

ACT No. I. OF 1841.

*Passed by the Right Honorable the Governor General of India in Council,
on the 12th of April, 1841.*

AN Act for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble. I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient on the one hand for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A Putteedarree estate in this Act is held to be an estate which consists of two or more separate portions or Puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own name is called a Putteedar.

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822 as modified by Regulation IX. of 1833, whether every such Putteedar be in sole occupation of his Puttee, or hold it in common with others.

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3d. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th.

ACT No. I. OF 1841.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the coparcenary not being himself in arrear may claim to take the said Puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law from time to time for the sale of an entire Mehal, and the Puttee after the sale shall have been duly confirmed shall be the absolute property of the purchaser, save and except the rights of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as above said no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferee at the rate demanded by the purchaser or transferee. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X. Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Kuteonee of the Tehsildar signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferees under this Act in the mode authorized by Clause III., Section XXIII. of Regulation VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole Jumma, and to enforce the existing Regulations for the transfer or sale of the whole estate whenever it shall appear to them just and expedient. In every such case it is hereby declared in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the coparcenary

ACT No. I. OF 1841.

coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district to which with reference to the nature of the tenures prevalent therein its extension may be expedient, although no Settlement of such district may have been made under Regulations VII. of 1822, and IX. of 1833, and the order of Government, shall be sufficient authority for such extension.