others who may be entitled to share in the profits arising out of the limitation of the Government demand will exceed one-fifth of that amount; and in, case wherein any increase may be demanded, the assessment shall be so regulated as to leave the zamindars and others aforesaid a net profit of twenty per cent on the amount of the jama payable by or through them respectively: no

abatement on the existing jama will be allowed unless on the clearest ground of necessity. Pattas granted on revised settlement to cover only lands specified - Third. - The pattas granted on such revised settlements shall be held only to secure the malguzars from further demand during the term of their respective leases, on account of the lands specified in it, or described in the settlement rubakari of the [Collector] [The Words 'of Commissioner' Repealed by Act 16 of 1874.] with such allowance for error as may be distinctly declared at the time of settlement. Zamindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the raqba of the mahals for which they may engage. [* * * *] [Clause Fourth Repealed by Act 1 of 1903.] Power to postpone final settlement until expiration of current leases - Fifth. - If any zamindars or other sadar malguzar, the settlement of whose estate may be revised under the above Rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision the Revenue Authorities shall under any other circumstances deem it expedient to postpone taking further engagement of the revenue of any mahal until the expiration of the current leases, it shall be competent to them to do so; and in such case the several Rules contained in Section 3 of this Regulation relative to estates of which the settlement will expire with the present year, shall on the expiration of the said lease be and be held applicable to such mahals. Rules applied to estates in Pataspur, etc. - Sixth. - The same rules shall also be applicable to the several mahals within [* * *] [The words 'the district of Gorakhpur, the chakia Azamgarh' Repealed by Act 1 of 1903.] pargana Pataspur and its dependencies, as they may respectively become, or be declared, open for resettlement.

8. Letting of excess waste-lands. Allowance to zamindars.

- Where the waste-land belonging to or adjoining any mahal is very extensive, so as considerably to exceed the quantity required for pasturage, or otherwise usefully appropriated, it shall be competent to the Revenue-Officers to grant leases for the same to any persons who may be willing to undertake the cultivation in perpetuity, or for such periods as the [State] [Substituted by ALO.] Government shall determine; and to assign to the zamindar or others who may establish a right of property in the lands so granted an allowance equivalent to ten per cent, on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste-lands, so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.

9. Investigations by Collectors making or revising settlements.

- First. - It shall be the duty of Collectors and other Officers exercising the powers of Collectors, on the occasion of making or revising settlements of the land-revenue, to unite, with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests and privileges of the various classes of the agricultural community. For this purpose their proceeding shall embrace the formation of as accurate a record as possible of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land or the rents of it, care being taken to distinguish the different modes of possession and property, and

the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject-matter of different kinds of degrees. This record shall, in pattidari or bhaiya chara villages or the like, include an accurate register of all the coparceners not merely the heads of divisions, such as the pattis, thoks or behris, but also as far as possible of every person who occupies land, dispossess of its produce or receives rent as proprietor or as agent for one or more proprietors holding land and disposing of its produce, or receiving the rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood for the distribution of the profits derived from sources common to the coparcency where any such exist, and for determining the share of the Government jama and of the village-expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate pattidars and behridars collect from the cultivators. A record shall likewise be formed of the rates per bigha of each description of land or kind of produce demandable from the resident cultivators not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the sadar malguzar or other manager, and the cultivator in lands cultivated under kankut batai or similar engagements, with a distinct specification of all cases or extra collections made by the malguzar or village manager, or other. The names of all the village-patwaris and village watchmen shall also be registered, with a statement of the amount and nature of the allowance assigned to them. And all lakhiraj tenures shall be carefully recorded, with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate reference hereafter by the Courts of Judicature, it being understood and declared that all decisions on the demands of the zamindars shall hereafter be regulated by the rates of rent and modes of payment avowed and ascertained at the settlement, and recorded in the Collector's proceedings until distinctly altered by mutual agreement, or after full investigation in a regular suit and all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government jama, shall be held illegal and unauthorized, unless now or after specially [sanctioned by the [State] [Substituted by the AO for the words 'sanctioned by Government'.] Government.] Collectors, etc., may grant pattas to mufassal zamindars and raiyats. - Second - Provided also that it shall be competent to Collectors and other officer as aforesaid subject to the orders of the Board [* * *] [The words 'of Commissioners' Repealed by Act 16 of 1874.] to grant pattas to the several mufassal zamindars and raiyats or other owners or occupants of land, for the land owned or occupied by them specifying the amount to be paid by them, and all the conditions attaching to their tenure, and a register of all pattas so granted shall form a part of rubakari of settlement. Power to take engagements for revenue with completing detailed inquiry. - Third - Provided, however, that, if from the number of estates of which the leases may at once expire in any district, from any other special cause, it shall be found necessary, for the security of the Government revenue, to take engagements from any zamindar, malguzar or farmer without completing the detailed inquiries above directed, it shall be competent to the [Board] [Substituted by Schedule II of Act 1 of 1903 for 'Boards'.] of Revenue or other authority exercising the powers of [that Board] [Substituted by Act 1 of 1903, for the words 'such a Board'.] to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstances to the [State] [Substituted by ALO.] Government, but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of mahals of which the existing leases have been extended under the provisions of Section 2 of this Regulation shall be equally applicable to estates for which such engagements shall be taken.

10. Power to determine which of several holders of differing interests having separate properties in same land, shall be admitted to engage, and to prescribe distribution of profit resulting from limitation of jama.

- First. - Of several parties possessing separate heritable and transferable properties in any parcel of land or in the produce or rent thereof, such properties consisting of interests of different kinds, it shall be competent to the [State] [Substituted by ALO.] Government to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue, due provision being made for securing the right of the remaining parties. It is further hereby declared and enacted that it is and [shall] [Substituted by Section 2, Schedule, Part I, of B and O. Act 3 of 1916, for the words 'shall be competent to the Governor General-in-Council'.] be competent to the [State] [Substituted by ALO.] Government or such other authority to whom the power to confirm settlements may be delegated by the [State] [Substituted by ALO.] Government by notification in the [Official Gazette] [Substituted by AO for the words 'local Official Gazette'.] in confirming the settlement of any mahal in perpetuity or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of Government demand shall be distributed among the different parties possessing, an interest in the lands appertaining to such mahal or in the rent or produce of such lands or mahal. Mufassal settlements in cases where title of intermediate manager between the Government and proprietors or hereditary occupants of soil are maintained. - Second. - In cases wherein any land appertaining to a mahal hitherto recognized as the taluk, zamindari or the like, of one or more sadar mulguzars, may be owned or occupied by other persons holding under the sadar malguzar and possessing an heritable and transferable property therein or an hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said sadar malguzar to engage for the revenue be upheld, and generally in case wherein the tenure of an intermediate malguzar or manager between [the Government] [Substituted by ALO for the word 'Crown'.] and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the zamindar, talukdar or other hereditary intermediate malguzar or the mahal be farmed or held khas, it shall be competent to the Collectors or other Officers who may be employed in adjusting the jama to be assessed on such mahal with the sanction of the Board previously obtained and subject to the orders and directions of that authority, to make a mufassal settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pattas defining the conditions on which they are to hold their land, whether subordinate to the sadar malguzar or to the farmer or officer of [the Government] [Substituted by ALO for the word 'Crown'.] employed in the khas management; and in all such cases, if engagements for the Government revenue of the mahal be taken from the intermediate hereditary malguzar, the particulars of the mufassal settlement, when approved by the Board, shall be endorsed on the patta to be granted to the sadar malguzar or shall be so incorporated with the engagement taken from him as to form part of the same. Settlement where several persons hold common property subject to common obligation. - Third. - In cases in which two or more persons may possess a joint property in the village, mahal or parcel or land, or in the rent or produce of any village, mahal, or land, or in any part of such village, mahal, land, rent or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise as well as in cases wherein such property in any mahal, village, land, produce or rent may be separately

possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the Collector or other officer exercising the powers of Collector, subject to the orders and directions of the Board and of the [State] [Substituted by ALO.] Government, either to make a joint settlement with the parties collectively or a majority of them, or with an agent appointed by them or a majority of them, or to select one or more of them to undertake the management of the mahal as sadar malguzars, due advertence being had to the wishes of all the coparceners, and to the past custom of the village or villages comprised in the mahal. When joint settlement to be made, parties how summoned - Fourth. - When it shall be determined to make a joint settlement for any village, mahal or parcel of land with the parties possessing therein a joint property as aforesaid, the Collector or other officer making the settlement shall give notice of his intention, by a written proclamation to be struck up in some public place within the village, mahal or land, and shall require all persons possessing therein a property as aforesaid to attend, either in person or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jama proposed to be assessed on the village or land. Persons wilfully failing to attend when summoned to be bound by decision of majority present. - Fifth. - If any person or persons, when summoned as above, shall refuse, neglect or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend, in agreeing or disagreeing to the jama, and his or their interest and estate shall, unless otherwise specially allowed be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement. Treatment of parceners not joining in settlement. - Sixth. - If any person or persons shall attend and shall object to the jama proposed to be assessed, then, should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests as they would enjoy in the event of the mahal being farmed or held khas; and, in so far as regards the lands to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage. Rates of rent of cultivating proprietors of lands of which revenue collected khas or farmed. - Seventh. - When any mahal or portion of a mahal, held by a number of cultivating proprietors in pattidari or bhaiya chara tenure or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such mahal or portion of mahal on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by raiyats or other resident cultivators not having an heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent, on account of malikana, or such other rate, not being less than five per cent., as the [State] [Substituted by ALO.] Government determine. Liability for default of non-engaging parceners when settlement of mahal made with one or more of them as sadar malguzar - Eighth. - When it shall be determined to make a settlement of a mahal of the above description with one or more of the parceners selected to manage, collect and account for the public revenue as sadar malguzar, then and in that case the interests of the non-engaging parceners shall not be held answerable for the default of the sadar malguzars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the sadar malguzar at the rates and in the mode heretofore in use, excepting in

so far as that usage may be affected by the determination of the [State] [Substituted by ALO.] Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand or by the Rules now in force or hereafter to be enacted, for vesting the sadar malguzars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as sadar malguzars and the conditions under which they are to hold that title of management will in each case be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements will also be similarly declared. Parcels owned and occupied may be separately settled. - Ninth - Provided further that, in all cases wherein different parcels of land belonging to any mahal may be separately owned and occupied by different proprietors or by different bodies of proprietors, it shall be competent to the [Board] [Substituted by Schedule II of Act 1 of 1903, for 'Boards'.] of Revenue or other authority exercising the powers of [Board] [For the present constitution and powers of the Board of Revenue, see B. & O. Act 1 of 1913.] to cause a separate settlement to be made for the land owned and occupied by each proprietor or by each body of proprietors and each parcel of land for which a separate settlement may be so made shall be held exclusively responsible for the revenue assessed upon it. Power to partition and to settle separately with each proprietor. - Provided also that, if the several parties possessing joint property or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a Collector or other [officer] [For the exercise of the functions of Collectors by other officers, see Section 35.] making or revising a settlement to have separate possession of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such Collector or other [officer,] [For the exercise of the functions of Collectors by other officers, see Section 35.] with the sanction of the [Board] [Substituted by Schedule II of Act 1 of 1903, for 'Boards'.] or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective interests, and to make a separate settlement with each of them or with such parties as may desire to enter into separate engagements. Proprietors excluded from engagements may have their names registered. - Tenth. - In all cases wherein any proprietor may be excluded from engagements the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] shall be careful to let it be known that all persons possessing a property in the mahal are entitled to have their names recorded in the rubakari of settlement, with the amount or rate of the assessment demandable from each.

11. Collectors forming such registry to proceed on basis of actual possession - First.

- The [Collector's] [For the exercise of the functions of Collectors by other officers, see Section 35.] proceedings in forming the registry above directed shall be founded on the basis of actual possession, and that officer shall, in every instance, be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle it shall be competent to the Collectors or other [Officers] [For the exercise of the functions of Collectors by other officers, see Section 35.] when making or revising settlements, or otherwise deputed to investigate and determine the circumstances of any mahal, and the tenures connected with it, to correct the errors or omissions of former settlements by admitting to engagements or

entering on the public records the names of the persons found in the bona fide possession of land or in the receipt of rent under a proprietary title; and in such cases the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] will hold an official proceeding, explaining fully the grounds on which he may act.

12. In estates held under pattidari, bhaiya-chara or like tenure, Collectors may re-allot revenue and charges payable by several parceners.

- First. - In cases in which the proportion of the Government jama and village expenses payable by each proprietor and by each body of proprietors comprised in several pattis, behris and other division of an estate held under pattidari or bhaiya-chara tenure or the like may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the Collector or other officer making or revising the settlement shall be satisfied, by examination of the patwaris accounts or otherwise, that the contributions paid by any proprietor, or body of proprietors as aforesaid, are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the [Board] [Substituted by Schedule II of Act 1 of 1903, for the word 'Boards'.] to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and to such resolutions as the [State] [Substituted by ALO.] Government may have passed to the apportionment of the net rent or profits arising out of the limitation to the Government demand, and in the performance of this duty to employ the kanungo and such person as he may judge it advisable to appoint, and to settle the jama payable by the different parties according to the award of such person or persons, or otherwise as shall appear to be just and equitable. And in certain cases may make fresh partition of land. -

Second. - In like manner, in cases in which the several proprietors shall be entitled not only to an adjustment from time to time of the jama payable on account of the lands occupied by them, but likewise to a periodical partition of the land of the village, with reference to the share recorded as belonging to each, it shall be competent to the Collector or cause fresh partition of the lands and adjustment of the jama to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement as finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them, as may appear equitable: Provided, however, that no such partition or adjustment shall be final until confirmed by the Board [* * *] [The word 'of Commissioners' Repealed by Act 16 of 1874.] or other authority exercising the powers of that Board. Cases in which parties affected by Collector's decision may contest it in Court. -

Provided also, that, if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the Collectors may have transferred to another, or shall consider himself entitled to the benefit of a new partition of the lands comprised in the mahal to which he may belong, in any case in which the Collector may have refused to order it, shall be competent to the said party to bring a regular suit in the Zila Court against the person or persons to whom the land may have been transferred, or the person or persons who may resist the partition, to try the justness of the Collector's decision; but, if the existence of the usage shall be admitted or established, it shall not be competent to the courts of Judicature to question the accuracy of the partition of the land or adjustment of the jama. On what points Revenue Officer's decision conclusive. - And, whenever the decision of a Collector for the

partition of any land shall be set aside, it will of course belong to Revenue Authorities to re-adjust the jama with reference to the interests of the parties as defined and settled by the final decision of the Courts of Judicature, and to the conditions of the tenure, and to any general or special resolution of the [State] [Substituted by ALO.] Government relative to the distribution of the rent or profit arising out of the limitation of the public assessment.

13. Collectors not to disturb possession unless specially authorized.

- Collectors and other officers exercising the powers of Collectors shall not, unless where specially authorized in the manner prescribed in this or some other [law] [Substituted by Schedule II of Act 1 of 1903, for 'Regulation'.], do any act tending to disturb possession, but shall leave the Adalat to investigate in a regular suit all claims of persons not in possession but deeming themselves entitled to be so.

14. [Collectors making or revising settlements may declare nature and extent of interests of persons occupying land. [For the partial repeal of Section 14 by Bengal Reg. 9 of 1833, Section 3.]

- First. - Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any persons occupying the soil, be competent to declare in an official proceeding, to be incorporated in the rubakari of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denominations heretofore applied to him only as one means of proof in regard to the nature of the interest, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination;]so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under pattidar bhaiyar or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the Collectors to decide the point in the first instance in the rubakari of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the Courts to try the right; but nothing herein contained shall be construed to authorize the Courts to interfere with the decision of the Collector in regard to the amount or proportion of jama to be assessed on any parcel of land, or in respect to the quantity and description of land, to be assigned in partition to the holder of any specific share of a joint estate. Cognizance of claims to larger profits or larger shares of village, than hitherto. - Second. - The above Rule shall not be construed to empower Collectors, unless otherwise authorized, to take cognizance of any claim to receive a larger portion, of the common profits than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied. Maintenance by Courts of decisions, of Revenue Officers-Bar to interference by Courts. - Third. - The decisions passed by the Collectors under the above powers if not altered or annulled by the Board or by the [State] [Substituted by ALO.] Government, shall be maintained by the Courts, unless on investigation in a regular suit it shall appear that the possession held under such a decision is wrongful, and nothing herein contained shall be understood to authorize any Court to interfere with the decision of the Revenue-authorities relative to the jama to be assessed on

any mahal or portion of a mahal or to the extent and description of lands belonging to any mahal that may be assigned on the partition of the same to the several parceners concerned. Cognizance by Collectors of complaints of wrongful dispossession. - Fourth. - If any person shall complain to a Collector or other officer making or revising the settlement of any mahal that he has been wrongfully disposed from any lands, premises, crops, orchards, pasture-grounds, fisheries, wells watercourses, tanks, reservoirs or the like, within such mahal, or of the rents, produce or profits of such lands, premises, etc., the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the Collector or other officer aforesaid to inquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the Collector to restore or confirm him, recording the grounds of his determination in a rubakari; and the opposite party shall in such case be left to bring a regular suit in Court to try the question of right. Adjustment of disputes as to possession. - In like manner, should a Collector or other officer as aforesaid find that there exist in any mahal of which he may be making or revising the settlement any disputes, relative to the possession of lands, premises or the like which it may be expedient to adjust, it shall be competent to the Collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adalat. Cases to which foregoing provisions apply. - Fifth. - The above provisions will be held to apply to all cases in which a zamindar or under-tenant, whether farmer or raiyat having by special deed or prescriptive title a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents and profits of any land which were received by such dispossessed party in the preceding year shall be withheld that from him without a legal award, or a voluntary act of the party involving the transfer, renunciation or relinquishment of such rents and profits. But the above Rule shall not apply to any case in which the complaining party may have executed any deed purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

15. In setting resumed mahals Collectors may take cognizance of claims to property therein, and may give possession to parties appearing to have best title.

- In the settlement of any resumed mahal held or pretended to be held under sanads from the ruling power, or from the a mils or [Officers of the [Government] [Substituted by AO for the words 'officers of the Government'.], whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the Collector or other officer making the settlement to hear, try and determine all claims to the property and possession of the land comprising such mahal or the rents or produce thereof, anything in the existing Regulations notwithstanding, and subject to the orders and direction of the Board of Revenue or other authority exercising the powers of that Board to give possession to, and conclude a settlement with, the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the zila [* * *] [The

words 'or Provincial' Repealed by Act 16 of 1874.] Court, by which [* * *] [The words 'according to the value of the interest at stake' Repealed by Act 16 of 1874.] all decisions passed by Revenue-authorities under this section may, on such suit being fully heard, sued and determined, and not otherwise, be revised, annulled or altered. Limitation of Rule. - The above rule shall not extend to land free of assessment under grants made by or at the request of the proprietors themselves or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

16. Power to grant to Collectors making or revising settlement special authority to take cognizance of claims to property and possession of land.

- It shall be competent to the [State] [Substituted by ALO.] Government to grant to a Collector making or revising the settlement of any mahal whether the same may have been held by a lakhiraj tenure resumed, or malguzari may have become open to re-settlement in ordinary course, special authority to hear, try and determine as above all claims to the property and possession of the lands lying within such mahals or the rent or produce thereof, and to give possession to the party who may appear to have the best title subject to the orders and direction of the Board and further subject, as above, to the revision of the zila [* * *] [The words 'or Provincial' Repealed by Act 16 of 1874.] Court on a regular suit: Provided also that, whenever special authority may be given to any Collector as aforesaid, notice of the order of Government shall be published by a proclamation within the mahals to which the authority so given may extend, and it shall be the duty of the Collectors and the [Board] [Substituted by Schedule II of Act 1 of 1903, for the word 'Boards'.] to see that such proclamation is duly made. But no decision passed by a Collector under this or any other Section whereby such notification is required shall be disturbed by any Court of Judicature, otherwise than after a full and regular investigation of merits, on the plea that proclamation was not made.

17. Power to take cognizance of claims to property in lands held lakhiraj, or at a Mukarrari Jama and valid tenures, and to settle with proprietors on behalf of lakhirajdar or mukarraridar.

- It shall be competent to Collectors⁵ and officers engaged in making or revising settlement of any parganas, mauza or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mukarrari jama, under unquestioned grants from the ruling powers, or from the amils or other [officers of the [Government] [Substituted by ALO for the words 'officers of Government'.], and situate within or adjoining to such pargana, mauza or other local division to receive, try and determine the claim, and it satisfied that the applicants do possess or are entitled to possess any hereditary and transferable property in the land or the produce or rent thereof, the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other officer, with the [sanction of the [State] [Substituted by AO for the words 'sanction of Government'.] Government] previously obtained, shall be authorized to conclude a settlement with them on behalf of the lakhirajdar or mukarraridar for such period as the [State] [Substituted by Para. 4 (1) of the ALO for the word 'Provincial'.] Government may direct, and shall grant to each of the said proprietors pattas defining the conditions on which they are to hold their lands subordinate

to the lakhirajdar or mukarraridar. It shall further be competent to the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] 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.] [* * *] [The words 'of Commissioners,' Repealed by Act 16 of 1874.] to fix and declare the amount of malikana or other proprietary allowance to be paid by such lakhirajdars or mukarraridars to the said proprietors, in the event of their being divested of the occupancy and management of their lands: Provided, however, that either party who may be dissatisfied with the decision of the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] as to the question of the right of property shall be at liberty to contest the same in a regular suit in the Adalat; but the Court shall not interfere to alter the terms on which this settlement may have been made by [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] with proprietors, or the amount of malikana granted to such persons.

18. Collectors to be judges of question of jurisdiction.

- The [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] shall in cases of doubt be judge of the question, subject to the orders of the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] and [of the [State] [Substituted by AO for the words 'of Government'.] Government]; and the Courts of Judicature shall not disturb possession given by the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] except on a regular suit, and on a decision as to the right.

19. Collectors authorized to summon witnesses and require production of account.

- First. - It shall be competent to [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] when prosecuting the above enquiries or hearing and trying the above suits, or otherwise when may be subordinate, to require, all sadar malguzars and other person owning, occupying managing or cultivating any lands within or in the vicinity of the mahal to which their inquires may extend, or gathering or disposing of the produce thereof, or collecting, enjoying or appropriating any rent or revenue derived therefrom, as well as the gumashtas or other agents employed by such person in the management or cultivation of the land, or in the collection of the rent, produce or revenue thereof to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent or revenue, and to examine the said persons on oath, or halafnama to the truth of the accounts produced, or any other matter relating to such accounts, or regarding the lands, produce, rent or revenue of the mahal or the rights and interests attaching to such lands, produce, rent or [revenue] [For penalty on landholders for not attending when summoned by the Collectors, see Act 20 of 1818.]: Provided, however, that no person shall be compelled to answer on oath or solemn declaration any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favour or reward, or any corrupt bargain or agreement with another party. Rules of Regulation 2, 1819, applied to process issued by Collectors. - Second. - The Rules contained in Section 11, Regulation 2, 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts under the provisions of that

Regulation shall be held applicable to process issued by [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other officers under the rules contained in this Regulation.also to patwaris and others summoned or examined. - In like manner the provisions of Section 12 of the said Regulation shall be applicable to all patawaris, gumashtas or other persons by whom the account of any lands, regarding which the said inquiries may have been instituted, may be kept, and who, after being duly summoned as aforesaid, may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath or solemn declaration, when summoned and examined as aforesaid, or whom may alter, fabricate, falsify or mutilate the accounts which they may be required to produce.Powers of Collectors. Rules applied to other persons upon whom process may be issued. - Provided further that [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] and other officers employed in the settlement of the land-revenue, or in any of the inquires specified in this Regulation, shall be vested with all powers and authority which are or may be lawfully exercised by Collectors in cases depending before them under Regulation 2, 1819 and the rules contained in clause third, Sections 13, 14 and 19 of the said Regulation shall be and be held applicable to all persons who may be summoned by any [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other officer aforesaid, or who may resist the process of a Collector issued under the rules of this Regulation, or who may refuse to take an oath or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath or under a solemn declaration taken instead of an oath, or may cause or procure another to do so.

20. Powers ordinarily vested in Collectors making or revising settlements.

- First. - The powers specified in Sections 11, 12, 14, 15, 17, 18 and 19 of this Regulation shall be ordinarily exercised by Collectors when employed in making or revising settlements of the land-revenue and shall extend to all the lands comprised in the pargana in which he may be so employed; but it shall be competent to [the [State] [The words 'the Government, by an Order in Council, in the original text, are to be read as if the words 'the Local Government, by notification in the local Official Gazette', were substituted therefor - see Act 1 of 1903, Schedule II.] Government] by notification in the [Official Gazette] [Substituted by AO for 'Local Official Gazette'.], to be publicly proclaimed in the district to restrict the authority of [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] and other officers making settlement in such manner and to such extent as [it] [The Word 'he' in the original text is to be read as if the word 'it' were substituted therefor - see Act 1 of 1903, Schedule II.] may from time to time judge expedient.In like manner it shall be competent to [the [State] [The words 'the Government, by an Order in Council, in the original text, are to be read as if the words 'the Local Government, by Notification in the Local Official Gazette', were substituted therefor - see Act 1 of 1903, Schedule II.] Government] to vest such [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] as may from time to time be judged fit with a special authority to receive, try and determine in the first instance, subject to a regular suit in the Adalat as above provided, all or any of the questions of the nature specified in the aforesaid section, though the said [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] may not be engaged in making or revising a settlement of the land-revenue;and to vest in such of the Collectors as may

be thought proper authority (either generally or within such limits as may be from time to time determined) to receive, try and determined by summary process all suits for rent which may be preferred by zamindars, talukdars or other sadar malguzars or farmers of land, or by any person in their behalf, against any dependent tatukdar, zamindar, under-renter, raiyats or other under-tenant of whatever denomination, as well as all applications by raiyat and the under-tenants contesting the demand of a sadar malguzar or farmer; and all complaints preferred by raiyats or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agent or persons employed by them in the management of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt or payment of the rent of land, whether malguzari or lakhiraj, or with the rent of orchards, pasture-ground, and fisheries, commonly denominated phalkar, bankar and jalkar with any other asset of the land-revenue not included in the sair abolished, together with all complaints of the non-delivery of pattas when demandable under the Regulations, or complaints of the prescribed receipts not being given for actual payment of rent, and generally complaints of any deviation from the Regulations, or from the established usage of the country, relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land between landholders or farmers of land and their under-tenants of whatever denomination.

Appointment of Collector to discharge above duties, how notified. - Second. - The appointment of the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by proclamation in the district, after such manner as the [State] [Substituted by ALO.] Government may direct; and after the publication of notice, all summary suits, actions, applications and complaints of the above nature, and referring to lands or the rents, produce or accessions of land lying within the jurisdiction assigned to the Collector as above, which may be preferred in the Zila [* * *] [The words 'or City' Repealed by Act 16 of 1874.] Adalat by any sadar malguzar, zamindar, talukdar, farmer, raiyat or other proprietor or under-tenant of land, shall immediately, on being received, be referred, for trial to the Collector to whom also all such summary suits depending at the time shall be transferred: Provided also that in such cases parties having suits or complaints to prefer, of which the cognizance may be vested as above in the Collector shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the [State] [Substituted by ALO.] Government to fix by notification in the [Official Gazette] [Substituted by AO for the words 'Local Official Gazette'.] the period at which the special powers given as above to a Collector, and the authority to be ordinarily exercised by those officers on the occasion of making settlements shall cease and determine.

Limitation of times for preferring complaints specified. - Third. - No complaint or application of the nature specified in the preceding clauses shall be received by a Collector under the rules of this Regulation, unless this plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

21. Rules for guidance of Collector; their power.

- In summary suit for rent and the like, wherein special rules have been prescribed for regulating the process of the Courts, the Collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the Zila and City Judges. In other cases falling under their cognizance according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person, or by representative, at such time and place as may be made choice of by the Collector for conducting the investigation; should any party fail to attend after being served with a notice of the above description, or should the return of the nazir or person employed to serve the notice be, that after diligent search the party or parties cannot be found, proclamation shall be made in writing, to be stuck up at or near the ordinary residence of the party, stating that, after 15 days from the date of publishing the same, the case will be liable to be brought up for trial and Judgement; and any party implicated who, having been served with the notice above described, shall fail to attend or who shall continue to absent himself, will be as much bound by the judgement that may be passed as if he or they had been in attendance to plead.

22.

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

23. Collector's cutcherry held a Civil Court.

- First. - It is hereby declared and enacted that, in so far as concerns the summoning and examination of witnesses, penalties for false testimony, for resistance of process, contempt and all other similar matters connected with cases under cognizance before the Collectors of land-revenue, or other officers, by virtue of the powers vested in them by this Regulation or any [other law] [Substituted by Act 1 of 1903, Schedule II for 'other Regulation.'] whereby Collectors are vested with judicial powers, their cutcherry or office for the time being shall be deemed and held to be a Court of Civil Judicature. Suits to contest Collector's decisions held to be appeals from summary awards. - Second. - Provided also that the regular suits which may be brought to contest decisions passed by Collector under the powers vested in them by Sections 11, 12, 14, 15, 16, 17, 18, 19, and 20 shall be of the nature of an appeal to Court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the Collector or other officer of Government to be a party in the action. Collectors authorized to execute their awards. - Third. - Collectors of the land-revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded; the Collector decreeing the same shall proceed to levy the amount for the party in whose favour it may be adjudged by the process in use for the recovery of arrears of the Government revenue: Provided, however, that he shall not sell any lands, houses or other real property in satisfaction of any judgement passed in favour of any individual on a summary inquiry. In cases wherein possession of lands, houses, water-course or the like may be adjudged, it may and shall be lawful for the Collector making the award to deliver over possession in the same manner and with

the same powers in regard to all contempt, resistance and the like as are or may be lawfully exercised by the Courts in giving possession to an auction-purchaser; and the Zila [* * *] [The words 'or City' Repealed by Act 16 of 1874.] adalat shall support the [Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it in the like manner as if the same had been passed by themselves.[Collectors] [For the exercise of the functions of Collectors by other officers, see Section 35.] are further hereby employed to place one or more peons, mirdahas, sawars, or the like to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

24. Collectors authorized to depute officers to make inquiries preparatory to statement.

- First. - It shall and may be lawful for a Collector or other officer exercising the powers of [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] preparatory to making or revising a statement as aforesaid, depute any tahsildar, kanungo, amin or other fixed or temporary officer to any village or mahal, whether the same be managed by a zamindar or farmer or be held khas, to inquire into the various matter which such [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other officer is required or empowered to investigate, in order to form settlement in the mode prescribed by this Regulation. Any such [* ' *] [Words 'Native' Repealed by ALO.] officer so deputed as above shall be deemed to be vested with the power of summoning and examining patwaris, gumashtas or other persons by whom the accounts of the village or mahal may be kept, in the same manner and with the same powers, as is provided for officer deputed under Section 25, Regulation 12, 1817. Furthermore, in case the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other officer may so prescribe, the said tahsildar or other person shall be empowered to make a measurement of the village or mahal into which they may be deputed, and to summon any mukaddams, pardhans, raiyats, or other residents, and to call upon them to point out the boundaries of such village or mahal, and to furnish information as to all matters relating to the land and the rights and interest attaching thereto; and any person contumaciously withholding information from an officer deputed as aforesaid shall be liable, on the same being established to the Collectors satisfaction to the same penalty as is prescribed for patwaris refusing to attend or give evidence. Punishment of resistance or obstruction of process or order of Collector. - Second. - Provided also that any person who may by force or threat obstruct or resist the execution of any legal process, requisition or order of a [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other Revenue Officer shall, in addition to the penalties prescribed by [any other law] [Substituted by Act 1 of 1903, Schedule II, for 'the existing Regulations'.] for such act, be liable to a fine exceeding two hundred rupees, or to imprisonment in the Diwani jail for period not exceeding two months; the said fine or other penalty to be adjudged by the [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] after proceeding duly held and recorded and sentence to be immediately reported to the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] which he may be subject. Police officers to aid execution of process and orders of Collector. - Third. - Provided further that all police-officers shall aid and support the execution of all process and orders issued by a

Collector or other Officer aforesaid, on the responsibility of the officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction behind made, or attempted to be made, to the legal process or order of a [Collector] [For the exercise of the functions of Collectors by other officers, see Section 35.] or other Revenue-officer, the parties resisting or obstructing such process or order shall be punishable for the affray or breach of the peace, and the Revenue-Officers shall not be liable to any criminal prosecution on that account.

25.

[Repealed by Act 20 of 1866].

26. Pleadings required.

- No. other pleadings shall be required from the parties in [suits the cognizance of which is hereby vested in Collectors] [Substituted by Act 1 of 1903, Schedule II for 'such suits'.] other than a plaint and answer: Provided that, if the parties should at any time wish to file an amended plaint or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

27.

[Repealed by Act 12 of 1876].

28. Collectors may try and determine suits in any part of their districts.

- It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside: Provided that every hearing and decision be in public cutcherry or in some other place open to the public, and in the presence of the parties or of their constituted agents or vakils if in attendance.

29. Appeal to Board.

- First - The decisions of the Collectors on all such suits shall be appealable to the Board of Revenue or other authority exercising the powers of that Board. Procedure on such appeal. - The petition of appeal shall be presented either to the Collector or to the Board, at the option of the party, [x x x x x] [The words 'and shall be written on stamped paper of the value of two rupees' Repealed by Act 12 of 1876.] the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final rubakari of the Collector, they may not see ground to consider the decision of that officer to be unjust, erroneous or doubtful, or his proceedings in the case irregular or imperfect. When Board may direct new trial or interpose to correct neglect or delay. - [x x x x] [The words 'as to limitation' which were repealed by Act 1 of 1903, are omitted.] in all cases in which the Collector may dismiss the suits for non-attendance; or on some other ground of default,

without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and, in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the Collector to proceed upon the inquiry into and determination of it. Pleadings required in appeals to Board. - Second. - No pleadings, except the petition of appeal, shall be required in such appeals, nor shall any fees be taken by the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for. No mukhtarnama required for same agents re-employed. - Third. - If the parties choose to employ in the pleadings of such appeals the same agent or vakils who were previously employed by them in the original suits no further mukhtarnama or vakalatnama shall be required of them. Respondent to receive notice, but not required to appear. - Fourth - The respondent shall receive notice of the appeal, but shall not be compelled to appear in person or by vakil; and the appeal shall be decided on the merits of the case, notwithstanding his absence in the same manner as if he has attended. Board's decision how far final. - Fifth. - The decision of the Board shall be final in as far as concerns the result of the summary inquiry of the [Collector] [For the exercise of functions of Collectors by other officers, see Section 35.] [* * *] [The words 'and shall be rendered in a persian rubakari, written on stamped paper of the value of two rupees, have been omitted: the words 'Persian' was repealed by Act 16 of 1874, and the remaining words were repealed by Act 12 of 1876.]. But decision of Board and Collectors may be contested by regular suit. - Sixth. - Any person, however, dissatisfied with the summary judgement of the Collector or the Board and desirous of a more full and formal decision shall be at liberty to prefer a regular suit to try the merits of the cases in the Zila or other similar or superior Court in which it may be cognizable. In such cases the summary judgement of the Collector if not reversed or stayed by the Board shall be carried into effect notwithstanding the institution of the regular suit.

30. Parties having claims cognizable by Collectors and not wishing summary trial, may, in first instance bring regular suit.

- All persons having claims or complaints to prefer to the nature of those made cognizable by Collector under the provisions of this Regulations and not wishing to avail themselves of the summary process authorized in that Court, shall be at liberty to institute their claims or complaints, in the first instance, by a regular suit before the local Munsif, or in the Zila [* * *] [The words 'or city', Repealed by Act 16 of 1874.] Adalat [* * *] [The words 'or Provincial Court of the Division' Repealed by Act 16 of 1874.], according as the suit may be cognizable in these Courts respectively [* * *] [The words 'under the General Regulations for the administration of civil justice,' Repealed by Act 16 of 1874.].

31. On appeal against Collector's decision his proceedings to be on record.

- First. - Whenever a regular suit may be instituted in a Civil Court with a view to set aside or alter a summary judgement passed by a [Collector] [For the exercise of functions of Collectors by other officers, see Section 35.] the proceedings held on the summary inquiry shall be called for by precept from the Court, and filed on the record of the case. No such appeal cognizable by or referable to any Munsif. - Second. - [* * *] [The words 'registers sadar amins and,' Repealed by Act 16 of 1814.]

Munsifs shall, in cases tried by them, be held and bound by the decisions passed, and records prepared, by [Collector] [For the exercise of functions of Collectors by other officers, see Section 35.] or other Revenue Officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] or by the Zila or other similar or superior Court, on a regular suit.

32. Periodical reports by Collectors to Board.

- The Collectors shall transmit to the [Board] such periodical reports of the cases decided by, or depending before, them 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 the [Board] [The words 'or Provincial Court of the Division' Repealed by by Act 16 of 1874.] will also furnish [to the [State] [Substituted by Act 1 of 1913, Schedule II, 'for Boards'.] Government] such abstracts of those report and such reports in the cases received and determined by them in appeal, as the [State] [Substituted by ALO for 'to Government'.] Government shall from time to time require.

33. Collectors authorized to refer certain cases to arbitration.

- First. - It shall be competent to Collectors or other officers exercising the powers of [Collectors] [For the exercise of functions of Collectors by other officers, see Section 35.] to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land of the tenures therein, or the reights dependent thereon, that may come before them provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. Force of awards passed on such reference. - In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the [Collectors] [For the exercise of functions of Collectors by other officers, see Section 35.] [* * *] [The words and figure 'shall be guided by the rules contained in Regulation 16,1793, and the other corresponding enactment and in Regulation 6 of 1873, in so far as the same be applicable, and' Repealed by Act 16 of 1874.] shall be competent to vest in the arbitration's the same powers and authority in regard to the summoning and examination of witnesses, and the administration of [oaths] [As to oaths, see Act 10 of 1878.] and to enforce the orders passed by the arbitrators under such powers, in the same manner as the Court of judicature are empowered to do; and all awards made on such references shall, when confirmed by the Collector, have the same force and validity as a regular decree of the Adalat, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption or gross partiality or shall extend beyond the authority given by the submission of the parties; and such ground of impeachment shall be established in a regular suit in the Zila, [* * *] [The word 'City', Repealed by Act 1 of 1903.] or other superior Courts wherein the case may be cognizable. Matter of arbitrament to be distinctly specified in Collector's proceedings. - Second. - In referring any dispute to arbitration, the Collector shall be careful to specify in his proceedings, and in the deed of arbitration to be executed by parties, the precise matter submitted to the arbitrators; and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete; it shall be competent to the Collector again to refer the matter to them, with directions to prefect their award. Kanungos and

tahsildars may be employed as arbitrators. - Third. - The pargana kanungos and tashildars may be appointed arbitrators in any case referred to arbitration under the above Rules; anything in the existing Regulations notwithstanding.

34. Power of Collectors to interfere in cases of disputed possession.

- First. - When a Collector or other Officer exercising any of the powers vested in Collectors by the rules of this Regulation, relative to complaints of dispossession or disturbance of the possession of lands or premises, shall learn, either by reference from the Magistrate, or by a report from any other public officer or otherwise, that any dispute exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture-grounds, fisheries, wells, water-courses, tanks, reservoirs or the lake, likely to terminate in a breach of the peace, it shall and may be lawful for the Collector or other officer aforesaid to require the contending parties to attend in person or by representative at a stated time and place, after investigating the case in the presence of the parties or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties; and to give possession to one of the contending parties. - Provided also that, if the fact of previous lawful possession cannot be ascertained, it shall be competent to the Collector, subject to the orders and direction of the Board to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in Court; but no such decision shall be passed by any Collector until he shall have instituted a careful inquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed. Collector may attach disputed lands, etc. - Provided further that in such cases it shall be competent to the Collector to attach the disputed lands, premises, etc., aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce or such portion thereof as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession. Reference of disputes by Magistrates to Collector. - Second. - Whenever any Magistrate or Joint Magistrate shall have before them any suit, complaint or information relative to any dispute regarding lands premises, crops, water-course or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or Joint Magistrate, in case in which the Collector shall be vested with the cognizance of such actions, to certify the case to that officer, and the Collector will then forthwith proceed to investigate and determine the case under the rules above prescribed: Provided also that, in all cases of forcible dispossession or forcible disturbance of possession, the Collector shall invariably transmit to the Magistrate or Joint Magistrate a copy of the first proceeding held by him in the case and also a copy of the rubakari containing his final award. Collector to encourage arbitration. - Third. - The Collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Diwani Courts are directed to do.

35. "Board of Revenue".

- Whenever the term "Board of Revenue" [* * *] [The word 'or Board of Commissioners' repealed by Act 1 of 1903.] may occur in this or any other Regulation, the same shall be held and considered to apply to any Board Committee or Commission, and to any member of such Board, committee or commission, that may be vested by the [State] [Substituted by ALO.] Government with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specifically declared and provided. Rules regarding Collectors to apply to Officer exercising authority of Collector - In like manner, all Rules in this or any other Regulation, whereby any duties or powers may be prescribed for, or vested in, Collectors shall be held and considered to be equally applicable to any officer exercising the authority of Collector under the orders or with the sanction of the [State] [Substituted by ALO.] Government.