

THE NORTH-WESTERN PROVINCES LAND  
REVENUE ACT, 1873.

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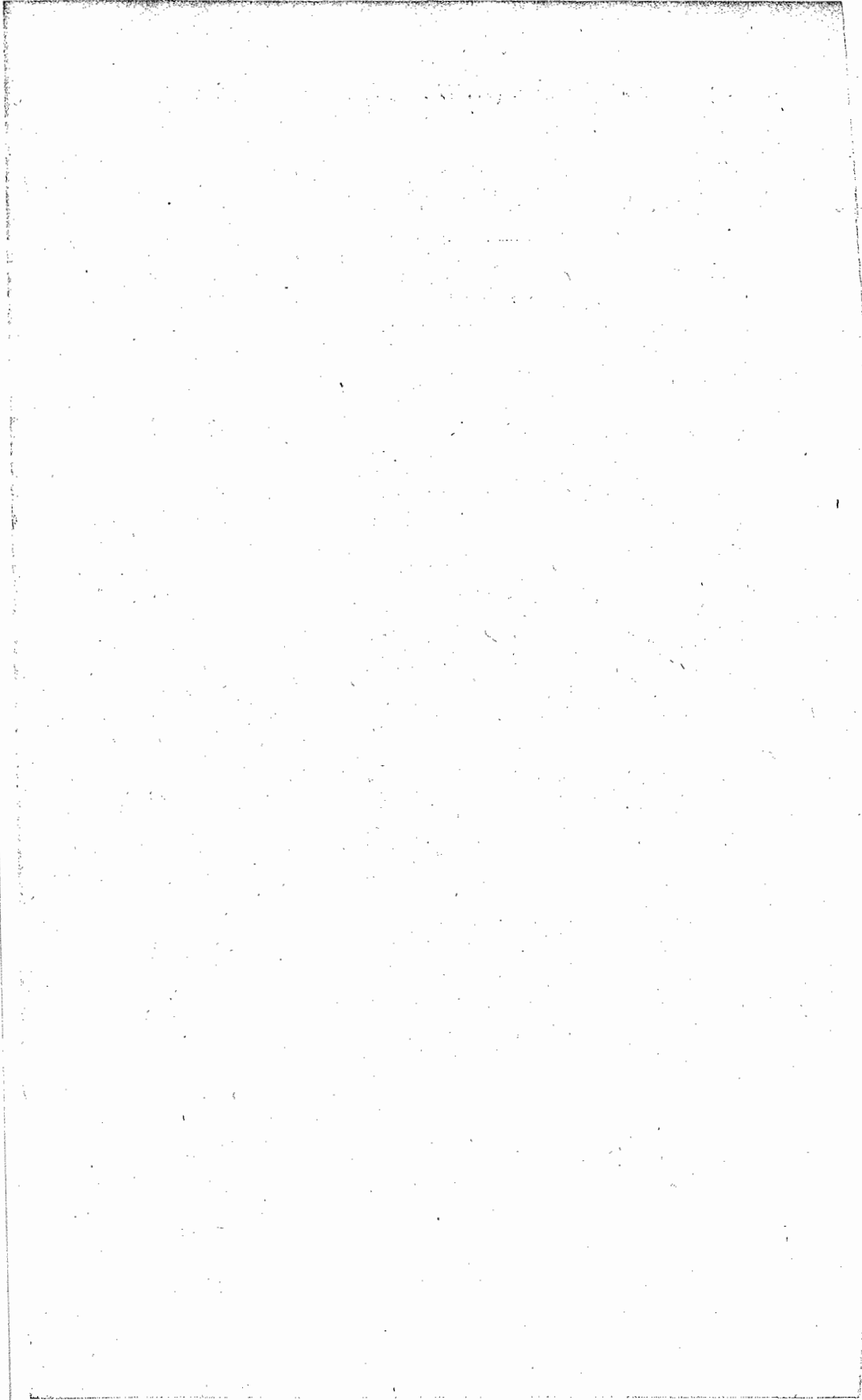
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FIRST SCHEDULE—Districts to which Act does not apply.

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SECOND SCHEDULE—Enactments repealed.



## ACT No. XIX OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd  
December 1873.)

An Act to consolidate and amend the Law relating  
to Land-Revenue and the jurisdiction of Revenue  
Officers in the North-Western Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to land-revenue and the jurisdiction of Revenue Officers in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. This Act may be called "The North-Western Provinces Land-Revenue Act, 1873:—"

It extends in the first instance to all the territories for the time being under the government of the Lieutenant-Governor of the said Provinces, except those specified in the first schedule hereto annexed;

But the Local Government may, by notification in the official Gazette, extend the whole or any part of this Act to all or any of the territories so excepted.

This Act shall come into force on the passing thereof.

2. The Regulations and Acts mentioned in the second schedule hereto annexed are repealed to the extent specified in the third column thereof.

But all rules prescribed, appointments made, powers conferred, and notifications published under any such

such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed, shall be deemed to be commenced under this Act, except where a decree has been made or an appeal presented.

Interpreta-  
tion-clause.

**3.** In this Act—unless there be something repugnant in the subject or context,

‘Mahál.’

(1.) “Mahál” means—

(a) any local area held under a separate engagement for the payment of the land-revenue, and for which a separate record-of-rights has been framed, and

(b) any local area of which the revenue has been assigned or redeemed, and for which a separate record-of-rights has been framed :

✓  
‘Collector of  
a District.’

(2.) “Collector of a District” means the chief officer in charge of the revenue administration of a District :

‘Commis-  
sioner of a  
Division.’

(3.) “Commissioner of a Division” means the chief officer in charge of the revenue administration of a Division :

‘Rent.’

(4.) “Rent” means whatever is to be paid, delivered or rendered by a tenant on account of his holding, use or occupation of land :

‘Sír-land.’

(5.) “Sír-land” means—

(a) land recorded as sír at the last settlement of the district in which it is situate, and continuously so recorded since ; or,

(b) land continuously cultivated for twelve years by the proprietor himself with his own stock, or by his servants, or by hired labour ; or,

(c) land recognized by village-custom as the special holding of a co-sharer, and treated as such in the distribution of profits or charges among the co-sharers :

(6.) “Annual

(6.) "Annual value" means double the amount of the revenue, or, in the case of maháls permanently assessed or exempt from the payment of revenue, double the amount that would be assessable on such maháls if they were liable to assessment or revision of assessment: 'Annual value.'

(7.) "Incumbrance" means a charge upon or claim against land arising out of private contract: 'Incumbrance.'

(8.) "Agricultural year" means a year commencing on the first day of July, and ending on the thirtieth day of June: 'Agricultural year.'

(9.) "Revenue Court" means all or any of the following authorities: (that is to say) the Board of Revenue of the North-Western Provinces, and all members thereof, Commissioners, Collectors, Assistant Collectors, Settlement Officers, Assistant Settlement Officers and Tahsildárs: 'Revenue Court.'

(10.) "Revenue-free" applies to land whereof the revenue has either wholly or in part been released, compounded for, redeemed or assigned: 'Revenue-free.'

(11.) "Board" means the Board of Revenue of the North-Western Provinces: 'Board.'

(12.) "Minor" means a person who has not completed his age of eighteen years. 'Minor.'

## CHAPTER II.

### CONSTITUTION AND POWERS OF REVENUE OFFICERS.

4. The chief controlling authority in all matters connected with the land-revenue of the said territories is vested in the Board, subject to the Local Government. Chief controlling authority in revenue matters.

Subject to the orders of the Local Government, the Board shall sit in any place in the North-Western Provinces that it thinks fit, and it shall have the powers conferred by chapter VII of this Act on Commissioners of Divisions.

5. The Local Government, with the previous sanction of the Governor General in Council, shall appoint, and may from time to time remove, the Members of the Board. Appointment and removal of Members Board.

6. With

Power to distribute business.

6. With the previous sanction of the Local Government, and subject to rules which it may from time to time prescribe, the Board may distribute its business and make such territorial division of its jurisdiction amongst its Members as to the Board may seem fit.

Orders of Member to be orders of Board.

All orders made or decrees passed by a Member of the Board, in accordance with such distribution or division, shall be held to be the orders or decrees (as the case may be) of the Board.

Alteration or reversal of orders.

7. No decree or order coming under the consideration of the Board on appeal or on being called for or reported for orders under section two hundred and fifty-three or section two hundred and fifty-four, shall be altered or reversed without the concurrent judgment of two Members of the Board.

Reference to Local Government in case of difference of opinion.

8. When the Members of the Board are equally divided in opinion as to any order to be made in the course of its non-judicial business, the question regarding which there is such division shall be referred for decision to the Local Government.

Power of Board to review and alter its orders and decrees.

9. The Board may review, and may rescind, alter or confirm, any order made by itself, or by any of its Members, in the course of its non-judicial business.

But no decree passed judicially by it or by any of its Members shall be so reviewed except on the application of a party to the cause within ninety days from the passing of the decree, or, if good cause be shown, within any longer period.

Members not empowered to alter each other's orders.

A single Member vested with all or any of the powers of the Board shall not have power to alter or reverse a decree or order passed by the Board or by any Member other than himself.

Power to authorize Member to exercise powers of Board.

10. Notwithstanding anything hereinbefore contained, the Local Government may authorize any Member of the Board to perform or exercise, either generally or in any particular locality, all or any of the duties and powers imposed and conferred on the Board.

Commissioners of Division.

11. The Local Government shall appoint in each Division a Commissioner, who shall within his Division exercise the powers and discharge the duties conferred



ferred and imposed on a Commissioner of Division under this Act, or under any other law for the time being in force, and who shall, subject to the control of the Board, exercise authority over all the Revenue Officers in his Division.

12. The Local Government shall appoint in each district an officer who shall be the Collector of the District, and who shall exercise, throughout his district, all the powers and discharge all the duties conferred and imposed on a Collector or an Assistant Collector by this Act or any other law for the time being in force.

Collector of the District.

The Local Government may confer on any Assistant Collector in charge of a Sub-division of a District all or any of the powers of a Collector of a District, and all powers so conferred shall be exercised subject to the control of the Collector of the District.

13. The Local Government may appoint to each district as many other persons as it thinks fit to be Assistant Collectors of the first or second class.

Assistant Collectors.

All such Assistant Collectors, and all other persons employed in maintaining revenue-records or otherwise in or about the business of the land-revenue, shall be subordinate to the Collector of the District.

14. The Local Government may from time to time alter the limits of any Division, District or Tahsil, and may divide any district into Sub-divisions, and from time to time alter the limits of such Sub-divisions.

Power to alter limits of Divisions, &c., and to form Sub-divisions.

All existing tahsils shall be Sub-divisions of Districts until they are so altered.

15. The Local Government may place any Assistant Collector of the first class in charge of one or more Sub-divisions of a District, and may at any time remove him therefrom.

Assistant Collector in charge of Sub-division of District.

Such Assistant Collector shall be called an Assistant Collector in charge of a Sub-division of a District, and shall exercise the powers conferred upon him by this Act or by any other law for the time being in force, subject to the control of the Collector of the District.

The

The Local Government may, from time to time, delegate its powers under this section to the Collector of the District, and may revoke such delegation.

Subordina-  
tion of  
Revenue  
Officers.

16. Every officer of a Sub-division of a District employed in maintaining revenue-records or otherwise in or about the business of the land-revenue shall be subordinate to the Assistant Collector (if any) in charge of such Sub-division, subject to the general control of the Collector of the District.

Conferring of  
powers.

17. In conferring powers under this Act, the Local Government may empower persons by name, or classes of officials generally, by their official titles.

Transfer of  
cases to sub-  
ordinates.

18. The Collector of the District, or any Assistant Collector in charge of a Sub-division of a District, or Officer in charge of a Settlement, may make over any case, or class of cases, arising under the provisions of this Act or otherwise, for enquiry or decision from his own file to any of his subordinates competent to deal with such case or class,

Power to  
withdraw  
cases from  
subordinates.

or may withdraw any such case or class of cases from any Revenue Officer subordinate to him, and may deal with such case or class himself, or refer the same for disposal to any other such Revenue Officer competent to deal therewith.

Power to vary  
and cancel  
powers.

19. The Local Government may vary or cancel any order conferring powers under this Act.

Collector of  
the District  
in case of  
temporary  
vacancy.

20. If the Collector of the District dies, or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district in revenue matters shall be held to be the Collector of the District under this Act until the Local Government appoints a successor to the Collector so dying or disabled, and such successor takes charge of his appointment.

Powers of  
officers trans-  
ferred to  
another  
district.

21. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any district, is transferred to an equal or higher office of the same nature within another district, he shall, unless the Local Government otherwise directs, be held to be invested  
with

with the same powers in the district to which he is so transferred.

22. Tahsildárs shall be appointed by the Board, subject to such rules as to qualification or otherwise as the Board, subject to the sanction of the Local Government, may from time to time make under section two hundred and fifty-seven.

Appointment of Tahsildárs.

23. The Collector of the District, with the sanction of the Board, may arrange all the villages of such district in patwáris' circles, and may, from time to time, alter the limits of such circles.

Power to form and alter patwáris' circles.

But no such arrangement or alteration shall be final unless and until it has been sanctioned by the Board.

24. A patwári shall be appointed to each circle, whether the maháls in such circle are assessed to revenue or not.

Appointment of patwári to each circle.

25. Whenever a circle is without a patwári, the proprietors of such circle, or their representatives in interest, shall, in accordance with local custom, nominate a person to be such patwári, and he shall be appointed by the Collector of the District, or Assistant Collector.

Nomination and appointment of patwáris to fill vacancies.

26. In case of disagreement as to the nominee, the Collector or Assistant Collector shall ascertain the local custom, if any, and shall appoint the person nominated in accordance therewith.

Which nominee to be appointed in case of disagreement.

Where no such custom can be ascertained, the Collector or Assistant Collector shall appoint the nominee of those proprietors who represent the largest amount of annual value in the circle, or of their representatives in interest.

If a mahál is held under direct management, or if the proprietor of a mahál be under the charge of the Court of Wards, the Collector of the District or Assistant Collector, shall be held to be the proprietor for the purpose of nominating a patwári under this section.

27. If the persons in whom the nomination is vested neglect to nominate a successor to the patwári within fifteen days from the occurrence of the vacancy,

Appointment of patwári in case of failure or neglect of person entitled to nominate.

vacancy, the Collector of the District or Assistant Collector shall call on them by notice to make the nomination, and, if they fail to do so within fifteen days from the receipt of notice, the Collector of the District or Assistant Collector shall make the appointment.

Procedure in case of nomination of unfit person.

**28.** If the person or persons in whom the nomination is vested nominate a man not qualified to perform the duties of a patwári, or in the nomination neglect to follow the local custom, the Collector of the District or Assistant Collector shall refuse to appoint the nominee; and if no fit person be nominated within fifteen days from the date of the notification of such refusal, he shall himself appoint a person to the vacant office:

Preference to member of patwári's family.

Provided that the Collector of the District or Assistant Collector, in making the appointment under this and the last preceding section, shall always give preference to any member of the late patwári's family, qualified to perform the duties of the office.

Payment of patwáris.

**29.** A rate may be imposed by order of the Collector of the District, on the annual value, or on the cultivated area, of all the maháls composing the circle of each patwári, or partly in the one way, and partly in the other, for defraying the salary of such patwári, and any charges incurred on account of any additional establishment required for the proper supervision, maintenance and correction of the patwári's records.

Fixing amount of rate.

**30.** The amount of the rate to be imposed under section twenty-nine in any district or Sub-division of a District, shall be determined by the Board under the orders of the Local Government:

Provided that such rate shall not exceed three per cent. on the annual value of the rated mahál, and that the amount to be imposed on each mahál shall be fixed in the temporarily settled districts for the term of settlement, and in permanently settled districts for thirty years, or such shorter period as the Local Government may direct.

**31.** The

**31.** The rate shall be collected with the revenue, and shall, in case of default, be recoverable by the same process as arrears of revenue.

Collection of rate.

**32.** The salaries of the patwáris shall from time to time be fixed by the Board under the orders of the Local Government.

Salaries of patwáris.

**33.** One or more Kánúgos may be appointed in each tahsíl for the proper supervision, maintenance and correction of the patwári's records.

Appointment of Kánúgos and filling vacancies among them.

In case of a vacancy in the office of a Kánúgo, preference shall be given to some duly qualified member of a family in which the office of Kánúgo of the tahsíl or any part thereof is hereditary.

If no such qualified member can be found, then one of the patwáris of the tahsíl shall, if duly qualified, be appointed to the vacancy, and failing any person duly qualified among them, some other fit and competent person shall be appointed thereto.

**34.** The salaries of the Kánúgos shall from time to time be fixed by the Local Government.

Amount of Kánúgos' salaries.

**35.** Every Kánúgo and patwári, and every person appointed temporarily to discharge the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code,

Kánúgos and patwáris to be public servants, and their records public records.

and all official records and papers kept by any such officer shall be held to be public records and the property of Government.

### CHAPTER III.

#### SETTLEMENT.

**36.** Whenever the Local Government thinks that any district or other local area liable to be brought under settlement should be so brought, it shall publish a notification specifying such area,

Notification as to settlement.

and if it thinks that a record-of-rights in land, whether permanently settled, temporarily settled or revenue-free, should be prepared for any district or local area, it shall publish a notification to that effect.

Notification as to record-of-rights.

**37a** Every

Settlement to be deemed in progress until closing notified.

**37.** Every local area shall be held to be under settlement from the date of any notification published under section thirty-six and relating thereto until the issue of another notification declaring settlement operations to be closed therein.

Settlements now in progress brought under operation of Act.

Every district or other local area under settlement at the time of the passing of this Act, shall be held to be under settlement within the meaning of this section without the issue of the notifications prescribed by section thirty-six.

Appointment and powers of Settlement Officers.

**38.** The Local Government may from time to time appoint an officer to be in charge of the settlement of one or more districts, or part of a district, and as many Assistant Settlement Officers as to it may seem fit; and such officers shall exercise the powers conferred upon them by this Act so long as such district, part of a district or districts is or are under settlement.

Local Government to issue rules as to mode of assessment.

**39.** The Local Government shall from time to time, with the previous sanction of the Governor General in Council, frame and issue rules regarding the mode in which the revenue demand is to be assessed.

Powers of Settlement Officers as to erection of boundary-marks and decision of disputes.

**40.** When any district, or part of a district, is under settlement, the Settlement Officer shall have power to call upon all proprietors, by proclamation to be stuck up in some conspicuous place in each village, to erect within fifteen days such boundary-marks as he may think necessary to define the limits of their villages, maháls, or fields; and in default of their compliance within the time specified in the notice, he may cause such boundary-marks to be erected, and he shall recover the cost of the erection from the proprietors as if it were an arrear of revenue.

In case of dispute concerning any boundary-marks, the Settlement Officer shall decide such dispute on the basis of possession, or may refer it to arbitration, for decision on the merits as provided for in section two hundred and twenty to section two hundred and thirty-one (both inclusive).

**41.** All

41. All Settlement Officers and all officers in charge of a survey made in connection with the revenue, and their assistants, servants, agents and workmen, may do all acts necessary for any purpose connected with the settlement or survey, as the case may be.

Power of settlement and survey officers to do necessary acts.

42. The Settlement Officer may order all persons, whose presence is in his opinion necessary for any of the purposes of this chapter to attend at any specified time and place, and to produce any written document in their possession or power; and all such persons shall be legally bound to obey such order.

Power to require attendance of persons concerned, and production of documents.

43. The settlement shall be made with the proprietor of the land; or, if the proprietor have transferred possession of his land to a mortgagee or conditional vendee, then with such mortgagee or vendee.

With whom settlement to be made.

If, at the time of settlement, a mahál or any share thereof, be in the possession of a lunatic, minor, or other person incapable of making a contract, the settlement shall be made with his guardian or manager on his behalf.

Settlement of mahál in possession of lunatic or minor.

44. When several persons hold a mahál, the Settlement Officer shall have power to make a joint settlement with all such persons, or with their representatives elected according to the custom of the mahál.

Power to make joint settlement with several proprietors, or their elected representatives.

45. Whenever the Settlement Officer frames general proposals of assessment in accordance with the rules made under section two hundred and fifty-seven, he shall report them through the Commissioner of the Division to the Board, and after receipt of the orders of the Board thereon, and subject to such orders, he shall ascertain the amount of the assessment proper for each mahál, and declare the same to the person with whom the settlement of such mahál is to be made.

Framing and reporting general proposals of assessment. Detailed assessment and declaration thereof to persons concerned.

Such declaration shall be made on a date to be notified by proclamation at the tahsíl in which such mahál is situate.

46. If the persons with whom the settlement is to be made agree to the assessment so proposed, they and those (if any) whom they represent in interest shall

Effect of agreement to assessment proposed.

shall become liable from the date of such agreement, or from such subsequent date as the Board directs, to pay such assessment,

Distribution of assessment.

and in maháls in which the land, or part of the land, is held in severalty, the Settlement Officer shall distribute such assessment on the lands so held.

Enforcement of custom as to re-distribution of land and adjustment of revenue of shares.

47. In any mahál where, by the established custom, the land or the amount of revenue payable by each sharer is subject to periodical re-distribution or re-adjustment, the Settlement Officer may, on application of the co-sharers, enforce such re-distribution or re-adjustment according to the established custom of the mahál.

Exclusion of person declining, or failing to accept, settlement.

48. If the person to be settled with refuse to accept the assessment offered by the Settlement Officer, or fail to accept such assessment within thirty days from the date of the declaration by the Settlement Officer under section forty-five, the Settlement Officer shall report the case through the Commissioner of the Division to the Board, and the Board may direct that the person so refusing or failing be excluded from the settlement for such term not exceeding fifteen years from the date of such direction, as the Board shall fix. And the Settlement Officer or the Collector of the District may, with the previous sanction of the Board, either farm the mahál or hold it under direct management during such term or any part thereof.

Allowance to person excluded.

In such case, the person so excluded shall be entitled (subject to the orders of the Board) to an allowance out of the profits of the mahál of not less than five or more than fifteen per cent. on the proposed assessment.

Procedure in case of some of several proprietors refusing assessment.

49. If, in a pattidári or imperfect pattidári mahál, some of the co-sharers refuse or fail within thirty days from the date of the declaration by the Settlement Officer under section forty-five to accept the proposed assessment, the shares of the persons so refusing or failing shall be dealt with under the provisions of section forty-eight, and they shall receive an allowance as laid down in that section in proportion to their respective shares in the mahál :

Provided



Provided that the farm of such shares shall be offered in the first instance to those proprietors who have accepted the proposed terms.

Farm of shares of proprietors refusing.

50. Any proprietor excluded from settlement under section forty-eight or forty-nine shall be entitled to hold his sîr land as an exproprietary tenant, and the rent to be paid by him for such land during such exclusion shall be fixed by the Settlement Officer accordingly.

Adjustment of rent of the sîr lands of proprietors of estate farmed under section 48 or 49.

51. The aggregate amount of any allowance assigned under section forty-eight or section forty-nine to any proprietor excluded from settlement and of the difference between the rent fixed under section fifty and the rent which he would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the assessment proposed by the Settlement Officer.

Amount of allowance assigned under section 48 or 49 to excluded proprietor, and of difference between rent fixed under section 50, and rent payable by him if he were a tenant-at-will.

52. On the expiration of the term fixed under section forty-eight, the settlement shall be offered by the Collector of the District to the person then entitled to be settled with in respect of such mahâl or portion, at such assessment for the remainder of the term of settlement of the district as the Board may direct.

Offer of settlement to excluded proprietor on expiry of term of exclusion.

And if such person refuse to accept the offer, the Collector of the District shall report such refusal through the Commissioner of the Division to the Board, and such person may be excluded from settlement for such period not exceeding the term of the settlement of the district as the Board may direct, and shall then receive the allowance to which he would be entitled if sections forty-eight and forty-nine applied to his case. And the rent to be paid by him as an exproprietary tenant for his sîr land shall be fixed by the Collector of the District or Assistant Collector in accordance with the North-Western Provinces' Rent Act, 1873.

Procedure on refusal.

53. Whenever

Power to direct which of several parties having separate and different interests shall be admitted to settlement;

and to prescribe distribution of profits.

Power to make sub-settlement with inferior proprietor in behalf of superior proprietor of mahál coming under section 53.

Exclusion of inferior proprietor from sub-settlement in case of refusal of terms.

Allowance.

Assessment on inferior proprietor

**53.** Whenever several persons possess separate heritable and transferable proprietary interests in any mahál, such interests being of different kinds, the Settlement Officer may, under the rules for the time being in force, determine

(a) which of such persons shall be admitted to engage for the payment of the revenue, due provision being made for securing the rights of the others, and

(b) the manner and proportion in which the nett profits of the mahál shall be allotted to the several persons possessing separate interests as aforesaid for the term of the settlement.

**54.** If in any mahál coming under the provisions of section fifty-three, the separate properties bear to each other the relation of superior and inferior, and the settlement be made with the party possessing the superior right, the Settlement Officer may make, on behalf of the superior proprietor, a sub-settlement with the inferior proprietor, by which such inferior shall be bound to pay to the superior an amount equal to the Government demand in respect of the mahál, together with the share of the profits thereof allotted to the superior proprietor under section fifty-three :

Provided that, if the inferior proprietor refuse to agree to the terms of such sub-settlement, the mahál shall be made over to the superior proprietor for the term of settlement.

And in such case the inferior proprietor shall hold as an exproprietary tenant the land (if any) cultivated by him at the date of such refusal, and the superior proprietor shall pay him such annual allowance as, when added to the difference between the rent fixed for such land and the rent which the inferior proprietor would be liable to pay therefor if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. of the profits allotted to him under section fifty-three.

**55.** If the settlement of a mahál be made with the inferior proprietor, the amount to be paid by him shall

shall be fixed by the Settlement Officer at such a sum as may be equal to the Government demand in respect of such mahál, together with the share of the profits allowed to the superior proprietor under section fifty-three; and in this case the share of the superior proprietor shall be realized as revenue, and paid to him from the Government Treasury.

when settle-  
ment made  
with him.

**56.** If in any mahál there exist persons possessing proprietary rights therein which are not of such a nature as to entitle their possessors to settlement, the Settlement Officer may make such arrangements as shall secure such persons in possession of their existing rights, or of an equivalent thereto.

Power to  
make  
arrangements  
for the bene-  
fit of persons  
possessing  
rights which  
do not entitle  
them to  
settlement.

This may be done

(a) by the formation of a sub-settlement on behalf of the proprietors with such persons for any lands actually in their possession, or,

(b) in maháls held as joint undivided property and where the said rights are rights to receive from the tenants any money-payment or portion of the agricultural produce, by assigning, in lieu thereof, the proprietary right in a certain portion of the mahál, the profits of which are equivalent in the opinion of the Settlement Officer to the said payment or portion, or

(c) in such other way as shall maintain the persons referred to in the first clause of this section in the enjoyment of, or of an equivalent to, their existing rights.

**57.** When the waste-land belonging to, and included at the previous settlement within the boundaries of, any mahál assessed to the payment of revenue is so extensive as, in the opinion of the Settlement Officer, confirmed by the Board, to exceed the requirements of the owner of such mahál with reference to pastoral or agricultural purposes, such officer may make a separate settlement of the waste-land which he considers to be so in excess, and shall offer such waste-land to the owner of the mahál to which it belongs, at such assessment and for such term, not exceeding

Separate  
settlement of  
waste-land in  
excess.

exceeding the period of settlement of the mahál, as the Board may order.

If the owner of the mahál accepts such offer, the Settlement Officer shall make the settlement of such waste-land accordingly, and on the expiration of the term of such settlement, a farther settlement of such waste-land shall be offered, on such terms as the Board directs, to the person entitled to be settled with in respect thereof.

Allowance to owner of mahál refusing offer of settlement.

If the owner of such mahál refuses such offer, the Settlement Officer shall mark off the quantity so in excess, and declare it to be a separate mahál and at the disposal of Government: Provided that there shall be allowed to the owner of the mahál to which the waste-land originally belonged such annual sum as the Board may direct, being not less than five and not more than ten per cent. on the nett revenue realized by Government from such waste-land.

Procedure as to waste-land not included in any mahál at previous settlements.

**58.** Waste-land which has neither been judicially declared to be part of any mahál, nor included within the boundaries of any mahál at any previous settlement, shall be marked off by the Settlement Officer,

and he shall record a proceeding declaring such land to be the property of Government, and cause a proclamation to that effect to be stuck up in the District Revenue Court and in the office of the tahsil in which such land is situated, and shall call on all persons having any claims on such land to make the same within three months from the date of the proclamation.

Proclamation to be held an advertisement under Act XXIII of 1863.

**59.** Such proclamation shall be held to be an advertisement of the disposal of such land within the meaning of Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one, and any person having claims to such land must proceed according to the provisions of that Act.

Procedure as to waste-land unclaimed or adjudged to belong to Government.

**60.** If no claim is made to the proprietary right of such waste-land, or if such waste-land is decided to be the property of Government, but the proprietor of the adjoining mahál proves that he has theretofore enjoyed the use of such land for pastoral or agricultural

tural

tural purposes, the Settlement Officer may assign to such mahál so much of such waste-land as he may consider requisite for such purposes; and he shall mark off the remainder and declare it to be the property of Government.

61. If the claimant obtain a decree under the provisions of the said Act No. XXIII of 1863 for the whole or part of such waste-land, the Settlement Officer may deal with the land to which a title is so established under the provisions of section fifty-seven.

Settlement of waste-land adjudged to belong to claimant.

#### RECORD-OF-RIGHTS.

62. The Settlement Officer shall frame for each mahál a record containing a list of

Contents of record.

- (a) all the co-sharers,
- (b) all other persons occupying any portion of the land therein, or who are in possession of any heritable or transferable interest in such land, or receiving rent in respect thereof,
- (c) the nature and extent of the interest held therein by each of such co-sharers and other persons, and
- (d) all persons holding land free of rent, or revenue-free.

63. The record shall also specify the persons (if any) holding land at a rent fixed by grant or by contract, or on condition of service or otherwise, and all other tenants in the mahál, the name and caste of each, the area of their holdings, and all conditions of their tenure.

Record to include particulars as to tenants.

64. All entries in the record made under sections sixty-two and sixty-three shall be founded on the basis of actual possession, and all disputes regarding such entries, whether taken up by the Settlement Officer of his own motion or upon the complaint of the party concerned, shall be investigated and decided by him on that basis. And all persons not in possession, but claiming the right to be so, shall be referred by him to the proper Court.

Settlement of disputes as to entries to be made in record.

65. The

Arrange-  
ments of co-  
sharers, to be  
recorded.

**65.** The Settlement Officer shall also record the arrangement made by himself or agreed to by the co-sharers,

(a) for the distribution of the profits derived from sources common to the proprietary body,

(b) for fixing the share which each co-sharer is to contribute of the Government revenue and of the cesses levied under any law for the time being in force, and of the village expenses,

(c) as to the manner in which lambardárs or co-sharers are to collect from the cultivators,

(d) the instalments of rent and the respective dates fixed for their payment, and

(e) any other matters which he may be directed to record under rules framed under section two hundred and fifty-seven.

Cesses to be  
consolidated  
with rent.

**66.** All cesses which are payable by tenants on account of the occupation of land assessed to revenue and taken into account in such assessment, or which, in the case of land not assessed to revenue, would have been taken into such account had the land been assessed, or in lieu of which proprietary rights have been assigned under section fifty-six, clause (b), shall be consolidated with the rent payable by such tenants.

Cesses to be  
recorded.

A list of all other cesses levied in accordance with village custom shall, if generally or specially sanctioned by the Local Government, be recorded by the Settlement Officer, and no cesses not so recorded shall be enforced in any Civil or Revenue Court.

Conditions on  
collection of  
cesses.

The Local Government may from time to time impose on the collection of any cesses so sanctioned, such conditions as to conservancy, police or other establishments connected with the village, bázár or fair in or on account of which the cesses are levied, as it thinks fit.

Determina-  
tion of dis-  
putes arising  
under sections  
65 and 66.

**67.** If it appear to a Settlement Officer that there exist in any mahál under settlement any disputes relative to any of the matters which he is bound to record, under section sixty-five or section sixty-six, he may of his own motion, and without complaint being made, investigate and determine such disputes in accordance

accordance with the existing village custom, and frame the record accordingly.

68. In framing the list of tenants mentioned in section sixty-three, the Settlement Officer shall state as to each tenant the following particulars :—

Particulars to be stated in list of tenants.

(a) Whether, under the provisions contained in the North-Western Provinces Rent Act, he is a tenant holding at fixed rates, or an exproprietary tenant, or an occupancy-tenant, or a tenant without a right of occupancy :

(b) The rent which the landholder and the tenant then admit to be payable by the latter :

(c) If he be a tenant without a right of occupancy, the number of years during which he has held the land then in his possession :

(d) Any other condition of the tenure, whether contained in a written lease or otherwise.

69. Notwithstanding anything contained in section sixty-four, in case of any dispute respecting the class or tenure of any tenant, the Settlement Officer shall decide according to the principles laid down in sections five, six, seven and eight of the North-Western Provinces Rent Act, 1873.

Determination of class of tenants.

70. In case of any dispute regarding the rent payable by any tenant, the Settlement Officer shall decide according to the principles hereinafter laid down.

Determination of rent of tenants.

71. If the proprietor apply to the Settlement Officer to enhance or determine the rent of an exproprietary tenant, the Settlement Officer shall fix the rent of such tenant at a rate which shall be four annas in the rupee below the prevailing rate for land of a similar quality with similar advantages held by tenants-at-will in the same circle or tahsíl.

Enhancement and determination of rent of exproprietary tenants.

72. If a landholder apply to enhance the rent previously paid by any of his occupancy-tenants,

Determination of rent of occupancy-tenants by Settlement Officer.

or, if an occupancy-tenant apply for an abatement of the rent previously paid by him,

or, if a dispute exists as to the rent to be paid by an occupancy-tenant,

the

the Settlement Officer may fix the rent to be paid by such tenant either by reference to the standard of the rent-rate sanctioned by the Board for purposes of assessment for similar land, with similar advantages, in the circle or tahsil in which the holding of such tenant is situate or by reference to the customary rate of rent paid by tenants of the same class for similar land, with similar advantages, in the same circle or tahsil.

Power to commutere rent in kind, &c., to fixed money rents.

**73.** In all cases in which rents have heretofore been paid in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others of such ways, application to commute such rent to a fixed money rent may be made to the Settlement Officer either by the landholder or by any exproprietary tenant or occupancy-tenant.

Procedure on receiving application to commute.

**74.** On receipt of such application the Settlement Officer shall deal with the case as if it were an application under section seventy-one or seventy-two, and shall determine the sum to be paid in commutation in accordance with the provisions of those sections.

Joinder of tenants in applications relating to rent.

**75.** Whenever an application for enhancement or abatement or commutation of rent, against or by any number of tenants, is brought before a Settlement Officer, such tenants may be sued or may sue collectively: and it shall be no ground for dismissing or refusing to hear the application, that such tenants are wrongly joined as plaintiffs or defendants, provided all such tenants cultivate in the same mahál;

Proviso.

but no order shall be passed in such case in which enhancement, abatement or commutation of rent is claimed, unless the officer making such order is satisfied that all parties have had an opportunity to appear and make objection to any claims preferred against them.

Order in such cases.

**76.** Every order passed in any such case shall specify the extent to which each of the tenants named in the order shall be affected thereby.

**77.** The



77. The rent fixed by order of the Settlement Officer shall be payable from the first day of July next following the date of the order of the Settlement Officer, and (subject to the provisions of sections sixteen and seventeen of the North-Western Provinces Rent Act, 1873) shall not be liable to enhancement or abatement for ten years from such first day of July.

Rent from what date payable.

Bar to enhancement or abatement.

78. The Local Government may from time to time, by notification in the official Gazette,

Powers of Local Government as to commutation-suits.

- (a) declare the provisions of section seventy-three applicable to any district or portion of a district not under settlement;
- (b) declare what officers are empowered to hear and decide applications under section seventy-three in such district or portion of a district, and lay down rules for their guidance;
- (c) withdraw any notification previously published under this section.

79. And whereas all grants (whether in writing or otherwise) for holding land exempt from the payment of rent which have been made since the first day of December 1790, by any authority other than that of the Governor General in Council were declared by Bengal Regulation XIX of 1793, section ten, to be null and void, and like provisions have been by divers Regulations at different times applied to the several parts of the territories to which this Act extends; and the said Regulation XIX of 1793 also provided that no length of possession should be considered to give validity to any such grant, either with regard to the property in the soil or the rents of it, it is hereby enacted as follows:—

Resumption of rent-free grants.

Applications by the proprietors to resume such grants or to assess rent on the land shall, when the district in which the land is situate is a district under settlement, be made to the Settlement Officer, who may (subject to this Act and to any rules made hereunder and for the time being in force) make such order thereon as he deems just.

Disposal of applications to resume such grants.

80. Nothing in section seventy-nine applies to either of the following cases,

Saving of certain lands held rent-free.

- (a) where

(a) where land is, previously to the passing of this Act, held rent-free under a judicial decision,

(b) where, previously to the passing of this Act, land held rent-free has been purchased for a valuable consideration and its resumption has been barred by Act No. X of 1859, section twenty-eight, or by Act IX of 1871, second schedule, No. 130.

Validity of grants which grantor has expressly agreed not to resume.

**81.** Grants of land held under a written instrument (whether executed before or after the passing of this Act) by which the grantor expressly agrees that the grant shall not be resumed, shall be held valid as against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate, which was current at the date of the grant.

When rent-free tenure confers proprietary right.

**82.** Where any land has been for fifty years or upwards, and still is, held rent-free and by at least two successors to the original grantee, such holding shall be deemed to confer on the holder a proprietary right.

Nothing in the Indian Limitation Act, 1871, shall bar the right to make an application under this Act to assess to rent land held rent-free.

Saving of liability for Government revenue.

**83.** No length of rent-free occupancy of any land, nor any grant of land made by the proprietor, shall release such land from its liability to be charged with the payment of Government revenue.

Sections 71 and 72 to apply.

**84.** In assessing rent under section seventy-nine, the Settlement Officer shall be guided by the provisions of sections seventy-one and seventy-two, so far as they apply.

Form of register of revenue-free tenures.

**85.** The Settlement Officer shall record all revenue-free tenures in such form of register as the Board from time to time prescribes.

Resumption in certain cases of land held revenue-free.

**86.** The Settlement Officer shall enquire into the case of all lands released, conditionally or for a term, from the payment of revenue, and shall assess such lands if it appear to him that the conditions have been transgressed, or the term has expired.

**87.** Any

87. Any person claiming land free of revenue not recorded as revenue-free, shall be bound to prove his title to hold such land free of revenue.

Title to hold free to be proved.

88. If he prove his title to the satisfaction of the Settlement Officer, the case shall be reported to the Local Government whose orders thereon shall be final.

Report to Government where title proved.

89. If the title be not so proved, the Settlement Officer shall proceed to assess the land, and to make the settlement of it with the person in actual possession as proprietor.

Assessment and settlement on failure of proof.

90. The Board shall from time to time prescribe the form in which the record to be made under the provisions of this chapter shall be drawn up, and the manner in which it shall be attested.

Form and attestation of record-of-rights.

91. All entries in the record so made and attested shall be presumed to be true until the contrary is proved.

Presumption as to entries.

92. No settlement shall be considered final until it has been confirmed by the Local Government.

Confirmation of settlement and revision of assessment.

The Local Government shall at some time before confirming the settlement fix the period for which the settlement is to be made.

Period for which settlement is to be made.

Such period shall be fixed with reference to the agricultural year.

The assessment may be revised, if the Local Government so directs, at any time before it is confirmed, and in such case the revised assessment shall be proposed to the proprietors, and the provisions of sections forty-three to ninety-one (both inclusive) shall apply.

Revision of assessment before confirmation.

93. At any time during the currency of a settlement, the Local Government may invest any officer with all or any of the powers of an Officer in charge of a Settlement under this Act within such limits, and with such restrictions, and for such period, as it thinks fit;

Power to invest officer with Settlement Officer's powers.

but not so as to enable him to enhance the total amount of revenue payable on account of any mahál except

except in respect of land added thereto or becoming liable to payment of revenue since the confirmation of the settlement.

No officer so invested shall alter the classification of tenants made under this Act except on the application of a party concerned.

#### CHAPTER IV.

##### REGISTRATION AND MAINTENANCE OF RECORDS.

Collector to maintain record-of-rights, and register changes,

**94.** The Collector of the District shall keep and maintain the record-of-rights;

and he shall from time to time cause to be registered all changes that may take place, and anything that may affect any of the rights or interests recorded;

and correct errors.

and shall correct any errors which the parties interested admit to have been made in the record.

Power to order what registers shall be kept. Changes to be duly authorized.

**95.** The Board shall order such registers to be kept up as may be necessary for the purposes of the last preceding section; and no such changes shall be recorded without the order of the Collector of the District or Assistant Collector.

Power to prescribe fees for mutations.

**96.** The Local Government may prescribe proper fees for mutations in the registers: Provided that no fee for a single mutation shall exceed one hundred rupees.

Levy of fees.

Such fees shall be levied from the person in whose favour the mutation is made and shall be expended in such manner as the Local Government thinks fit.

Appropriation.

Successions to proprietary rights to be notified.

**97.** All persons succeeding to any proprietary right in a mahál, or the profits thereof, whether by inheritance, purchase, gift, or other form of transfer, shall notify the same immediately after it has taken place to the tahsildár of the tahsíl in which the mahál is situated, and the tahsildár shall report such notice to the Collector of the District or the Assistant Collector.

Procedure on notification.

**98.** The Collector of the District or Assistant Collector, on receiving such report, shall make such enquiry as appears necessary to ascertain the truth

of

of the alleged succession to, or transfer of, the property, and if the succession or transfer appears to have taken place, he shall record the same in the register:

Provided that no such entry shall be held to affect the rights of any other person who may claim and establish in any Civil or Revenue Court any interest in the land to which the entry has reference.

Saving of rights of other persons interested.

99. If the person so succeeding is a minor or otherwise disqualified, the guardian or other person who has charge of his property shall make the notification required by section ninety-seven.

Notification in case of minority or other disqualification.

100. Any person neglecting to make the notification required by sections ninety-seven and ninety-nine within three months from the date of the transfer having taken place shall be liable, at the discretion of the Collector of the District or Assistant Collector, to a fine not exceeding five times the amount of the fee which would otherwise have been payable under section ninety-six.

Fine for neglect to notify.

101. If in the course of inquiry made under section ninety-eight a dispute regarding the possession of the property arises, and the Collector of the District or Assistant Collector is unable to satisfy himself as to which party is in possession, he shall ascertain by summary enquiry who is the person best entitled to the property, and shall put such person in possession, and make the necessary entry in the record accordingly, subject to any order that may be subsequently passed by the Civil Court.

Power to put one party in possession in certain cases of dispute.

102. The transfers of all interests in land, other than those referred to in section ninety-seven, shall be recorded by the Kánúngo and patwári in such manner as the Board from time to time directs;

Registry of transfers of nonproprietary interests in land.

and all disputed cases shall be reported to the Collector of the District or Assistant Collector, who shall make such enquiry as may be necessary to ascertain the truth, and cause the record to be amended accordingly.

Enquiry in disputed cases.

103. The Collector of the District or Assistant Collector shall enquire annually into the cases of all land

Annual enquiry as to revenue-free grants.

land released conditionally or for a term from the payment of revenue.

If the condition be broken, he shall report the case through the Commissioner of the Division to the Board for orders,

and if the term has expired, or (where the grant is for the life of the grantee) if the grantee has died, he shall assess the land and report his proceedings through the Commissioner of the Division to the Board for sanction.

Assessment of land added by alluvion.

**104.** All land added by alluvion to a mahál is liable to assessment. Such land may be assessed and settled under rules to be framed under section two hundred and fifty-seven.

Collector and Assistant Collector to have powers of Officer in charge of Settlement.

**105.** For the purposes of sections one hundred and three and one hundred and four, the Collector of the District and Assistant Collector shall each have the powers of an Officer in charge of a Settlement.

Inspection of records.

**106.** All records kept under this Act shall be open to public inspection at such hours and on such conditions as to fees or otherwise as the Local Government may from time to time prescribe.

PARTITION AND UNION OF MAHÁLS.

Partitions.

**107.** Partition is either perfect or imperfect.

'Perfect partition.'

'Perfect partition' means the division of a mahál into two or more maháls.

'Imperfect partition.'

'Imperfect partition' means the division of any property into two or more properties, jointly responsible for the revenue assessed on the whole.

Persons entitled to perfect partition.

**108.** Any recorded co-sharer in a mahál, and any person in whose favour a decree has been passed by any Civil Court, awarding to him the proprietary right in a portion of a mahál, whether such portion consists of a fractional share in the whole or a part of the mahál, or of specific lands, is entitled to claim perfect partition of his share.

Any two or more recorded co-sharers may claim that their shares be divided from the other shares by a perfect partition, and be held by them as a single mahál.

**109.** Applications

**109.** Applications for perfect partition are to be made in writing to the Collector of the District or the Assistant Collector in charge of the sub-division of the district in which the mahál is situated;

Applications for perfect partition.

and shall be accompanied by a certified copy of the record, showing the share held by the applicant in the mahál.

Provided that, if the mahál be situated in two or more districts, the application may be made in any one of those districts, and the partition shall be made by such one of the Collectors of those districts as the Board may direct.

Provision as to estates situated in more than one district;

**110.** If the mahál is situated in two or more sub-divisions of a district, the partition shall be made by such one of the Assistant Collectors respectively in charge of such sub-divisions as the Collector of the District may direct.

and as to estates in more than one sub-division.

**111.** The Collector of the District or Assistant Collector, on receiving an application for partition shall, if the application be in order and not open to objection on the face of it, publish a notification of the same at his office, and at some conspicuous place on the mahál to which the application relates,

Notification of application.

and shall serve a notice on all such of the recorded co-sharers in the mahál as have not joined in the application, requiring any co-sharer in possession who may object to the partition to appear before him to state his objection, either in person or by a duly authorized agent, on a day to be specified in the notice, not being less than thirty or more than sixty days from the date on which such notice was issued.

Notice to co-sharers not joining.

Where, from any cause, notice cannot be personally served on any co-sharer, the notification shall be deemed sufficient notice under this section.

Notification when alone sufficient.

**112.** If, on or before the day specified, any objection is made to the partition by any co-sharer in possession, and the Collector of the District or Assistant Collector, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be absolutely disallowed, he may

Power to refuse partition when objection admitted.

may refuse the application, recording the grounds of his refusal.

Procedure if question of title be raised.

**113.** If the objection raises any question of title, or of proprietary right, which has not been already determined by a Court of competent jurisdiction, the Collector of the District or Assistant Collector may either decline to grant the application until the question in dispute has been determined by a competent Court, or he may proceed to inquire into the merits of the objection.

In the latter case the Collector of the District or Assistant Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests of the party or parties applying for the partition, and any other party or parties who may be affected thereby.

Procedure in such cases.

The procedure to be observed by the Collector of the District or Assistant Collector in trying such cases shall be that laid down in the Code of Civil Procedure for the trial of original suits, and he may with the consent of the parties refer any question arising in such case to arbitration, and the provisions of chapter VI (relative to arbitrators) of the same Code shall apply to such references.

Reference to arbitration.

Collector's decision equivalent to decision of Civil Court.

**114.** All orders and decisions passed by the Collector of the District or Assistant Collector under the last preceding section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or High Court, under the rules applicable to regular appeals to those Courts.

Appeal thereupon.

Appellate Court may stay partition.

Upon such appeal being made, the District or High Court, as the case may be, may issue a precept to the Collector of the District or Assistant Collector, desiring him to stay the partition pending the decision of the appeal.

Special appeal to High Court.

**115.** From every decision passed under section one hundred and fourteen by a District Court, a special appeal shall lie to the High Court, under the rules for the time being in force relating to special appeals to that Court.

**116.** When



116. When it has been decided to make a partition under this chapter, the Collector of the District or Assistant Collector may give the parties the option of making the partition themselves, or of appointing arbitrators for the purpose; or he shall make the partition himself or cause it to be made by any Assistant Collector subordinate to him.

Option to parties to make partition themselves or to appoint arbitrators.

If arbitrators are appointed, the provisions of sections two hundred and twenty to two hundred and thirty-one, both inclusive, shall apply.

117. In making partitions, the Collector of the District or Assistant Collector, and any person appointed by him, shall have the same powers to enter on the land under partition, for marking out the boundaries, surveying the mahál, and other purposes, as have been conferred on Settlement Officers under chapter III.

Power to enter on land for purposes of partition.

118. Where there are no lands held in common, the lands held in severalty by the applicant for partition shall be declared a separate mahál, and shall be separately assessed to the Government revenue.

Partition of lands held only in severalty.

119. Where some of the lands are held in common, the Collector of the District or Assistant Collector shall allot to the applicant for partition his share of such lands in accordance with village-custom, if any such exist.

Partition of lands some of which are held in common.

If no such custom exist, the Collector of the District or Assistant Collector shall make such division as may secure to the applicant his fair portion of the common lands.

120. The portion of the common lands falling by such partition to the share of the applicant shall be added to the land held by him in severalty, and the maháls thus formed shall be assessed and declared separate maháls.

Formation of separate maháls from shares allotted in partition.

121. In making partitions under sections one hundred and eighteen, one hundred and nineteen and one hundred and twenty, the Collector or Assistant Collector shall give effect to any transfer of lands held in severalty, forming part of the mahál, agreed

Transfers to be effectuated in making partition.

to

to by the parties, and made previous to the declaration of the partition.

Partition where all lands held in common.

**122.** Where all the lands are held in common, the Collector of the District or Assistant Collector shall make such a partition as may secure to the applicant his fair share of the mahál.

Maháls to be compact; partition not to be disallowed for incom- pactness.

**123.** In all cases each mahál shall be made as compact as possible: Provided that, except with the sanction of the Board, no partition be disallowed solely on the ground of incompactness.

Rule when dwelling-house of one sharer is included in mahál assigned to another.

**124.** If in making the partition it be necessary to include in the mahál assigned to one sharer, the land occupied by a dwelling-house or other building in the possession of another co-sharer, such other co-sharer shall be allowed to retain it, with any buildings thereon, on condition of his paying a reasonable ground-rent for it to the sharer into whose portion it may fall.

The limits of such land, and the rent to be paid for it, shall be fixed by the Collector of the District or Assistant Collector.

Rule as to sir-land of one sharer being included in mahál assigned to another.

**125.** No sir-land belonging to any co-sharer shall be included in the mahál assigned on partition to another co-sharer, unless with the consent of the co-sharer who cultivates it, or unless the partition cannot otherwise be conveniently carried out.

If such land be so included, and after partition such co-sharer continue to cultivate it, he shall be an occupaney-tenant of such land, and his rent shall be fixed by order of the Collector of the District or of the Assistant Collector.

Rule as to tanks, wells, water-courses and embankments.

**126.** Tanks, wells, water-courses and embankments shall be considered as attached to the land for the benefit of which they were originally made.

Where, from the extent, situation or construction of such works, it is found necessary that they should continue the joint property of the proprietors of two or more of the maháls into which the mahál may be divided, the Collector of the District or Assistant Collector shall determine the extent to which the proprietors

proprietors of each mahál may make use of the said works, and the proportion of the charges for repairs of such works to be borne by such proprietors respectively, and the manner in which the profits, if any, derived from such works, shall be divided.

**127.** Places of worship and burial-grounds, held in common previous to the partition of a mahál, shall continue to be so held, unless the parties otherwise agree among themselves.

Rule as to places of worship and burial-grounds.

In such cases they shall state in writing the agreement into which they have entered, and such writing shall be filed with the record.

**128.** The amount of revenue to be paid by each portion of the divided mahál shall be determined by the Collector of the District or Assistant Collector; provided that the aggregate revenue of the new maháls shall not exceed the revenue assessed on the mahál immediately before partition,

Determination of revenue payable by each division of a mahál.

and the proprietors of the new maháls shall be held liable for the portions of the revenue severally assessed on their maháls, whether new engagements be taken from them or not.

Liability of proprietors.

**129.** The Board shall make rules for determining the costs of partitions under this Act, and the mode in which such costs are to be apportioned :

Power to make rules as to costs.

Provided that the cost of surveying a mahál, when such survey is necessary for the purpose of partition, shall be paid rateably by all the co-sharers of the mahál, according to their shares therein.

Cost of survey.

**130.** If the costs to be paid by the applicant for partition are not paid within a time to be fixed by the Collector of the District or Assistant Collector, the case may be struck off the file.

Case may be struck off for default as to costs.

And if at any stage of the proceedings there appears to be any reason for stopping the partition, the Collector of the District may of his own motion, or on the report of the Assistant Collector making the partition, stay the partition and order the proceedings to be quashed.

Power to stay partition.

**131.** Every partition shall either be made by the Collector of the District, or, if made by an Assistant Collector,

Partitions to be made or confirmed by Collector,

and notified to parties.

Collector, be reported to the Collector of the District for his sanction and confirmation ;

and on completion of a partition, the Collector of the District shall publish a notification of the fact at his office and at some conspicuous place on each of the new maháls, or in the village of which they form part ;

When to take effect.

and it shall take effect from the first day of July next after the date of such notification.

Appeal to Commissioner from orders of Collector.

**132.** An appeal against the decision of the Collector of the District making or confirming a partition, shall lie to the Commissioner of the Division within one year from the date on which such partition takes effect.

Power to order new allotment of revenue on proof of fraud or error in first distribution.

**133.** Where the public revenue is fraudulently or erroneously distributed at the time of the partition, the Local Government may, within twelve years from the time of discovery of the fraud or error, order a new allotment of the public revenue upon the several maháls into which the mahál has been divided, on an estimate of the assets of each mahál at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

Making of imperfect partitions.

**134.** Imperfect partition shall be carried out according to the provisions of the preceding sections, so far as they are applicable :

Consent required.

Provided that no application for imperfect partition shall be entertained unless the consent of all the recorded co-sharers in the property of which partition is sought be first obtained.

Civil Courts barred from entertaining applications for partition.

**135.** No Civil Court shall entertain any suit or application for perfect or imperfect partition.

Union of maháls originally part of same village.

**136.** If two or more revenue-paying maháls have originally formed portion of the same village, the proprietors shall be entitled to have such maháls united and to hold them as a single mahál.

Application for such union.

**137.** Every application for the union of such maháls shall be made in writing to the Collector of

the

the District or Assistant Collector in charge of the sub-division of the district in which the maháls are situate.

**138.** If the Collector of the District or Assistant Collector, as the case may be, see no objection, he shall comply with the application, and cause the necessary entries to be made in the records of his office, reporting the case to the Commissioner of the Division. How to be dealt with.

**139.** The provisions of this chapter, so far as they are applicable, may be applied by the order of the Collector of the District to the partition or union of maháls held free of revenue. Application of chapter to partition or union of revenue-free maháls.

MAINTENANCE OF BOUNDARIES.

**140.** The Collector of the District, Assistant Collectors and their subordinates, shall have power to enter upon and survey land, and to demarcate the boundaries of maháls, villages or fields. Power of Collector and subordinates to enter and survey land, mark boundaries, and settle disputes.

**141.** All owners of maháls, villages or fields are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon. Obligations of owners as to boundary-marks.

**142.** Any person convicted before a Collector of the District or Assistant Collector of wilfully erasing, removing or damaging such boundary-marks, may be ordered by the convicting officer to pay such sum, not exceeding fifty rupees, for each mark so erased, removed or damaged, as may be necessary to defray the expense of restoring the boundary-marks so erased, removed or damaged, and of rewarding the informer through whom the conviction was obtained. Penalty for erasing, removing or injuring marks.

**143.** Whenever the person erasing, removing or damaging any such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been so ordered to pay, the mark shall be re-erected or repaired at the charge of the owner or owners of such one or more of the conterminous fields or maháls, as to the Collector of the District or Assistant Collector seems fit. Who to be charged for re-erection and repair when offenders not discoverable.

**144.** The

Powers of Collector as to boundary-disputes and boundary-marks.

144. The Collector of the District or Assistant Collector may decide, on the basis of possession, all disputes concerning boundaries, and may at any time direct the owners of maháls, villages or fields, by written notice served upon them,

(a) to cause proper boundary-marks to be erected on such maháls, villages or fields,

(b) to repair the boundary-marks lawfully erected on such maháls, villages or fields.

In default of their compliance with such direction within fifteen days from the date of the service of the notice, the Collector of the District or Assistant Collector shall cause such boundary-marks to be erected or repaired, as the case may be, and shall charge the cost of such erections or repairs to the owners of the conterminous villages, fields or maháls, in such proportion as he thinks fit.

Recovery of fees, fines and costs.

145. All fees, fines, costs and other sums ordered to be paid under this chapter shall be recoverable as an arrear of revenue.

## CHAPTER V.

### COLLECTION OF LAND REVENUE.

Responsibility for revenue.

146. In the case of every mahál the entire mahál and all the proprietors jointly and severally shall be responsible to Government for the revenue for the time being assessed on the mahál.

Board may make rules as to payment of revenue.

147. The Board may, with the previous sanction of the Local Government, from time to time make rules as to the instalments in which, and the persons, places and times to whom and at which, the revenue payable in respect of any land shall be paid.

Until the issue of such rules, the said revenue shall be paid in the instalments, to the persons, and at the times and places, in which, to whom, and at which it is now paid.

Arrear. Defaulters.

148. Any sum not so paid becomes thereupon an arrear of revenue, and the persons responsible for it become defaulters.

No

No interest shall be demanded on any arrear of land-revenue. Interest not chargeable.

If the settlement has been made with a lambardár on behalf of the proprietary body, both the lambardár and the persons so responsible shall be deemed defaulters. Default where settlement is with lambardár.

**149.** A statement of account certified by the tahsildár shall be conclusive evidence of the existence of the arrear, of its amount, and of the person who is the defaulter. Certified account to be evidence as to arrear.

**150.** An arrear of revenue may be recovered by the following processes :— Process for recovery of arrears.

- (a) by serving a writ of demand (*dastak*) on any of the defaulters ;
- (b) by arrest and detention of his person ;
- (c) by distress and sale of his moveable property ;
- (d) by attachment of the share, or pattí, or mahál, in respect of which the arrear is due ;
- (e) by transfer of such share or pattí to a solvent co-sharer in the mahál ;
- (f) by annulment of the settlement of such pattí, or of the whole mahál ;
- (g) by sale of such pattí, or of the whole mahál ;
- (h) by sale of other immoveable property of the defaulter.

**151.** Writs of demand may be issued on or after the day following that on which the arrear accrues. When writs may issue.

The Board shall from time to time frame rules for the issue of such writs, and fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such writs shall be issued. Power to frame rules as to writs.

**152.** At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for fifteen days, unless the arrear, together with the costs of arrest, is sooner paid. Arrest and detention of defaulter.

The Board may, from time to time, declare by what officers or class of officers the powers of arrest conferred by this Act may be exercised. Power of arrest by whom to be exercised.

**153.** The

Distress and sale of his moveable property.

Exceptions.

**153.** The Collector of the District or Assistant Collector may, whether the defaulter has been arrested or not, distrain and sell his moveable property, with the exception of the implements of husbandry, and cattle actually employed by him in agriculture, and, in the case of an artizan, of his tools.

Power to attach defaulter's land and take it under direct management.

**154.** When an arrear of land-revenue has become due, the Collector of the District may, in addition to or instead of any of the other processes before specified, cause the share, or patti, or mahál, in respect of which the arrear is due, to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Powers and obligations of manager.

**155.** The Collector of the District, or the agent so appointed, shall be bound by all the engagements which existed between the person or persons who, immediately before the attachment, was or were in possession of the land attached, and the subordinate proprietors or tenants, if any,

and shall be entitled to manage the land attached, and to receive all rents and profits accruing therefrom to the exclusion of such person or persons, until the arrears of land-revenue due therefrom have been satisfied, or until the Collector of the District restores to the management thereof the person or persons whose interest has been attached.

Application of surplus profits.

**156.** All surplus profits of the land attached, beyond the cost of such attachment and management, including the payment of the current revenue, shall be applied in defraying the said arrear ;

Limit to term of attachment.

and no land shall be attached for the same arrears for a longer term than five years from the first day of July next after the attachment ; provided that, if the arrear be sooner liquidated, the land shall be released and the surplus receipts (if any) made over to the proprietor.

Transfer of defaulter's share to co-sharers.

**157.** When the arrear is due in respect of a share or patti of a mahál, the Collector of the District may, with the previous sanction of the Board, transfer such share or patti, for a term not exceeding fifteen years from the first day of July next after the date

of



of the sanction, to any or all of the other co-sharers, on condition of their paying such arrear and on such terms as the Board in each case may think fit.

This procedure shall not affect the joint and several liability of the co-sharers of the mahál in which it is enforced.

Liability of co-sharers not affected.

158. When any arrear of land-revenue is due and the Collector of the District is of opinion that the processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to or instead of all or any of such processes, report, through the Commissioner of the Division, the matter to the Board, and the Board may thereupon order the existing settlement of the pattí or mahál, in respect of which the arrear is due, to be annulled.

When report may be made to Board and settlement annulled.

The provisions of this section shall not be put in force for the recovery of any arrear of land-revenue which may have accrued on land,

Exception of certain arrears.

- (a) while under attachment under section one hundred and fifty-four, or
- (b) while under the charge of the Court of Wards.

159. When the settlement of any land has been annulled, the Collector of the District may, with the previous sanction of the Board, either manage the land himself or through an agent, or he may let it in farm to any person willing to accept the same, for such term and on such conditions as may be sanctioned by the Board :

When settlement annulled, Collector may manage land himself, or by agent, or let it in farm.

Provided that the term for which land may be so held or farmed be not longer than fifteen years from the first day of July next after the date of such annulment.

And no contracts made by the persons who immediately before the annulment of the settlement were in possession of the lands comprised therein, or by the persons through whom they respectively claim, relating to such lands, shall, during such term, be binding on the Collector of the District, or his agent, or lessee.

Suspension of contracts.

160. When

Proclamation of attachment or annulment of settlement.

**160.** When the Collector of the District attaches any land under section one hundred and fifty-four, or when the settlement of any land has been annulled under section one hundred and fifty-eight, he shall make public proclamation thereof on the mahál.

Payments thereafter to defaulter not to discharge payer.

**161.** No payment made after such proclamation on account of rent, or any other asset of the mahál, to any person other than the Collector of the District or his agent, or lessee, shall be credited to the person making such payment, or relieve him from liability to payment to the Collector of the District, his agent, or lessee.

Payments to defaulter in anticipation of due date.

**162.** No payment made to the defaulter, in anticipation of the usual period for the payment of the rents, shall, without the special sanction of the Collector, be credited to the person making the same in account with the Collector of the District or with the person to whom he gives possession.

Recovery of revenue due from farmer.

**163.** When any land has been farmed for arrears of revenue, any balance of revenue due from the farmer may be recovered from him or his surety as an arrear of revenue under the provisions of this Act.

Suspension of responsibility of co-sharers for revenue of portion of mahál as to which settlement is annulled.

**164.** Whenever the settlement of a portion of a mahál is annulled under section one hundred and fifty-eight, the joint responsibility of the co-sharers for the revenue of such portion of the mahál subsequently becoming due shall be in abeyance until a new settlement of such portion is made under section one hundred and sixty-five.

Offer of settlement to proprietor on expiry of period for which land is farmed or taken under management.

**165.** After the expiration of the period for which any land has been farmed, or held pursuant to section one hundred and fifty-nine under direct management for the recovery of an arrear of revenue, the Collector of the District shall offer to the person entitled to be settled with under section forty-three a new settlement, on such conditions as the Board may direct, for the remainder of the term of the settlement of the district; and if he refuse such offer, the Collector of the District may (with the previous sanction of the Board) farm the land to some other person, or hold it under direct management under the provisions

provisions of sections forty-eight, forty-nine, fifty and fifty-one.

166. When an arrear of land-revenue has become due and the Collector of the District is of opinion that the other processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to, or instead of, all or any of such other processes, and subject to the provision hereinafter contained, and with the previous sanction of the Board, sell by auction the patti or mahál in respect of which such arrear is due.

Power to sell by auction defaulter's patti or mahál.

Provided that no land shall be sold—

Bar to sale for certain arrears.

(a) for any arrear which may have accrued while it was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section one hundred and ninety-four, clauses (a), (b), (c), (d) or (e);

(b) for any arrear which may have accrued while it was under attachment under section one hundred and fifty-four;

(c) for any arrear which may have accrued while it was held under direct management by the Collector of the District, or in farm by any other person, under section forty-eight, forty-nine, one hundred and fifty-nine or one hundred and sixty-five.

167. Land sold under the last preceding section shall be sold free of all incumbrances,

Land to be sold free of incumbrances.

and all grants and contracts previously made by any person other than the purchaser in respect of such land shall become void as against the purchaser at the auction-sale.

Grants and contracts void against purchaser.

Nothing in the former part of this section applies—

Exceptions.

(a) in districts or portions of districts permanently-settled, to farms granted in good faith at fair rents, and for specified areas, by a former proprietor for terms not exceeding twenty years, under written leases duly registered;

(b) in all districts, to lands held under *boná fide* leases at fair rents, temporary or perpetual, for the erection

erection of dwelling-houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, such lands continuing to be used for the purposes specified in such leases.

Power to proceed against interest of defaulter in property other than that in respect of which default is made.

**168.** If the arrear cannot be recovered by any of the above processes, and the defaulter owns any other mahál, or any share in any other mahál, or any other immoveable property, the Collector of the District may proceed against such mahál or other immoveable property, as if it were the land on account of which the revenue is due, under the provisions of this Act:

Provided that no other interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by such proceeding.

Procedure in effecting sale.

**169.** On the receipt of the sanction of the Board to the sale of any land, the Collector of the District shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the time and place of sale,

and (when the land to be sold is a mahál or part of a mahál paying revenue to Government) the revenue assessed upon it, together with any other particulars he may think necessary.

Proclamation of sale.

**170.** When the land is sold for arrears of revenue due thereon, the proclamation shall declare that the land is to be sold free of any incumbrance except the farms and leases (if any) mentioned in section one hundred and sixty-seven.

Such proclamation shall be made at the head-quarters of the tahsíl in which the land is situate, and also in the village of which it is a part.

Notification of sale.

**171.** A written notice of the intended sale and of the time and place thereof shall be affixed in the office of the Collector of the District, and, where the Assistant Collector in charge of the sub-division in which the land is situate has a separate office, then also in such office, and a copy of such notice shall be served on the defaulter.

**172.** The

**172.** The sale shall be made either by the Collector of the District in person or by an Assistant Collector specially appointed by him in this behalf.

Sale by whom to be made.

No such sale shall take place on a Sunday or other authorized holiday, or until after the expiration of at least thirty days from the date on which the said notice thereof has been affixed in the office of the Collector of the District, and proclamation of the sale has been made in the village in which the land is situate.

Time when sale may be made.

The Collector of the District may from time to time postpone the sale, reporting such postponement to the Commissioner of the Division.

Postponement of sale.

**173.** If the defaulter pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, to the person appointed under section one hundred and forty-seven to receive payment of the land-revenue assessed on such land, or to the Collector of the District, or the Assistant Collector in charge of the sub-division of the district in which the land is situate, the sale shall be stayed.

When sale may be stayed.

**174.** The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent. on the amount of his bid, and in default of such deposit the land shall forthwith be again put up and sold.

Deposit by purchaser.

Re-sale in default of deposit.

**175.** The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the land took place, or, if the said fifteenth day be a Sunday or other authorized holiday, then on the first office day after such fifteenth day ;

Purchase-money when to be paid.

and in default of payment within such period, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

Effect of default.

**176.** If the proceeds of the sale which is eventually made be less than the price bid by such defaulting purchaser, the difference shall be leviable from him

Liability of purchaser for loss by re-sale.

him under the rules contained in the Code of Civil Procedure for enforcing payment of money in satisfaction of a decree of Court.

Notification before re-sale.

177. Every re-sale of land in default of payment of the purchase-money shall be made after the issue of a fresh notice in the manner prescribed for original sales.

Sale to be reported to Commissioner.

178. Every sale of land under this Act shall be reported by the Collector of the District to the Commissioner of the Division.

Application to set aside sale.

179. At any time within thirty days from the date of the sale, application may be made to the Commissioner of the Division to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it;

but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake complained of.

Order confirming or setting aside sale.

180. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Commissioner of the Division shall make an order confirming the sale;

and if such application be made and allowed, the Commissioner shall make an order setting aside the sale.

Every order made under this section shall be final.

Bar of claims against Government.

181. If no such application be made within the time allowed by section one hundred and seventy-nine, all claims founded on the irregularity or mistake complained of shall, as against the Government, be barred.

Nothing herein contained shall preclude the institution of a suit in a Civil Court for the purpose of setting aside a sale on the ground of fraud.

Refund of purchase-money when sale set aside.

182. Whenever the sale of any land is set aside, the purchaser shall be entitled to receive back his purchase-money, with or without interest, in such manner

manner as the Commissioner of the Division thinks fit.

**183.** After a sale of land on which an arrear of revenue is due has been confirmed in manner aforesaid, the Collector of the District in which the land is situate shall put the person declared to be the purchaser into possession of the land, and shall grant him a certificate to the effect that he has purchased the land to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such land, but need not be stamped or registered as a conveyance.

On confirmation of sale, purchaser to be put in possession.

Certificate of purchase.

If the land has been sold on account of an arrear due on it, the certificate shall also state that it has been sold free of all incumbrances other than the farms and leases mentioned in section one hundred and sixty-seven.

**184.** The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought, whether in a Civil or Revenue Court, against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Bar of suit against certified purchaser.

**185.** When a sale of land under this Act has been confirmed, the proceeds of the sale shall be applied in the first place to defraying the expenses of the sale and to the payment of any arrears due in respect of such land at the date of the confirmation of such sale, and recoverable as an arrear of land-revenue,

Application of proceeds of sale.

and the surplus (if any) shall be paid to the person whose land has been sold;

or, if the land sold were held in shares, then to the co-sharers collectively, or according to the amount of their recorded interests, at the discretion of the Collector of the District.

**186.** Such surplus shall not (except under an order of a Civil Court) be payable to any creditor of the person whose land has been sold, nor shall it (except under

Surplus not to be paid to creditors, nor retained by

Government,  
except under  
order of  
Court.

under a like order) be retained in the Government Treasury.

Liability of  
purchaser for  
revenue.

**187.** The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land-revenue becoming due in respect of such land subsequently to the date of the confirmation of the sale.

Pre-emption  
by co-sharers  
when land  
sold is a patti  
of a mahál.

**188.** Where any land sold under section one hundred and sixty-six is a patti of a mahál, any recorded co-sharer, not being himself in arrear with regard to such land, may, if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid :

Provided that the said demand of pre-emption be made on the day of sale, and before the officer conducting the sale has left the office for the day, and provided that the claimant fulfil all the other conditions of the sale.

Payment  
under protest  
and suit for  
recovery.

**189.** Whenever proceedings are taken under this chapter against any person for the recovery of any arrear of revenue, he may pay the amount claimed under protest to the officer taking such proceedings,

and upon such payment the proceedings shall be stayed,

and (subject to the pecuniary limitations prescribed by law) the person against whom such proceedings were taken may sue the Government for the amount so paid in any Civil Court situate in the district where such proceedings were taken ;

and in such suit, the plaintiff may, notwithstanding section one hundred and forty-nine, give evidence of the amount which he alleges to be due from him.

Proprietor of  
mahál attach-  
ed, &c., hold-  
ing sár-land  
therein, to be  
recorded as  
exproprietary  
tenant.

**190.** Any proprietor of a mahál or portion of a mahál that is attached, transferred, held under direct management, farmed, or sold under the provisions of this Act, who may hold sár-land in such mahál or portion, shall be recorded as an exproprietary tenant of such sár-land ; and the rent to be paid by him for such land shall be fixed by the Collector of the District or Assistant Collector accordingly.

**191.** If



**191.** If the term for which any settlement has been made expires before a new settlement is made, all persons with whom a settlement has been made, who continue after the expiration of such term to occupy the land comprised in the expired settlement, shall, until a new settlement is made, hold the said land upon the conditions of the expired settlement.

Tenure of land under expired settlement until new settlement is made.

In all cases the existing record-of-rights shall remain in force until a new record-of-rights is made.

Existing record-of-rights.

**192.** The provisions of this Act with regard to the recovery of arrears of revenue shall apply to all arrears of land-revenue and sums of money recoverable as arrears of land-revenue and due when this Act comes into force.

Provisions applied to arrears due at commencement of Act.

## CHAPTER VI.

### COURT OF WARDS.

**193.** The Board shall have the powers of a Court of Wards for the superintendence of the persons and property of all proprietors of maháls or parts of maháls who are disqualified for the management of their own lands, or who are put under the charge of the Collector of the District by order of a Civil Court under the provisions of any Act for the time being in force.

Board to have powers of Court of Wards.

**194.** Proprietors shall be held disqualified to manage their own lands when they are—

Proprietors when disqualified for management of their lands.

(a) females deemed by the Local Government incompetent to manage their estates;

(b) minors;

(c) idiots;

(d) lunatics;

(e) persons otherwise rendered incapable by physical defects or infirmities from managing their own estates;

(f) persons convicted of a non-bailable offence and disqualified, in the opinion of the Local Government, by vice or bad character, from managing their estates;

(g) persons

(g) persons declared by the Local Government, on their own application, to be disqualified from managing their estates.

Power to Court of Wards to decline superintendence.

**195.** The Court of Wards may, in its discretion, assume or refrain from assuming the superintendence of the person or property of any disqualified proprietor, and may at any time release any person or property from its superintendence:

Proviso as to person or property placed under superintendence.

Provided that such person or property has not been placed under the Court of Wards by any competent authority, whose order is necessary for his or its release.

Collector to report what proprietors are disqualified.

**196.** The Collector of the District shall ascertain and report to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders under section one hundred and ninety-four;

and the Court of Wards shall, on receipt of the report of the Collector, make such order as may seem to it expedient.

Power to enforce provisions of this chapter without report.

**197.** Nothing in section one hundred and ninety-six shall prevent the Court of Wards or the Local Government from putting the provisions of this chapter in force without any report from the Collector.

Report to Government when Court of Wards' right of superintendence is disputed.

**198.** If, in any case not specially provided for by this or any other law in force for the time being, the right of the Court of Wards to assume or retain the superintendence of the person or property of a disqualified proprietor is disputed by such proprietor, or, if he be a minor, by some person on his behalf, the case shall be reported to the Local Government, whose orders thereon shall be final.

Appointment, removal, and control of managers and guardians.

**199.** The Court of Wards may appoint managers of the property of disqualified proprietors; and, if such proprietors be minors, idiots or lunatics, the Court of Wards may appoint guardians for the care of their persons, and may remove and control such managers and guardians.

Proprietors may appoint guardians for their heirs, if disqualified, by will executed and attested in man-

ner

ner required by the Indian Succession Act, 1865 ; but such appointments shall not be valid till confirmed by the Court of Wards.

200. The Court of Wards may direct where all male minors under its jurisdiction shall reside for the purpose of education or otherwise.

Powers of Court of Wards as to male minors within jurisdiction.

201. The manager appointed by the Court of Wards shall have power to collect the rents of the land entrusted to him as well as all other money due to the disqualified proprietor, and to grant receipts therefor ;

Powers of manager.

and he may, subject to the control of the Court, grant or renew such leases and farms, not being for a longer period than five years, as may be necessary for the good management of the property.

202. The manager shall manage the property committed to him diligently and faithfully for the benefit of the proprietor, and shall in every respect act to the best of his judgment for the proprietor's interest as if the property were his own.

Duties of manager.

203. The Court of Wards shall have power to give such leases or farms of the whole or parts of the property under its charge, and to mortgage or sell any part of such property, and to do all such other acts, as it may judge to be most for the benefit of the property and the advantage of the disqualified proprietors.

Powers of Court of Wards as to property under its charge.

204. The Court of Wards may exercise all powers conferred on it by this Act through the Collectors of the districts in which any part of the property of its Wards may be situated, or through any other person whom it may appoint for such purpose.

Exercise of their power by Court of Wards through others.

205. All disqualified proprietors whose property is in charge of the Court of Wards, and for whom guardians have been appointed, shall sue and be sued by and in the name of their guardians :

Suits by and against proprietors under guardianship.

Provided that no such suit shall be brought or defended by any such guardian without the sanction of the Court of Wards.

206. Every

Rules relating to managers.

**206.** Every manager appointed by the Court of Wards shall—

(a) give such security as the Court of Wards thinks fit, duly to account for what he shall receive in respect of the rents and profits of the property for which he is appointed;

(b) pass his accounts at such periods and in such form as the Court of Wards directs;

(c) pay the balance due from him thereon;

(d) apply for the sanction of the Court of Wards to any act which may involve the property in expense not previously sanctioned by such Court;

(e) be entitled to such allowance as the Court of Wards thinks fit for his care and pains in the execution of his duties;

(f) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

#### CHAPTER VII.

##### PROCEDURE OF REVENUE COURTS.

Place for holding Court.

**207.** A Commissioner of a division may hold his Court at any place within his division that he thinks fit.

A Collector of a district, an Assistant Collector (whether in charge or not in charge of a sub-division of a district), or an Officer in charge of a Settlement or Assistant Settlement Officer, may hold his Court at any place within the limits of the district to which he is appointed.

A tahsildár may hold his Court at any place within the limits of his tahsil.

Power to summon persons to give evidence and produce documents.

**208.** Any officer mentioned in section two hundred and seven shall have power to summon any person whose attendance he considers necessary for the purpose of any investigation, suit, or other business before him.

All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct,

and

and to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

**209.** Every summons shall be in writing in duplicate, and shall be signed and sealed by the officer issuing it, or by such person as he empowers in this behalf, Summons to be in writing, signed and sealed.

and shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence. Mode of service.

**210.** If his usual residence be in another district, the summons may be sent by post to the Collector of that district, who shall serve it in accordance with the preceding section. Service in district other than that of issuer.

**211.** Every notice under this Act may be served, either by tendering or delivering a copy thereof to the person on whom it is to be served; Mode of serving notices.

or, if such person is a proprietor of land, to his agent, or by affixing a copy thereof to some conspicuous place on the land to which such notice refers.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice. Notice not void for error.

**212.** In any suit instituted before any officer mentioned in section two hundred and seven, if either party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section one hundred and fifty-one. Procedure for procuring attendance of witnesses.

**213.** Whenever any party to the suit or matter under investigation neglects to attend on the day specified in the summons, the suit or matter may be heard and determined in his absence, and an order passed by default, or *ex parte*, as the case may be. Hearing in absence of party neglecting to attend, and order *ex parte* or by default.

**214.** No appeal shall lie from an order passed *ex parte*, or by default. No appeal from order *ex parte* or by default.

But

Re-hearing on proof of good cause for non-appearance.

But in all such cases, if the party against whom judgment has been given appears either in person or by agent (if a plaintiff within fifteen days from the date of such order, and if a defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period), and shows good cause for his non-appearance, and satisfies the officer making the order that there has been a failure of justice, such officer may, upon such terms as to costs or otherwise as he thinks proper, re-investigate the case and alter or rescind the order according to the justice of the case :

Order not to be altered without summons to adverse party.

Provided that no such order shall be reversed or altered without previously summoning the party in whose favour judgment has been given to appear and be heard in support of it.

Mode of taking evidence in certain cases.

**215.** In all cases coming under sections one hundred and one, one hundred and three, one hundred and twelve, one hundred and thirteen, one hundred and twenty-six, one hundred and forty-two and one hundred and forty-four, the evidence shall be taken down in full in writing in the language in ordinary use in the district, by or in the presence and hearing and under the personal superintendence and direction of the officer making the investigation, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the investigation, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes ; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

The Local Government may declare what shall, for the purpose of this section, be deemed to be the language in ordinary use in any district.

**216.** When

216. When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the district shall be made and shall form part of the record.

Taking evidence given in English. Translation to be on record.

217. In all cases other than those specified in section two hundred and fifteen, such officer may either cause the evidence to be taken down in full as aforesaid, or may make a memorandum in his mother-tongue of the substance of the evidence of each witness as the examination of such witness proceeds.

Taking evidence in other cases.

Such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

Memorandum to be in writing signed.

218. All decisions under this Act shall be written by the officer passing the same in his own handwriting, and shall be explained by him in open Court to the parties or their agents.

Writing and explanation of decisions.

Every hearing and decision shall be in open Court, and the parties or their authorized agents shall have due notice to attend.

Hearing and decision. Notice to parties.

219. Sections two hundred and twelve to two hundred and eighteen (both inclusive) shall apply to proceedings of a judicial nature in Revenue Courts.

Sections 212—218 to apply to judicial proceedings in Revenue Courts.

#### REFERENCE TO ARBITRATION.

220. A Commissioner of a Division, a Collector of a District, an Assistant Collector of the first class, an Officer in charge of a Settlement, or an Assistant Settlement Officer, may, with the consent of the parties, by order, refer any dispute before him to arbitration, and an Officer in charge of a Settlement or an Assistant Settlement Officer may, by order, refer any dispute before him to arbitration without the consent of the parties,

Reference to arbitration.

and a Tahsildár invested with the powers described in sections one hundred and forty to one hundred and forty-four (both inclusive) may, with the consent of the parties, refer to arbitration any dispute arising before him respecting the matters mentioned in the same sections.

221. In

What to be specified in order of reference.

**221.** In referring any such dispute to arbitration, the officer making the reference shall specify, in the order of reference, the precise matter submitted to the arbitrators, and such period as he may think reasonable for the delivery of the award ;

and he may from time to time extend such period.

Appointment of arbitrators.

**222.** The parties to the case may each nominate either one or two arbitrators, provided that each party shall nominate the same number ;

and a third or fifth arbitrator (as the case may be) shall be appointed by the officer making the reference.

And in cases when an Officer in charge of a Settlement or an Assistant Settlement Officer refers a dispute without the consent of the parties, he shall, if they refuse to nominate arbitrators under the first paragraph of this section, nominate three or five arbitrators as he thinks fit.

Power to excuse arbitrator from serving and to call for nomination of substitute.

**223.** Every officer making a reference under this chapter may, on good cause shewn, excuse any person from serving as an arbitrator, and may call on the party who nominated such person to nominate another in the place of the person so excused.

Nomination of new arbitrator in place of one dying or failing to act.

**224.** If an arbitrator die, desire to be discharged, or refuse or become incapable to act, the party who nominated him shall nominate another person in his place.

Nomination by Collector when parties fail.

**225.** If in any of the cases provided for by section two hundred and twenty-three or section two hundred and twenty-four, any party fail for a week to nominate in manner aforesaid, the officer making the reference shall appoint some person to act as arbitrator.

Award.

The arbitrators shall determine and award concerning the matters referred to them for arbitration ; and the parties disputing, and all persons claiming through them respectively, shall abide by and perform the award of the arbitrators.

Summoning parties to give evidence.

**226.** If the arbitrators require the presence of the parties, or any other persons whose evidence may be necessary, they shall apply to the officer making  
the



the reference, who shall summon such parties or persons;

and all such parties or persons shall be bound to attend, either in person or by agent, as the arbitrators may require, and to state the truth and to produce such documents and other things as may be required before the arbitrators.

Obligation of persons summoned.

227. The award shall be made in writing under the hands of the arbitrators, and shall be submitted by them to the officer making the reference, who shall cause notice to be served on the parties to attend and hear the award.

Preparation and submission of award.

228. The officer making the reference may remit the award or any of the matters referred to arbitration to the re-consideration of the same arbitrators,

In what cases award or subject of arbitration may be remitted to arbitrators.

(a) if the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration;

(b) if the award is so indefinite as to be incapable of execution;

(c) if an objection to the legality of the award is apparent upon the face of the award.

229. No award shall be liable to be set aside except on the ground of corruption or misconduct of all or any of the arbitrators.

Grounds on which award may be set aside.

Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

Application to set aside.

230. If the officer making the reference does not see cause to remit the award or any of the matters referred to arbitration for re-consideration in the manner aforesaid,

Decision according to award.

and if no application has been made to set aside the award,

or if he has refused such application,

he shall decide in accordance with the award of the majority of the arbitrators,

and shall fix the amount to be allowed for the expenses of the arbitration and direct by and to whom, and in what manner, the same shall be paid.

231. Such

Bar to appeal  
and suit in  
Civil Court.

**231.** Such decision shall not be open to appeal, and shall be at once carried out;

and no Civil Court shall entertain any suit for the purpose of setting it aside or against the arbitrators on account of their award.

ENFORCEMENT OF DECISIONS.

Execution of  
decisions.

**232.** Any officer mentioned in section two hundred and seven may execute all decisions made by himself or by an appellate Court on appeals in suits instituted in his Court under the provisions of this Act, in cases wherein a specific sum of money is adjudged to be due, or any costs or damages are awarded, by levying the same by any process in use for the recovery of an arrear of revenue or rent.

Delivery of  
possession of  
immoveable  
property.

**233.** In cases wherein possession of immoveable property is adjudged, the officer making the award may deliver over possession in the same manner, and with the same powers in regard to all contempts, resistance and the like, as may be lawfully exercised by the Civil Courts in execution of their own decrees.

POWERS OF COLLECTORS.

Powers of  
Collectors of  
Districts.

**234.** Collectors of Districts may, in addition to their own powers, exercise all the powers conferred by this Act on Assistant Collectors.

Powers of  
Assistant  
Collectors in  
charge of  
sub-divisions.

**235.** An Assistant Collector in charge of a sub-division of a district shall, as such, have the following powers:—

(1.) To refer cases for enquiry or decision to his subordinates, under section eighteen:

(2.) To withdraw cases from his subordinates and to deal with them himself, or to refer them for disposal to any other subordinate officer competent to deal with them, under the same section:

(3.) To appoint patwáris on nomination of proprietors, under section twenty-five; and in case of disagreement, under section twenty-six:

(4.) To appoint patwáris on failure of proprietors to nominate, under section twenty-seven:

(5.) To

(5.) To appoint a patwári, if disqualified person be nominated by the proprietors, under section twenty-eight :

(6.) To order changes in the proprietary register, under section ninety-four and section ninety-five :

(7.) To levy fees for mutations, under section ninety-six :

(8.) To enquire into cases of reported transfers under section ninety-eight :

(9.) To levy fines, under section one hundred :

(10.) To declare the person best entitled to property, and put him in possession, under section one hundred and one :

(11.) To enquire into cases of disputed transfer of non-proprietary rights, under section one hundred and two :

(12.) To report on revenue-free holdings, and to assess revenue on resumed grants, under section one hundred and three :

(13.) To assess alluvial lands, under section one hundred and four :

(14.) To receive applications for partition, under section one hundred and nine :

(15.) To issue notification of partition, under section one hundred and eleven :

(16.) To hear objections to partition and disallow partition, under section one hundred and twelve :

(17.) To hear objections raising questions of title or proprietary right, and to decide them or refer them to arbitration, under section one hundred and thirteen :

(18.) To give parties the option of making partition, or of appointing arbitrators, or himself to make partition, under section one hundred and sixteen :

(19.) To make partitions, under sections one hundred and seven to one hundred and thirty-nine (both inclusive) :

(20.) To fix the rent of land occupied by a building and the rent to be paid therefor, under section one hundred and twenty-four :

(21.) To

(21.) To fix the rent of land which a former co-sharer continues, after partition, to cultivate in another mahál, under section one hundred and twenty-five :

(22.) To adjust the use, charges and profits of tanks, wells, water-courses and embankments, under section one hundred and twenty-six :

(23.) To fix the land-revenue on divided portions, under section one hundred and twenty-eight :

(24.) To recover costs of partition, under section one hundred and twenty-nine :

(25.) To strike off a partition-case in default of payment of costs, under section one hundred and thirty :

(26.) To receive applications for, and carry out, the union of estates, under section one hundred and thirty-seven :

(27.) To fine for injuries to boundary-marks, and in certain cases apportion the charges of repairing boundary-marks, under sections one hundred and forty-two and one hundred and forty-three :

(28.) To call on owners to erect or repair boundaries, and, in default, to erect and repair and charge the cost to owners, and to decide disputes regarding boundaries, under section one hundred and forty-four :

(29.) To distrain and sell moveable property of defaulters, under section one hundred and fifty-three :

(30.) To fix the rent to be paid for their sir-land by proprietors of maháls which have been attached, transferred, held under direct management, farmed or sold under the provisions of this Act :

(31.) To exercise any other jurisdiction or authority which by this Act is expressly attributed to Assistant Collectors.

Powers of  
Assistant  
Collectors of  
first class not  
in charge of  
Sub-divisions

**236.** Assistant Collectors of the first class, not in charge of Sub-divisions of Districts, shall exercise all or any of the powers conferred on Assistant Collectors of the first class in charge of Sub-divisions, in such cases or class of cases as the Collector of the

District

District may from time to time refer to them for disposal.

**237.** All Assistant Collectors of the second class shall have power to investigate and report on such cases as the Collector of the District or Assistant Collector in charge of a Sub-division of a District may, from time to time, commit to them for investigation and report.

Powers of Assistant Collectors of second class.

POWERS OF SETTLEMENT OFFICERS.

**238.** Officers in charge of a settlement may exercise all the powers conferred by or under this Act on Settlement Officers, but none but an officer in charge of a settlement or an Assistant Settlement Officer specially empowered by Government shall have power—

Powers of officers in charge of settlement.

(1.) To frame proposals for assessment, under section forty-five :

(2.) To distribute the assessment, under section forty-six :

(3.) To re-distribute land or revenue, under section forty-seven :

(4.) To exclude proprietors from settlement for refusal to engage, under sections forty-eight and forty-nine :

(5.) To adjust the rent of excluded proprietors, under section fifty-one :

(6.) To make a sub-settlement, under section fifty-four, and a settlement, under section fifty-five :

(7.) To make arrangements for securing the rights of persons with whom the settlement is not made, under section fifty-six :

(8.) To deal with waste-land, under sections fifty-seven to sixty-one (both inclusive) :

(9.) To resume and assess rent-free tenures, under sections seventy-nine and eighty :

(10.) To resume and assess revenue-free land, under section eighty-six :

(11.) To decide claims to hold land revenue-free, under sections eighty-eight and eighty-nine.

**239.** All

Powers of Assistant Settlement Officers.

**239.** All other powers conferred on Settlement Officers by this Act shall be exercised by Assistant Settlement Officers under such restrictions as the officer in charge of a settlement may from time to time impose.

Investing of Settlement Officers with powers of Collector and Assistant Collector.

**240.** The Local Government may invest any Officer in charge of a Settlement with all or any of the powers of a Collector of a District under this or any other Act for the time being in force in the North-Western Provinces, and any Assistant Settlement Officer with all or any of the powers conferrable on an Assistant Collector under this or any other Act for the time being in force in the North-Western Provinces, within such limits, and with such restrictions, and for such period, as it thinks fit.

Matters excepted from cognizance of Civil Courts.

**241.** No Civil Court shall exercise jurisdiction over any of the following matters :—

(a) Claims by any person to any of the offices mentioned in sections twenty-four and thirty-three, or to any emolument appertaining to such office, or in respect of any injury caused by his exclusion therefrom :

(b) The claim of any person to be settled with, or the validity of any engagement with Government for the payment of revenue, or

the amount of revenue, cess or rate to be assessed on any mahál, or share of a mahál under this or any other Act for the time being in force :

(c) Any claims connected with or arising out of any process enforced on account of neglect or refusal to accept the assessment or terms of sub-settlement proposed by the Settlement Officer :

(d) The formation of the record-of-rights, the preparation, signing, or attestation of any of the documents contained therein, or the notification of settlement :

(e) The determination of the class of a tenant or the rent payable by him, or the period for which such rent is fixed under this Act :

(f.) The

(f.) The distribution of the land or allotment of the revenue of a mahál by partition; or

the determination of the rent to be paid by a co-sharer for land held by him after the partition in the mahál of another co-sharer:

(g.) Any matters provided for in sections fifty-three to sixty-one (both inclusive):

(h.) Any matters provided for in sections seventy-nine to eighty-nine (both inclusive) and one hundred and three:

(i.) Claims connected with, or arising out of, the collection of revenue (other than claims under section one hundred and eighty-nine), or any process enforced on account of an arrear of revenue,

or on account of any sum which is by this or any other Act realizable as revenue:

(j.) Claims to set aside a sale for arrear of revenue other than claims under section one hundred and eighty-one:

(k.) Any matter falling within the jurisdiction of the Court of Wards, or on which the jurisdiction of that Court is actively exercised, except for the purpose of recovering property committed by that Court to the charge of the Collector of the District.

In all the above cases, jurisdiction shall rest with the revenue authorities only.

## CHAPTER VIII.

### APPEALS.

**242.** An appeal shall lie from any order passed by any Assistant Collector of the first or second class, whether in charge of a Sub-division or not, to the Collector of the District.

Appeal to Collector of District.

An appeal shall lie from any order passed by an Assistant Settlement Officer to the officer in charge of the settlement.

Appeal to officer in charge of the settlement.

**243.** An appeal shall lie to the Commissioner of the Division from any order passed by the Collector of a District or an officer in charge of a settlement,

Appeal to Commissioner of Division.

OR

or from any declaration or distribution of assessment under section forty-five, forty-six or forty-seven.

Appeal to Board.

**244.** Subject to the provisions of section two hundred and forty-nine, an appeal shall lie to the Board from any order passed under this Act by the Commissioner of a Division.

Limitation of appeal.

**245.** No appeal under section two hundred and forty-two shall be brought after the expiration of thirty days from the date of the order complained of.

No appeal under section two hundred and forty-three shall be brought after the expiration of sixty days from the date of the order complained of.

No appeal under section two hundred and forty-four shall be brought after the expiration of ninety days from the date of the order complained of.

Time to be excluded.

**246.** In computing the period prescribed for an appeal under this chapter, the day on which the order complained of was pronounced, and the time requisite for obtaining a copy of such order, shall be excluded.

Admission of appeal after period of limitation.

**247.** Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer or Board to whom or to which he appeals, that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order under this section admitting an appeal.

Saving of orders expressly made final.

**248.** Nothing in this chapter applies to orders expressly made final by this Act or to appeals under section one hundred and thirty-two.

Commissioner's order when not appealable, but subject to revision.

**249.** In any appeal to the Commissioner of a Division from an order passed by the Collector of the District or Officer in charge of a Settlement, on an appeal from an order of an Assistant Collector of the first or second class, or of an Assistant Settlement Officer, the Commissioner's order shall not be appealable, but shall be subject to revision by the Board under sections two hundred and fifty-three and two hundred and fifty-five.

**250.** The



**250.** The Appellate Court may either admit or summarily reject the appeal:

Powers of Appellate Court.

If it admit the appeal, it may reverse, modify or confirm the order of the Lower Court,

or it may direct the Court to make such further investigation or to take such additional evidence as it may think necessary,

or it may itself take such additional evidence.

**251.** In any case in which an appeal is allowed, the Appellate Court may, pending the order on appeal, direct the execution of the order of the Lower Court to be suspended.

Power to suspend execution of order of Lower Court.

## CHAPTER IX.

### MISCELLANEOUS.

**252.** Whenever a Court is closed on the last day of any period provided in this Act for the presentation of any memorandum of appeal, or for the deposit or payment of any money in or into Court, the day on which the Court reopens shall be deemed to be such last day.

Provision where Court is closed.

**253.** The Board may call for and examine the record of any case, or the proceedings of any Revenue Court subordinate to it, for the purpose of satisfying itself as to the legality or propriety of any order passed, and as to the regularity of the proceedings of such Court.

Power of Board to call for and examine record of case or proceedings of subordinate Revenue Court.

**254.** The Commissioner of a Division, or the Collector of a District, or the Officer in charge of a Settlement, may call for and examine the record or proceedings of any Revenue Court subordinate to him respectively, for the purposes mentioned in section two hundred and fifty-three;

Power of Commissioner, Collector, and Officer in charge of Settlement to call for records and proceedings.

and if he is of opinion that the proceedings taken or order passed by such subordinate officer should be modified, cancelled, or reversed, he shall report the case with his opinion thereon for the orders of the Board.

Report to Board.

**255.** If

Power of Board in cases called for or reported.

**255.** If in any case, whether called for by the Board or reported for orders, it appears to the Board that any order or proceedings should be modified, cancelled, or reversed, it may pass such order thereon as it thinks fit.

Power to Board to make rules.

**256.** The Board may, with the previous sanction of the Local Government, make and issue general rules for regulating the practice and procedure of their own Court, or of any Revenue Court subordinate to them, not otherwise provided for by law.

Power of Local Government to invest tahsildárs with certain powers. To make rules.

**257.** The Local Government may invest any tahsildár with the powers described in sections one hundred and forty to one hundred and forty-four (both inclusive), and may from time to time make rules consistent with this Act,

- (a) for regulating the assessment of land gained by alluvion, or the decrease of the assessment of a mahál in consequence of diluvion;
- (b) for the guidance of Settlement Officers in fixing rent under section seventy-one or section seventy-two and section seventy-four:

All such rules shall be published in the *North-Western Provinces Gazette*, and shall thereupon have the force of law.

Power of Board to make rules.

The Board, subject to the sanction of the Local Government, may from time to time make rules consistent with this Act, for

- (c) prescribing the duties to be performed respectively by tahsildárs, kánúngos, and patwáris;
- (d) regulating the appointment of tahsildárs and officers inferior to them in rank, their duties, punishment, suspension and dismissal;
- (e) prescribing the manner in which Settlement Officers shall report for sanction the rates and method of assessment and the amounts they propose to assess;
- (f) generally for the guidance of all persons in matters connected with the enforcement of this Act.

**258.** In

**258.** In Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*), section two shall be read as if, for the words "estates paying revenue to Government", the words "maháls assessed to revenue or held revenue-free," were substituted.

Amendment of Act XL of 1858.

**259.** If, while any suit or application under this Act is pending before a Settlement Officer, the settlement of the district in which the subject-matter of the suit or application is situate is closed by the issue of a notification under section thirty-seven, such suit or application shall be made over to the Court of the Collector of the District, and may be by him transferred or otherwise dealt with as if it had been originally instituted in or made to his Court.

Disposal of suits and applications pending before Settlement Officer when settlement is closed.

#### THE FIRST SCHEDULE.

- I. The province of Kumáon and Garhwál.
- II. The Terai Parganas, comprising—Bázpúr, Káshípúr, Jaspúr, Rudarpúr, Gadarpúr, Kilpurí, Nanak-Mattha and Bilherí.
- III. In the Mirzápúr District :—
  - (1.) The tappás of Agori Khás and South Kon in the Pargana of Agori.
  - (2.) The tappá of British Singrauli in the Pargana of Singrauli.
  - (3.) The tappás of Phulwa Dudhi and Barhá in the Pargana of Bichipár.
  - (4.) The portion lying to the South of the Kaimor Range.
- IV. The Family Domains of the Maharájá of Benares, comprising the following parganas :—
 

Bhadohi and Kheyra Mángror in the Mirzápúr District,

Kaswá Rájá in the Benares District.
- V. The tract of country known as Jaunsár Báwar in the Dehra Dún District.

#### THE SECOND SCHEDULE.

## THE SECOND SCHEDULE.

## ENACTMENTS REPEALED.

## Part I.—Regulations.

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
II of 1795 ...	A Regulation for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue in the Province of Benares.	So much as has not been repealed.
V of 1795 ...	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	So much as has not been repealed.
VI of 1795 ...	A Regulation prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares.	So much as has not been repealed.
XIX of 1795 ...	A Regulation for forming a quinquennial Register of the Landed Estates in Benares, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.	So much as has not been repealed.
XLI of 1795 ...	A Regulation prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, &c.	The whole.
XLII of 1795 ...	A Regulation for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Altungah, Jaghire and other Lauds in the Province of Benares, exempt from the Payment of public Revenue, &c.	So much as has not been repealed.
LI of 1795 ...	A Regulation respecting ryotty Pottahs in the Province of Benares.	So much as has not been repealed.
LVIII of 1795 ...	A Regulation for granting to the Collectors a Commission on the Jumma of Lands, &c.	So much as has not been repealed.
XV of 1797 ...	A Regulation for levying certain Fees to defray the Expense of the Offices for keeping the Records in the Native Languages which relate to the public Revenue established under Regulations XXI, 1793, and XXX, 1795.	The whole, so far as it relates to the North-Western Provinces.

## SECOND SCHEDULE—continued.

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
V of 1800 ...	A Regulation for extending to the Province of Benares the Rules contained in Regulation VII, 1799, for enabling Proprietors and Farmers of Land to realize their Rents with greater Punctuality; as well as such other Parts of the above Regulation as are applicable to the Province of Benares.	The whole.
VIII of 1800 ...	A Regulation for preparing a general Pergunnah Register of Lands; and for certain Alterations in the prescribed Registers of Estates paying Revenue, and Lands held exempt from the Payment of Revenue.	The whole, so far as it relates to the North-Western Provinces.
I of 1801 ...	A Regulation to explain and amend Part of the Rules for collecting the public Revenue contained in Regulations VII, 1799, and V, 1800, &c.	The whole, so far as it relates to the North-Western Provinces.
III of 1803 ...	A Regulation for receiving, trying and deciding suits or complaints, declared cognizable in the Courts of Adawlut, &c.	So much as has not been repealed.
V of 1803 ...	A Regulation for empowering the Sudder Dewanny Adawlut to try appeals, &c.	Section twenty-six.
XXIII of 1803.	A Regulation for establishing in each Zillah, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, an Office for keeping the Records in the Native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records.	The whole.
XXV of 1803.	A Regulation prescribing Rules for the Conduct of the Board of Revenue and the Collectors, &c.	The whole.
XXVII of 1803.	A Regulation prescribing the process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
XXX of 1803.	A Regulation prescribing Rules for the Grant of Pottahs by the Landholders, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to their Under-farmers, Tenants, and Ryots.	So much as has not been repealed.

SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
XXXI of 1803 ...	A Regulation for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Grants not being Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, &c.	So much as has not been repealed.
XXXVI of 1803	A Regulation for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, &c.	So much as has not been repealed.
XLII of 1803 ...	A Regulation for forming a periodical Register of the Zemindaries and other landed Estates, paying revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
LII of 1803 ...	A Regulation for establishing a Court of Wards in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
V of 1804 ...	A Regulation to provide for the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs; also to make further Provision for administering the Oath prescribed by the Statute 33rd Geo. III, Cap. 52.	So far as it relates to the appointment of Native Officers employed in the Land Revenue Department, North-Western Provinces.
VIII of 1805 ...	A Regulation for extending to the Conquered Provinces, &c.	So much as has not been repealed.
IX of 1805 ...	A Regulation for enacting into a Regulation certain Articles of a Proclamation to be issued in the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and in the Territory ceded to the Honourable the English East India Company in Bundelcund by the Peishwa.	The whole.
VI of 1806 ...	A Regulation for the more effectual Repair of Embankments.	So much as has not been repealed.

SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
VII of 1807 ...	A Regulation for making certain Alterations in the Provisions which have hitherto been in force in the Province of Benares, respecting Persons paying or wishing to pay their Revenue directly to the Treasury of the Collector, instead of paying it through the Medium of a Tehseeldar.	So much as has not been repealed.
IV of 1808 ...	A Regulation for the Appointment and Administration of the Office of Canoongoe in the Ceded and Conquered Provinces, and in the Province of Benares.	The whole.
VIII of 1809 ...	A Regulation for modifying Parts of the Rules in Force respecting the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments.	So far as it relates to the Land Revenue Department.
V of 1812 ...	A Regulation for amending some of the Rules at present in force for the Collection of the Land Revenue.	The whole, so far as it relates to the North-Western Provinces.
XVIII of 1812 ...	A Regulation for explaining Section II, Regulation V, 1812, and rescinding Sections III and IV, Regulation XLIV, 1793, and Sections III and IV, Regulation L, 1795, and enacting other Rules in lieu thereof.	The whole, so far as it relates to the North-Western Provinces.
XII of 1817 ...	A Regulation for securing the better Administration of the Office of Patwari in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspoore, and its Dependencies.	The whole, so far as it relates to the North-Western Provinces.
I of 1819 ...	A Regulation for replacing the Districts of Dinagepore and Rungpore under the Management of the Board of Revenue, &c.	The whole, so far as it relates to the North-Western Provinces.
II of 1819 ...	A Regulation for modifying the Provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of Assessment under Illegal or Invalid Tenures, &c.	The whole, so far as it relates to the North-Western Provinces.
IV of 1821 ...	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or Joint Magistrate, &c.	The whole, so far as it relates to the North-Western Provinces.

## SECOND SCHEDULE—continued.

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
III of 1822 ...	A Regulation for modifying the Constitution, and altering the Jurisdiction of the several Boards vested with the Superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.	The whole, so far as it relates to the North-Western Provinces.
VI of 1822 ...	A Regulation to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the Powers and Jurisdiction of the several Courts of Wards.	So much as has not been repealed.
VII of 1822 ...	A Regulation for declaring the Principles according to which the Settlement of the Land Revenue in the Ceded and Conquered Provinces, &c.	The whole, so far as it relates to the North-Western Provinces.
XI of 1822 ...	A Regulation for modifying and explaining the existing Regulations relative to the Sale of Land for the Recovery of Arrears of Revenue, &c.	The preamble and sections two and thirty-six.
IX of 1824 ...	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundelcund for a further Period of Five Years.	So much as has not been repealed.
IX of 1825 ...	A Regulation for extending the Operation of Regulation VII, 1822, &c.	The whole, so far as it relates to the North-Western Provinces.
XIII of 1825 ...	A Regulation to maintain the Settlement made for certain Lands held exempt from the Payment of Revenue by Canoongoes, in the Province of Behar, &c.	The whole, so far as it relates to the North-Western Provinces.
XIV of 1825 ...	A Regulation to declare the extent of the Authority possessed by the Revenue Authorities, subordinate to the Governor General in Council, in the Confirmation of Lakhiraj Tenures, &c.	The whole, so far as it relates to the North-Western Provinces.
III of 1828 ...	A Regulation for the Appointment of Special Commissioners for the more speedy Hearing and Determination of Appeals from the Decisions of the Revenue Authorities, &c.	The whole, so far as it relates to the North-Western Provinces.
IV of 1828 ...	A Regulation to declare and extend the Powers to be exercised by Collectors, when making or revising Settlements, under the Provisions of Regulation VII, 1822.	The whole, so far as it relates to the North-Western Provinces.
I of 1829 ...	A Regulation for constituting Commissioners of Revenue and Circuit, &c.	The whole, so far as it relates to the North-Western Provinces.



SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
IV of 1829 ...	A Regulation for modifying, in certain Cases, the Rules laid down in Clauses Fourth and Fifth, Section II, Regulation III, 1828, relative to Appeals to the Special Commissioners appointed under that Regulation; also for modifying part of Clause Second, Section X, Regulation I, 1829.	The whole, so far as it relates to the North-Western Provinces.
XI of 1829 ...	A Regulation for modifying the Rules in force relative to the Construction and Repair of Embankments.	The whole.
X of 1831 ...	A Regulation for vesting in a Deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive Control over the Revenue Affairs of the Province of Benares, &c.	The whole, so far as it relates to the North-Western Provinces.
IX of 1833 ...	A Regulation to modify certain Portions of Regulation VII of 1822, and Regulation IV of 1828, &c.	Sections two to fifteen, both inclusive.

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Act XII of 1841.	An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.	So much as has not been repealed.
Act I of 1845 ...	An Act to amend Act No. XII of 1841, entitled "An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue."	So much as has not been repealed.
Act VIII of 1846.	An Act for determining the Duration of the existing Settlement of the North-Western Provinces.	The whole, except as to the settlement of Banda.

SECOND SCHEDULE—*concluded.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
Act I of 1847 ...	An Act for the Establishment and Maintenance of Boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXVI of 1854.	An Act for making better provision for the education of male minors subject to the superintendence of the Court of Wards.	The whole Act, so far as it applies to the North-Western Provinces.
Act XXXI of 1858.	An Act to make further provision for the Settlement of Land gained by alluvion in the Presidency of Fort William in Bengal.	The whole, so far as it relates to the North-Western Provinces.
Act XIX of 1863.	An Act to consolidate and amend the Law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	The whole, so far as it relates to the North-Western Provinces.

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