

ACT No. II OF 1865.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th February 1865.)

An Act to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere.

WHEREAS it is expedient to provide for the better maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere; It is enacted as follows:—

“Number.”

1. In this Act the singular number includes the plural, and the plural number includes the singular.

2. The proprietor of any estate situated in any District to which the provisions of this Act may be extended, shall have authority to assess and collect, for the purposes of this Act, a sum not exceeding one Rupee per annum from the occupant of every house upon such estate. It shall be competent to the Collector of the District, acting under the orders of the Local Government, to determine what buildings shall be held to be a separate house for the purposes of this Act.

Proprietors of estates in Districts affected by this Act may assess and collect house tax.

3. The sum so assessed shall be held to fall due, in advance for the coming Revenue year, with the first instalment of agricultural rents payable in the vicinity in that year, and may be realized under the law for the time being in force in such vicinity relating to the recovery of rent. Provided that no person shall be liable to be ousted from his house for non-payment of any assessment leviable under the last preceding Section. Complaints against proprietors for unlawful collection of such assessments shall be treated as falling under Clause three, Section twenty-three, Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal*).

Assessments to be due annually with first instalment of rent.

Regulation IX of 1833, Sections 12 to 15, to apply.

4. Sections twelve, thirteen, fourteen, and fifteen of Regulation IX of 1833 (*to modify certain portions of Regulation VII of 1822, and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of Judicial questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations; for enforcing*

forcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of Section V, Regulation VII of 1822, touching claims to Malikana), shall be applicable to assessments under this Act.

5. Any person assessed under Section two of this Act may, by petition on unstamped paper, complain to the Collector of the District against such assessment, on the ground of inability to pay the same; and the Collector shall be competent to abate, or wholly to remit, the assessment, if he shall be of opinion that the circumstances of the complainant render such abatement or remission proper.

Persons assessed may petition against assessment, and Collector may abate or remit same.

6. It shall be lawful for the Collector or for any Officer making Settlements of Land Revenue, to assess upon any estate, as aforesaid, a sum to be contributed yearly by the proprietor for the purposes of this Act, not exceeding the aggregate of the house assessments in any such estate, less ten per cent. Such assessment shall be over and above any Municipal cess or percentage levied on the Land Revenue for similar purposes.

Collector may assess yearly contribution for purposes of this Act.

7. The sum so assessed shall, subject to the sanction of the Local Government, be liable to be altered from time to time in conformity with the foregoing provisions.

Such assessment may from time to time be altered.

8. The provisions of this Act shall be applicable to Maafee and Nuzerana estates. Besides the assessments made by the Collector under Section six of this Act, it shall be lawful to levy upon the Maafeedars, or (where a sub-settlement shall have been made) on the sub-proprietors, or on the Nuzeranadars, a Municipal cess not exceeding two Rupees twelve annas per cent. of the jumma at which their estates would have been rated if not held under a Maafee or Nuzerana title.

Act to apply to Maafee and Nuzerana estates.

9. The Local Government may determine by what instalments and at what times, the assessments payable under Sections six and eight shall be paid. Any arrear of such assessments may be realized by the same processes and under the same rules as arrears of Land Revenue.

Government to determine how and when assessments to be paid.

10. Assessments realized under this Act shall be appropriated, under the orders of the Local Government, to the payment of the Village Police or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the Local Government for sanatory purposes, or any other purpose of general improvement within the District in which the amount is collected.

Application of assessments.

11. Every

11. Every proprietor or other person in whom the right of nomination of Village Watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of Watchman on his estate; and the person so nominated shall after due enquiry be appointed or rejected by the Magistrate of the District at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rupees fifty, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy.

Persons empowered to nominate Village Watchmen shall do so within fifteen days after occurrence of vacancy.

12. Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861 (*for the Regulation of Police*); and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act, and guilty of neglect or disobedience, as the case may be.

Village Watchmen to perform duties of Policemen under Act V of 1861, in addition to his other duties.

13. The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the Territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal*), or any other special Municipal Law shall have been extended, so long as such Act or Law shall continue in force in such village.

Power to Government of North-Western Provinces to extend this Act.

14. Subject to the proviso contained in the last preceding Section, the Governor General of India in Council may extend the provisions of this Act to any Province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the Territories under his government.

Power to Governments of India and of the Punjab to extend this Act.

15. From the date of any such extension, so much of any Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with or repugnant to this Act, shall cease to have effect in such Territories.

Repeal of inconsistent Rules.