

# The Bengal Kanungos Regulation, 1816

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India

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### Act 5 of 1816

- Published on 16 February 1816
- Commenced on 16 February 1816
- [This is the version of this document from 16 February 1816.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bengal Kanungos Regulation, 1816(Bengal Regulation 5 of 1816)[Dated 16th February, 1816][A Regulation for establishing the office of Kanungo in the district of Cuttack, the pargana of Pataspur, and the several parganas dependent on it.] [The word printed in italics are obsolete, this Regulation having been extended to the whole of the former province of Bengal by the Bengal Kanungos and Patwaris Regulations, 1819 Section 4(1).]

#### 1. Preamble.

- Whereas the establishment of the office of kanungo [in the district of Cuttack, the paragna of Pataspur and its dependencies] [The word printed in italics are obsolete, this Regulation having been extended to the whole of the former province of Bengal by the Bengal Kanungos and Patwaris Regulations, 1819 Section 4(1).] may be expected to be of great public benefit in removing the obstacles which have hitherto impeded the revision [of the settlement of the district and parganas abovementioned] [The word printed in italics are obsolete, this Regulation having been extended to the whole of the former province of Bengal by the Bengal Kanungos and Patwaris Regulations, 1819 Section 4(1).] and in otherwise facilitating the collection of the public revenue and the administration of justice; the following Rules have been enacted [\* \* \* \*] [The commencement clause repealed by Act 15 of 1874.]

#### 2. Appointment of Kanungos.

- One or two persons shall be appointed to fill the office of Kanungo in every pargana of the district of Cuttack, in the pargana of Pataspur, and in the several parganas dependent on it<sup>2</sup> unless the small extent of a pargana shall render it advisable to place more than one pargana under the same kanungo.

### **3. [ \* \* \* \* \* ] [Section Repealed by A.O.]**

### **4. Office of Kanungo not hereditary.**

- The office of Kanungo is declared not to be hereditary but; in all parganas in which persons may be found who formerly discharge the duties of Kanungo, the officers to be appointed under the Regulation shall, as far as practicable, be selected from them; and in supplying future vacancies the Collectors [or other persons responsible for making the appointments] [Inserted by A.O.] shall make it a Rule, in all practicable cases, to select from the families of the Kanungos such persons as from character, education and acquirements shall be best qualified to perform the duty.

### **5. Salaries of Kanungos.**

- The Kanungos appointed under this Regulation shall receive such salaries as the [State] [Substituted by ALO.] Government may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances, under the denomination of nankar, or any other denomination. Revenue of lands held by Kanungos liable to resumption. - It is also hereby declared that the Revenue of all lands, the grant of which may be found to have been obtained by any person in virtue of his discharging the duties of Kanungos, and will be liable to resumption by the [Government] [Substituted by A.L.O. for the word 'Crown'.]; and that this Rule shall be considered applicable both to the persons who may be appointed to the office of Kanungo under the present Regulation, and to those who may not be employed in the public service. Nothing, however, contained in this provision shall be construed to preclude the [State] [Substituted by A. L. O.] Government from continuing to either of those classes of persons the whole or a part of the lands held by them respectively free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

### **6. Exception.**

- The above Rule is not to preclude claims to rent-free lands or pensions held by the Kanungos under grants made to the individuals for reasons unconnected with the office of Kanungo.

### **7. Duties of Kanungos.**

- The Kanungos are to execute the duties herein specified -First. - To keep a counterpart Jama-wasil-baki or account of the collections made by tahsildars or by Sazawals from lands held khas or under attachment. Second. - To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the Collector all escheats of such lands to the [Government] [Substituted by A. L. O.]. Third. - To keep a list of the patwaris in each village, and a register of pattas granted by the landholder to their under-tenants. Fourth. - To keep a register of all transfers of estates by sale (public or private), mortgage, lease or otherwise, and to attest such transfers at the request of the parties, without fee or gratuity, with their official signatures. Fifth. - To compile information regarding local boundaries of parganas and estates; the

number and names of villages, articles of produce, rates of rent, rules and customs established in each parganas; and to furnish at the requisition of the Courts of Justice and of the Collectors, all local information within their cognizance. Sixth. - To assist at all admeasurements of land, whether undertaken by the officers of the [Government] [Substituted by A. L. O. for the word 'Crown'.] in conformity to the Regulations, or by the landholders or raiyats, and to record the same. Seventh. - To prepare and keep the information and accounts directed in this or any future Regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue. Eighth. - To report to the Collector the death of a malguzar and the name of his heirs, and to keep a register of all successions to lands.

## **8. Kanungos not to hold farms or become sureties.**

- Persons who may be selected to fill the office of Kanungo are hereby prohibited from holding farms, or from becoming sureties for farmers or zamindars, within the local limits of their official duties.

## **9. Transfer of records to successors.**

- On the death, resignation or removal of a Kanungo the records of the office are to be made over to his successor, and the Magistrate of the zila is enjoined, on the application of the Collector, to interpose his authority, in all cases in which it may be necessary to enforce the surrender of such records.

## **10. Punishment on refusal to give them up.**

- The refusal or manifest evasion of any person in possession of the records mentioned in the preceding Section to deliver them up on the requisition of the Magistrate is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed [\* \*] [The Words 'by the Regulation' repealed by Act 1 of 1903.] for resistance to the process of the Magistrate.

## **11. Right of Government to vary number of Kanungos.**

- Nothing contained in this Regulation shall be construed to preclude the [State] [Substituted by A.L.O.] Government from exercising the right of decreasing the number of Kanungos; of abolishing the office in any pargana wherefrom local circumstances the duty may be performed by less than two persons or by the Kanungos in a neighbouring pargana; nor from exercising the right to increasing the number of Kanungos in any pargana where from circumstances more than two may be found necessary.

## **12. Collectors to report when variations are necessary.**

- The Collectors of Cuttack and Hijli are enjoined to report to the [State] [Substituted by A.L.O.] Government, through the usual channel, all instances wherein they may deem it expedient to

increase or diminish number of Kanungos in a pargana with their reasons at large for such opinion.