

# The Bengal Land-Revenue Settlement Regulation, 1825

BIHAR

India

## The Bengal Land-Revenue Settlement Regulation, 1825

### Act 9 of 1825

- Published on 5 May 1825
- Commenced on 5 May 1825
- [This is the version of this document from 5 May 1825.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bengal Land-Revenue Settlement Regulation, 1825(Bengal Regulation 9 of 1825)[Dated 5th May, 1825]A Regulation for extending the operation of Regulation 7, 1822, for authorizing the Revenue authorities to let in farm estates under temporary leases, on the default of the malguzars, or to hold the same khas for a term of years; for modifying and adding to the rules contained in Regulation 2, 1819; and for making certain other amendments in the existing Regulations.

### 1. Preamble.

- Whereas the provisions of Regulation 7, 1822, are in force only [within the Ceded and Conquered Provinces, in the district of Cuttack and in the Pargana of Pataspur and its dependencies];And whereas there are within the other Provinces belonging to this Presidency various mahals and tracts for which a permanent settlement has not yet been concluded, and it appears to be advisable that the Revenue-Authorities should be vested, in regard to such mahals and tracts, with the same Powers as belong to the like officers within the Ceded and Conquered Provinces;And whereas the principle on the rules contained in the said Regulation, relative to lands held free of assessment, or at a mukarrari jama under special grants, is equally applicable to such tenures in all parts of the country; and it appears to be likewise expedient to make provisions for the occasional exercise, by the Revenue-officers in the Lower provinces, of the power specified in the said Regulation, for the summary trial of certain suits between individuals, subject as therein provided to an appeal to the adalat by a regular suit;And whereas, a frequent recourse to the sale of land for the recovery of arrears of revenue in districts of which the assessment has not been fixed in perpetuity being inexpedient, it appears to be necessary and proper that the Revenue-authorities should be empowered to let in farm for a term of years the estates of defaulters under temporary leases, or to hold the same khas for the purpose of making a raiyatwar settlement, where that measure may be deemed advisable;And whereas it has appeared to expedient to modify and to add to the provisions contained in Regulation 2, 1819 [\* \* \*] [Portion of the preamble which was repealed by Act 12 of 1891, is omitted.]The following rules have been enacted, to be in force from the date of their

promulgation, within the [territories] [Substituted by ALO.] belonging to the Presidency of [Fort William.] [This includes the present State of Bihar.]

## **2. Provisions of Regulation 7, 1822, intended to lands not within limits of permanently settled estates.**

- First. - The provisions contained in clause Sixth, Section 2, and in the thirty-three following section of Regulation 7, 1822, are hereby extended to all lands (including jagirs, mukarraris and other tenures held free of assessment or at a quite-rent under special grant) not included within the limits of estates for which a permanent settlement has been concluded in the manner prescribed by Regulation 8, 1793, [\* \* \*] [The words 'and Regulations 2 and 22 of 1795', repealed by Act 12 of 1871.], as far as the same may be applicable. To be in force in estates held khas. - Second. - The said provisions shall likewise be in force in all estates which may now or hereafter be held khas, during the period for which they may be so managed; and applicable to [Sunderbans]. - Third. - The provisions aforesaid shall also apply to [the Sunderbans] [This includes the present State of Bihar.], the hill lands of Bhagalpur, and other extensive forests and wastes, not included within the limits of parganas, mauzas or other revenue divisions, specified at the time of settlements as belonging to the mahals then assessed as well as to all estates bordering on such forests or wastes.

## **3. Power to vest Collector, etc. with powers specified in Section 20, Regulation 7, of 1822.**

- Third. - It shall be competent to the [State] [Substituted by ALO.] Government to vest any Collector or other officer exercising the powers of Collector within the [State] [Substituted by ALO.] of [Bengal] Bihar or Orissa with the several powers specified in Section 20, Regulation 7, 1822, in the manner specified in the second clause of that sections within such local limits as may, from time to time, appear to be advisable; and the several provision contained in Section 21 and the fourteen following sections shall apply to the several parganas or other local divisions so placed under the jurisdiction of the Collector or other officer aforesaid.

## **4. Procedure when arrear of revenue on account of mahal not permanently assessed is not paid within one month after due date, and objections appear to public sale.**

- Whenever an arrears of-revenue shall accrue on account of any mahal for which an engagement may have been taken by the proprietors or persons recorded as proprietor, not being an estate of which the assessment has been fixed in perpetuity, and the malguzars shall fail to discharge the same within one month of the date on which it became due, then, if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise, be recovered (on which points the decision of the Revenue-authorities is to be held conclusive), it shall be competent to the [Collectors] [For the exercise of functions of Collector by other officers see Bengal Reg. 7 of 1822.] or other officer exercising the powers of Collector, with the sanction of the [Board] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] [\* \* \*] [The words 'and

Banares' Repealed by Act 12 of 1891.] to annul the existing engagement with the malguzars, and to let the mahal in farm for such period, not exceeding fifteen years, as the [Board or Revenue] [For the present constitution and power of the Board of Revenue, see B. and O. Act 1 of 1913.] may appoint, or to hold the mahal under khas management for a like period. In such cases, if the mahal shall yield a higher jama than that for which the malguzars may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separately agreed to discharge or as may not otherwise have been recovered; and, out of any surplus remaining, the malguzars shall receive such malkana not being less than five per cent not more than ten per cent on the assessment of the last year of their engagement, as the [State] [Substituted by ALO.] Government may direct.

## **5. [ Modification of Regulation 2, 1819. [For suit under Section 5, see Bengal Reg. 3 of 1828, Section 10(3) (5).]**

- First. - The following Rules are enacted in modification of Sections 5, 6, 8, 10, 11, 13, 15, 22 and 30 of Regulation 2, 1819.] Collector making settlement to issue notification and require appearance of persons holding lands free of assessment. - Second. - Whenever a [Collector] [For the exercise of functions of Collector by other officers see Bengal Reg. 7 of 1822.] or other officer exercising the powers of Collector shall visit, or be about to visit, any mahal for the purpose of making a settlement in the manner prescribed in Regulation 7, 1822, it shall be competent to him, by a notification to be stuck up in some conspicuous place within such mahal, and each village thereof, if consisting of several villages, to require all persons holding lands free of assessment or at a fixed jama, within or adjoining to the village or villages in which the lands of such mahal or any part thereof may be situate, to appear before him either in person or by wakil within a reasonable time, not being less than one month from the date of such notification, at such place within the mahal as he may select for holding his office, and to attend him from day to day while he may continue within the mahal, with all sanads or writings by virtue of which they may possess the lands, or under which the lands may have been or may be claimed to be, held free of assessment or at fixed jama together with any evidence they may desire to have taken in support of their claims. May cause lands to be measured. - Third. - It shall likewise be competent, to [Collector] [For the exercise of functions of Collector by other officers see Bengal Reg. 7 of 1822.] and other officers aforesaid, when engaged in the settlement of any mahal under the rules of the Regulation above-mentioned or preparatory thereto, to measure or cause to be measured, without a previous reference to the Board of Revenue all lands, whether malguzari or lakhiraj, belonging or adjoining to the village or village in which such mahal or any part thereof may be situated. To give public notice one day previous to that on which it is intended to hold proceedings. - Fourth. - When the Collector or other officer aforesaid shall have commenced the settlement of any mahal in regard to which he may have issued a notification as aforesaid, and shall propose to hear the claims of persons holding lands free of assessment or at a fixed jama, and to receive their sanads and other writings as aforesaid or any of them, the period fixed in the notification for the attendance of such parties being arrived, he shall, on the day preceding that on which he may be intended to hold proceedings in the said cases or any of them, notify such intention by an istahar stuck up in his office and in some place open to the public within the mahal. Procedure on failure of persons to attend after notice. - Fifth. - If any person holding land free of assessment or at a fixed jama as aforesaid shall fail to attend either in person or by wakil, after

notice being given in the manner above prescribed, the collector, shall be competent to proceed ex parte to investigate the title of such party to hold the land in his possession free of assessment, and with the sanction of the Board of Revenue to resume the said lands, if they appear to be held on an invalid title. Nor shall any person defaulting as above, or neglecting to appear and give answer when require to do so, in the manner prescribed in Regulation 2, 1819, be entitled to stay the resumption and assessment of his lands under the Rule contained in Section 22 of that Regulation: Provided, further that, the Rule contained in clause Second, Section 13, Regulation 2, 1819, shall be and be held applicable to such persons, as well as to persons who may appear when summoned under the provisions of that Regulation, or the manner hereinbefore provided. Collector may either complete investigation of claim or limit proceedings to certain points. - Sixth. - It shall be competent to Collectors and other officers making settlements as aforesaid either to complete the investigation of the claims of persons holding land free of assessment or at a fixed jama, under the rules and following sections of Regulation 2, 1819, with the modifications hereinafter provided, during the progress of the settlement, or to limit their proceedings to the ascertainment of the land actually held under such tenures, and the record of the title deeds produced by the parties postponing the further investigation of the case to a future period. When the Collector or other officer may postpone the investigation of any case as aforesaid, he shall at the same time notify to the party the time and place at which the further investigation is to be held, or, if circumstances prevent him from doing so, he shall, before resuming the inquiry, give the party one month's notice to attend, and, on the failure of any party to attend when so warned, the Collector or other officer aforesaid shall be competent to proceed to try the case ex parte, and with the sanction of the Board to resume and assess the lands. What provisions to regulate investigation of claims to lakhiraj lands. - Seventh. - Collectors or other officers who may proceed to investigate claims to lakhiraj lands during the progress of a settlement shall follow the rules of the 15th and following Sections of Regulation 2, 1819, in all cases wherein the parties may attend and deny the liability of their lands to assessment, subject to the modifications hereinafter provided. Bar to resumption of lands without sanction. Procedure by Board. - No lands shall be resumed by a Collector' even though the parties may confess that they are liable to assessment, without the sanction of the Board of Revenue, save and except as hereinafter provided; but on such confession duly attested, which will of course supersede the necessity of any further inquiry, it shall be competent to the Board forthwith to direct the lands to be assessed, unless the same be held by village or zamindari servants in lieu of wages, which shall not be resumed without the sanction of the State Government: Provided also that in all cases wherein it may appear to the Board that the resumption of land free of assessment would occasion serious distress to the holders, it shall be their duty so submit a report of the circumstances to the State Government. Regulations applied to investigation by Collectors. - Ninth. - The provisions of clause First, Section 23 and Section 28, Regulation 7, 1822 shall be applicable to cases investigated by Collector under the Rules of Regulation 2, 1819 or under the provisions of this Regulation. Stamped paper not necessary. Award of charges to witnesses. - Tenth. - It shall not be necessary to use stamped paper for the proceedings held or exhibits filed before the Revenue authorities in cases originating with a Collector or other officer of the Government claiming to assess land held free of assessment; but the said authorities are authorized in the said cases, as in all other cases wherein they may exercise judicial powers to award to witness their reasonable charges, and to levy the same as well as all costs adjudged by them, by the process in force for the recovery of arrears of the Government revenue. Procedure for persons claiming to hold lands revenue free. - Eleventh. -

Persons claiming to hold lands exempt from revenue shall, with their petitions of plaint, deliver to the [Collector] [But see Section 2 of Act 7 of 1862.] or other officers to whom the same may be preferred all sanads and other writings on which claim may be founded; and shall insert in the said petition a full specification of the several particulars required to be registered by the rules in force relative to the registry of rent free tenures, and of the grounds on which their claims is founded.

**Investigation.** - If the claim shall involve only the interests of the Government, the [Collector] [For the exercise of Collector by other officers, see Bengal Reg. 7 of 1822.] shall proceed without delay to investigate the case giving, however, eight days, previous notice to the party of the day on which he may propose to bring it to a hearing in the mode prescribed for the Civil Courts. If the claim shall be against any individual singly or jointly with [the Government,] [Substituted by ALO for the word 'Crown'.] the [Collector] [For the exercise of Collector by other officers, see Bengal Reg. 7 of 1822.] shall serve him with a notice containing a statement of the demand, and requiring his attendance in person or by vakil duly authorised, within the period of one month, with any papers or evidence he may desire to produce in denial of the claim; and, on the appearance of such defendant, the Collector after allowing him to inspect and examine the claimant's petition of Plaint, and the writings therein referred to, shall call upon him to deliver, within the period of seven days, a statement of the objections he may desire to urge against the claim.

**Pleadings.** - In such cases no other pleadings shall be required from the parties than a plaint and answer, but it shall and may be lawful for [Collector] [For the exercise of Collector by other officers, see Bengal Reg. 7 of 1822.] to receive and record such subsidiary pleadings as may appear requisite for the elucidation of the merits of the claim. [Collectors] [For the exercise of Collector by other officers, see Bengal Reg. 7 of 1822.] shall proceed to investigate every such case as soon as possible after the answer of the defendant shall be received; giving, however, as aforesaid, eight days' previous notice to the parties of the day on which he may propose to bring it to a hearing.

**Summary proceedings.** - Provided that, in cases wherein the parties concerned or their authorized representative shall desire or consent (the same being signified in a written petition of ikrarnama to be filed with the proceedings) to have an immediate decision, whether the case shall originate on behalf of [the Government] [Substituted by ALO for the word 'Crown'.] or in the suit of an individual, and whether the proceedings of the Collector shall be held under the provisions of Regulation 2, 1819, or under those of this or any other Regulation touching the matter, it shall be competent to the Collector to proceed forthwith the investigation and decision of the case, without issuing any formal summons or notice.

**Procedure as to land appearing to belong to the Government and no person bona fide in possession.** - Twelfth - Whenever a Collector or other officer exercising the powers of Collector shall be of opinion that any tract of land belongs to the Government, and that no individual has bona fide possession thereof, it shall be competent to him, by a notification to be stuck up in his cutcherry in the Zila Court and in the cutcherry of the kanungo, Munsif or Thanadar to whose jurisdiction the land in question may belong or adjoin, to require all claimants to the same to appear before him within a reasonable time, to be fixed by the Board of [Revenue,] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] not being less than six weeks from the date of such notification; on the appearance of such claimants, to proceed to investigate their claims in the manner prescribed by Regulation 2, 1819, for investigations relative to the liability of lands to be assessed as herein modified: Provided further that, if the [Collector] [For the exercise of functions of Collectors by other officer, see Bengal Reg. 7 of 1822.] or other officer aforesaid shall decide that claimants have bona fide possession of the lands in question, and his decision shall be affirmed by

the Board of Revenue the said lands shall be at the disposal of [State] [Substituted by ALO.] Government until the same shall be adjudged to be property by a decree of court on a regular suit: Provided also that all such suits, if preferred by one of the claimants before the [Collector] [For the exercise of functions of Collectors by other officer, see Bengal Reg. 7 of 1822.], shall be dismissed, with costs, unless instituted within six weeks of date on which the Board may affirm the decision of that officer, and that the rule contained in clause Second, Section 13, 1819, shall be strictly applied to such suits: nor shall any suit be admitted on the part of any person who may not have appeared before the [Collector] [For the exercise of functions of Collectors by other officer, see Bengal Reg. 7 of 1822.] pursuant to notice, unless he shall be able to show good and sufficient cause for his non appearance and shall apply for permission to sue within six weeks of his being informed of the [Board's] [For the present constitution and powers of the Board of Revenue, see B. and O. Act 1 of 1913.] decision: Provided further that, if the party shall not prosecute his suit within six weeks of being permitted to sue, the suit shall be dismissed with costs.

## **6. Power to vest Collector, deputed to hold local inquiry within mahal, with same powers in regard to lands held free of assessment in villages adjoining mahal.**

- It shall be competent to the [State] [Substituted by ALO.] Government by [notification] [The words 'an order in Council' in the original text, are to be read as if notification in the 'Local Official Gazette' were substituted therefore - see Act 1 1903'. Schedule II.] in the [Official Gazette] [Substituted by AO for 'Local Official Gazette'.], to vest any Collector or other officer who may be deputed to hold a local inquiry within the limits of any mahal with the same powers and authority in regard to all lands held free of assessment within or adjoining to the village or villages in which the lands of such mahal or any part thereof may be situated, and for the investigation of all claims touching such lands as by the foregoing provisions are vested in [Collectors] [For the exercise of functions of Collectors by other officer, see Bengal Reg. 7 of 1822.] making settlement in the manner prescribed by Regulation 7, 1822, and also from time to time to depute Collectors or other officers aforesaid for the purpose of ascertaining recording, or investigating the said claims in the manner above prescribed.

## **7. Lands held free of assessment to be specified in proceedings.**

- The particulars of all lands held free of assessment within all villages and mahal of which the settlement may be made under the provisions of Regulation 7, 1822, shall be fully recorded in the proceedings of Collector or other officer making the settlement.

## **8. Saving of certain Regulations.**

- Nothing contained in Regulation 2, 1819 or in any other Regulation in force shall affect or be considered to affect, the provisions contained in Section 10, Regulation 19, 1793, relative to grants illegally made subsequently to the dates specified in the said section; and in all cases in which it shall be established to the satisfaction of the Revenue authorities that any lands now held free of assessment were subject to the payment of the revenue at the dates aforesaid or subsequently

thereto, and that they have not been thereafter exempted from the payment of revenue under the authority of the State Government nor adjudged to be exempted from payment of revenue under a regular decree of Court it shall and may be lawful for the said authorities forthwith to resume and asses the said lands; save and except in cases wherein the revenue of the same may belong to a zamindar, talukdar or other malguzar with whom a permanent settlement has been concluded; nor shall the provisions of Section 22, Regulation 2, 1819, apply to such cases.

**9.**

[Repealed by Act 12 of 1891].