

The Bengal Kanungos and Patwaris Regulation, 1819

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Act 1 of 1819

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The Bengal Kanungos and Patwaris Regulation, 1819(Bengal Regulation 1 of 1819)[Dated 5th February, 1819]A Regulation [* * *] [The words 'for replacing the districts of Dinagpur and Rangpur under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Bihar and Banaras to the district of Gorakhpur' repealed by Act 12 of 1891.] for re-establishing Kanungos and re-forming the office of Patwari throughout the Province of Bengal; and for explaining and modifying certain parts of Regulation 12,1817.

1. to 3.

[* * * *] [Sections 1 to 3 repealed by Act 12 of 1873.]

4. Appointment of Kanungos throughout Bengal.

- First - Kanungos shall be appointed throughout the [State] [Substituted by A.L.O.] of Bengal in the same manner, and for the performance of the same duties, as are prescribed in Regulation 5, 1816, in regard to the district of Cuttack, the pargana of Pataspur and its dependencies; and all the Rules contained in the Regulation aforesaid are hereby extended generally to the [State] [Substituted by A.L.O.] of Bengal.Regulation 12 of 1817 extended. - Second - The provisions of Regulation 12, 18, 17, are in like manner hereby extended to the several districts of the said [State] [Substituted by A.L.O.] to which they have not yet been applied.Nomination of 'Kanungos' by person other than Collectors. - Third - Provided, however, that in cases in which it may not appear advisable, from whatever cause, to leave the selection and nomination of the Kanungos, to the Collector of the district, it shall be competent to the [State] [Substituted by A.L.O.] Government to appoint such other officer specially to perform that duty, as it may judge expedient; and the officer so appointed shall have and exercise, during such period as the [State] [Substituted by A.L.O.] Government may direct, the same powers as are vested generally in Collectors of land-revenue under the provisions of Regulation 5, 1816 and Regulation 12, 1817.But nothing herein contained shall be construed to preclude the person holding permanently the office of Collector in such district from discharging the ordinary duties of his

situation under the general rules and Regulation applicable to that branch of the public service. Power to suspend operation of Rules regarding Kanungos and patwaris. - Fourth - Provided further that it shall be competent to the [State] [Substituted by A.L.O.] Government to suspend the operation of the rules contained in this or any former Regulation, regarding Kanungos and patwaris, within any mahals in which the establishment of such officers, as prescribed in those Rules, may appear to be inexpedient. Board of Revenue may alter duties of Kanungos. - Fifth - Provided likewise that it shall be competent to the [Board of Revenue] [See the B. and O. Board of Revenue Act, 1913.] or other authority exercising the powers of that [Board] [See the B. and O. Board of Revenue Act, 1913.] to make such alteration in the duties to be performed by Kanungos as local circumstances shall suggest [* * * *] [The Words, 'anything in Section 7, Regulation 4 of 1808, and other corresponding enactments, to the contrary, notwithstanding', repealed by Act 12 of 1891.] And suspend operation of Regulation 12, 1817 in certain place. - Sixth - Provided also that it shall be competent to the [Board of Revenue] [See the B. and O. Board of Revenue Act, 1913.] to suspend by proclamation the operation of the rules of Regulation 12, 1817, in the district of Chittagong [* *] [The words 'and Sylhet' repealed by Act 1 of 1903.] and in any other parts of the country in which individual estates may generally be of inconsiderable extent, until they shall have determined, under the discretion vested in them by Section 3, 18 and 33 of that Regulation, the number of patwaris to be appointed or retained, the mode in which they are to be remunerated and the mahals to be permanently exempted from its general operation.

5. Collector may nominate and appoint patwari in certain cases.

- In all cases in which any village or villages, or any lands whatsoever the accounts of which may be kept by a single patwari, shall be held by two or more persons under distinct engagement, it shall be competent to the [Collector] [See the Bengal Land Revenue Settlement Regulation, 1822, Section 35.], with the approval of the [Board of Revenue] [See the B. and O. Board of Revenue Act, 1913.] or other authority exercising the powers of that [Board,] [See the B. and O. Board of Revenue Act, 1913.] to assume the direct nomination and appointment of such patwari, with or without a reference to the proprietors. But in all such cases the [Collector] [See the Bengal Land Revenue Settlement Regulation, 1822, Section 35.] shall deviate as little as possible from established usage, and shall be careful to consult the inclinations, and maintain the interests, of all persons connected with the mahals in question.

6. Explanation of Section 11, Regulation 12, 1817.

- In explanation of Section 11, Regulation 12, 1817, it is hereby declared and enacted that, if any proprietor or farmer of land shall refuse or omit to furnish the statement required by Section 4 of that Regulation within the period therein prescribed, or at any subsequent period, when called upon to do so by the Collector or other officer exercising the powers of [Collector,] [See the Bengal Land Revenue Settlement Regulation, 1822, Section 35.] it shall be competent to the [Collector] [See the Bengal Land Revenue Settlement Regulation, 1822, Section 35.] or other officer aforesaid, with the approval of the [Board of Revenue] [See the B. and O. Board of Revenue Act, 1913.] or other authority exercising the powers of that [Board] [See the B. and O. Board of Revenue Act, 1913.] to levy a daily fine upon such proprietor or farmer, until the statement required be furnished, to such

amount as may appear proper, with reference to the circumstances of the case, and to the condition in life of the offender.

7. Penalty for unauthorized removal, etc., of patwari.

- The penalties prescribed in Section 31, Regulation 12, 1817, for the illegal removal of a patwari from office, by a zamindar or other proprietor or farmer of land, are hereby declared applicable to all persons whatsoever who may without due authority, remove from office any patwari duly constituted or appointed; or who may oppose a patwari so appointed or constituted, in the performance of his duties; or who may prevent his performing them, or who may resist or evade the entry of a patwari, when duly appointed into the possession of his office.