

The Bengal Land-Revenue Settlement (Resumed Kanungos and Revenue Free Lands) Regulation, 1825

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Act 13 of 1825

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The Bengal Land-Revenue Settlement (Resumed Kanungos and Revenue Free Lands) Regulation, 1825(Bengal Regulation 13 of 1825)[Dated 7th July, 1825]A Regulation to maintain the settlement made for certain lands held exempt from the payment of revenue by kanungos in the Province of Bihar and to provide for the future settlement of such lands, as well as of the lands composing other resumed lakhiraj tenures, with the present occupants when so directed by Government.

1. Preamble.

- Whereas it was enacted by Section 5, [Regulation 2, 1816] [Bengal Reg. 2 of 1816, was repealed by Act 8 of 1868.] that the revenue of lands held by kanungos generally in the Province of Bihar in virtue of their offices, should be liable to resumption, and accordingly, under that law, various resumptions of land so held took place and the parties to whom the zamindari interest in the same appeared to belong were admitted to engage for the Government revenue but on consideration of the proceedings held under provisions of the above rule, it appeared to the Governor General-in-Council to be improper wholly to deprive the kanungos or their representatives of the advantages derived from such lands, and enjoyed by them for a long course of years, and it was accordingly resolved by Government, on the 14th February, 1822, that in cases where the lands had been occupied and managed by the kanungos or their representatives and the rents received by them, they should be replaced in possession of such lands, and a settlement made with them on the principle prescribed by clause second, Section 8, Regulation 19 of 1793, namely, the revenue to be paid to Government to be equal to one-half of the annual produce (or rental) of the lands, calculated according to the rates at which other lands in the paragana of a similar description may be assessed, securing to the proprietors of the soil such malikana or other allowance as they might have received prior to the resumption of the official minha tenure;And, whereas, the existing laws relative to the settlement of resumed lakhiraj tenures are not properly applicable to the case, and it appears to be

expedient expressly to provide for the maintenance by the Courts of Judicature of the arrangement above described, in order that the kanungos minhadars, may be secured in the possession (subject to the quit-rent fixed by the Government) of the lands, rents and produce heretofore possessed by them. And, whereas, it is desirable to provide for the settlement on the same principle, of any lands that may be resumed under the corresponding rules relating to kanungos and their official tenures in other parts of the country. And, whereas, it appears to be generally expediently to make a distinct provision for securing to the holders of lakhiraj lands resumed by the officers of Government, and assessed on the principle prescribed in clause Second, Section 8, Regulation 19,1793, the benefits which that law was designed to bestow, and to declare the competency of Government, in other cases, to continue the persons who have heretofore occupied land free of assessment, or their representatives, in the possession of the same, notwithstanding such lands being made subject to assessment. The following Rules have been enacted for these purposes respectively, to be in force throughout the territories subject to the Presidency of [Fort William] [Includes the present State of Bihar.] from the date of the promulgation of this Regulation.

2. Power to continue minhadars and their heirs in possession of resumed lands therefore held as lakhiraj by kanungos.

- In case of lakhiraj tenure resumed under the provisions of Regulation [* * *] [The figures and words '4, 1808, Regulation 2 and', repealed by Act 12 of 1891.], 1816 or any other Regulation in force relative to land held by kanungos by virtue of their offices, where the minha or lakhiraj tenure and the right of property in the land, are vested in distinct parties it shall be competent to the State Government by instruction to the Revenue Board or other authority empowered to make the resumption, to continue the minhadars and their heirs in possession and management of such lands subject to such assessment as it shall judge it proper to direct; and the parties claiming the zamindari interest or other proprietary right in such mahals shall not be entitled to any land rent produce or profit beyond what they may have enjoyed up to the period of the resumption of the tenure, or would have been entitled to receive, in the event of Government having confirmed the same in perpetuity, free of assessment. Persons, consequently, claiming to be maliks of the said lands, who, during the continuance of the lakhiraj tenure had not possession of the same, whether they received a malikana allowance or otherwise, shall not disturb the possession of the minhadars or their heirs and representatives in any case wherein the State Government may have sanctioned such possession; and any suit preferred by such persons in a Court of Judicature to recover possession, contrary to the intent and meaning of this rule, shall be dismissed with costs: Provided, however, that in all cases of the nature abovementioned, wherein the zamindars or other proprietor of the land may have received malikana or other proprietary due during the existence of the lakhiraj tenure, he shall continue to receive the same, notwithstanding the resumption of the lakhiraj in like manner as if such resumption had not taken place.

3. Tenures of minhadars so situated declared hereditary and transferable.

- The tenures of the minhadars which have been confirmed to them with the sanction of Government by the arrangement referred to in the preamble of this Regulation, or which may be so confirmed in conformity with the preceding Section are declared to be hereditary and transferable;

but should they escheat to the Government, the parties possessing a zamindari interest or other proprietary right in the lands will be admitted to engage for the revenue subject to a fresh assessment to be adjusted on the actual assets under the general law.

4. Foregoing Sections applied to certain lakhiraj resumption.

- The principles of Sections 2 and 3 of this Regulation shall be considered applicable to all cases of lakhiraj resumption under the general Regulations in force which may come within the favourable Rule of assessment contained in the second clause of Section 8, Regulation 19, 1793, in the State[s] of [Bengal] Bihar [and Orissa], it being the evident intention of the rule in question that it should be applied to persons who had been long in possession of the lakhiraj tenures made subject to assessment by the Regulation above cited, and whom it appeared equitable in consideration of their long possession, to leave in occupancy of the lands composing their respective tenures, at a moderate assessment, not exceeding a moiety of the annual rent produce.

5. Modifications of enactments relative to settlement of resumed jagir, altamgha madamash, aima or other badshahi grants, and to resumption of lakhiraj tenures.

- In modification of the existing rules contained in [the Regulation] [Substituted by Act 12 of 1819 for 'Regulation'.] 37, 1793 [* * *] [The figures and words '42, 1795, and 36, 1803', repealed by Act 12 of 1819.] or any other Regulation in force, relative to the settlement of resumed jagirs altamgha aima and other grants of land termed badshashi or royal: and generally in qualification and explanation of all the rules in force relative to the resumption of lakhiraj tenures, and the future assessment of lands composing the same, it is hereby further declared that whenever such tenures may be pronounced invalid or extinct by a Revenue [Board] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] or other authority empowered to investigate the lakhiraj title in such tenures, under the provisions of Regulation 2, 1819, or of any other Regulation in force it shall be competent to the [State] [Substituted by ALO.] Government, on a special report of the circumstances of the case when it may appear just and proper in consideration of the long possession of the actual occupant of the land or of his ancestors, to direct his continuance in possession, though not the zamindars, talukdars or other maliks of the land on his engagement for the future assessment on such terms as may be prescribed by the [State] [Substituted by ALO.] Government and in such cases the whole of the provisions contained in Sections 2 and 3 of this Regulation shall be deemed applicable, and be maintained by the Courts of Judicature accordingly.