

THE OUDH LAND REVENUE ACT, 1876.

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[Price one rupee one anna and six pies.]

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1876.]

ACT No. XVII OF 1876.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October 1876).

An Act to consolidate and define the law relating to Land-revenue in Oudh.

WHEREAS it is expedient to consolidate and define the law relating to land-revenue in Oudh ; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Oudh Land-revenue Act, 1876 :"
Short title.

It extends only to the territories now under the administration of the Chief Commissioner of Oudh ;
Local extent.

And it shall come into force on the passing thereof.
Commencement.

But all rules now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, continue in force until they are superseded by rules made in exercise of the powers hereinafter conferred.

2. In this Act, unless there be something repugnant in the subject or context—
Interpretation-clause.

"incumbrance" means a charge upon or claim against land arising out of contract between private persons :

"agricultural year" means a year commencing on the first day of July and ending on the thirtieth day of June :
"Agricultural year."

"revenue

“ Revenue officer.”

“ revenue officer” means any officer empowered by or under this Act to dispose of any matter connected with the land-revenue :

“ Revenue-free.”

“ revenue-free” or “ free of revenue” applies to land whereof the revenue has been wholly or in part released, compounded for, redeemed or assigned.

CHAPTER II.

REVENUE OFFICERS.

Chief Controlling Revenue Authority in revenue matters. Commissioners of Division.

3. The Chief Controlling Revenue Authority in all matters connected with land-revenue in Oudh shall be the Chief Commissioner.

4. Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, the Chief Commissioner shall—

(a) appoint in each Division a Commissioner, who shall, subject to the control of the Chief Commissioner, exercise authority over all the Revenue Officers in his Division :

Deputy Commissioner of the District. Assistant Commissioner.

(b) appoint in each district an officer who shall be the Deputy Commissioner of the District :

(c) appoint to each district as many other persons as he thinks fit to be Assistant Commissioners of the first or of the second class.

Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, the Chief Commissioner may suspend or remove any officer appointed under this section.

Subordination of Assistant Commissioners and other Revenue Officers.

5. All such Assistant Commissioners, 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 Deputy Commissioner of the District.

Assistant Commissioner in charge of Sub-division of District.

6. The Chief Commissioner may place any Assistant Commissioner of the first class in charge of one or more Sub-divisions of a District, and may at any time remove him therefrom.

Such

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

The Chief Commissioner may, from time to time, delegate his powers under this section to the Deputy Commissioner of the District, and may revoke such delegation.

7. Subject to such rules as the Governor General in Council from time to time prescribes in this behalf, the Chief Commissioner may confer on any Assistant Commissioner in charge of a Sub-division of a District all or any of the powers of a Deputy Commissioner; and all powers so conferred shall be exercised subject to the control of the Deputy Commissioner of the District.

Power to invest certain Assistant Commissioners with powers of Deputy Commissioner.

8. 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 Commissioner (if any) in charge of such Sub-division, subject to the general control of the Deputy Commissioner of the District.

Subordination of Revenue Officers.

9. Subject to such rules as the Governor General in Council from time to time prescribes in this behalf, the Chief Commissioner may confer upon any person all or any of the powers of an Assistant Commissioner of the first or of the second class, and may, in conferring those or any other powers under this Act, empower persons by name, or classes of officials generally by their official titles, and may vary or cancel any order conferring powers under this Act.

Conferring of powers.

10. The Deputy Commissioner of the District, or any Assistant Commissioner in charge of a Sub-division of a District, 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

Power to vary and cancel orders conferring powers.

Transfer of cases to subordinates.

any

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.

Deputy Commissioner of the District in case of temporary vacancy.

11. If the Deputy Commissioner 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 Deputy Commissioner of the District under this Act until the Chief Commissioner appoints a successor to the Deputy Commissioner so dying or disabled, and such successor takes charge of his appointment.

Powers of officers transferred to another district.

12. 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 Chief Commissioner otherwise directs, be held to be invested with the same powers in the district to which he is so transferred.

Appointment of Tahsildárs.

13. Tahsildárs shall be appointed by the Chief Commissioner, subject to such rules as to qualification or otherwise as the Chief Commissioner may from time to time make under section two hundred and twenty.

CHAPTER III.

SETTLEMENT.

Notification as to settlement.

14. Whenever the Chief Commissioner thinks that any district or other local area liable to be brought under settlement should be so brought, he shall, with the previous sanction of the Governor General in Council, publish a notification to that effect.

Notification as to settlement-record.

And if he thinks that a settlement-record should be prepared for any district or other local area, he shall

shall, with the like sanction, publish a notification to that effect.

15. The Chief Commissioner 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 in respect of any local area is to be assessed; and may from time to time make rules prescribing the manner in which Settlement Officers shall report for sanction the rates and method of assessment and the amounts they propose to assess.

Chief Commissioner to issue rules as to mode of assessment.

16. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, determine what documents shall form the settlement-record, and frame and issue rules regarding (a) the mode in which such record is to be prepared, (b) the facts to be therein entered, and (c) the manner in which the entries shall be attested.

Settlement-record.

The Chief Commissioner may from time to time, with the same sanction, alter such rules.

17. Every entry in such settlement-record duly made and attested shall, until the contrary is proved, be presumed to be a correct record of the fact entered.

Presumption as to entries in settlement-record.

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

Settlement to be deemed in progress until closing notified.

Every 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 either of the notifications prescribed by section fourteen.

Settlements now in progress brought under operation of Act.

19. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, appoint an officer to be in charge of the settlement of any local area and as many Assistant Settlement Officers as the Chief Commissioner thinks fit; and such officers shall exercise the powers conferred

Appointment and powers of Settlement Officers.

conferred on them respectively under this Act so long as such area is under settlement.

Power to invest Settlement Officers with powers of Civil Courts in certain cases.

20. In any local area in which a settlement of the land-revenue is in progress, the Chief Commissioner, with the previous sanction of the Governor General in Council, may by order confer on any officer making or controlling such settlement the powers of a Civil Court of any specified grade for the purpose of trying suits and appeals, or any specified class of suits and appeals, relating to property in land assessed or assessable to revenue, in such district, and may revoke any such order; and so long as such order remains in force the jurisdiction of the Civil Courts of the same grade shall be excluded in respect of such suits and appeals.

Power to transfer cases from Settlement Officers to Civil Courts.

21. Notwithstanding the existence of any such order, the Chief Commissioner may from time to time direct that any cases pending before the Settlement Officers invested with the powers mentioned in section nineteen, shall be transferred to the ordinary Civil Courts of the District if the state of business in his opinion requires such transfer.

Trial of suit relating to land and to other property.

22. If a suit relating as well to such land as other property be instituted before any officer so invested, he shall make a reference regarding the disposal of such suit to the Commissioner of the division in which the district wherein the suit was instituted is included, who shall determine by what Court the suit shall be tried.

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

23. When any local area 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 from a date to be fixed in the proclamation, such boundary-marks as he may think necessary to define the limits of that village, or the maháls or fields contained therein; and in default of their compliance within the time specified in the notice, he may cause such boundary-marks to be erected, and

he

he shall recover the cost of such erection from the proprietors as if it were an arrear of land-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 sections one hundred and ninety-one to two hundred and two, both inclusive.

24. 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.

25. 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.

26. The settlement shall be made

With whom settlement to be made.

(a) in the case of a taluqdárá mahál with the taluqdár,

(b) in the case of other maháls with the proprietor of the mahál; or if in any such mahál there are two classes of proprietors, superior and inferior, with either of such classes as the Chief Commissioner directs,

or if the taluqdár or proprietor has transferred possession of his mahál to a mortgagee or conditional vendee, then with such mortgagee or vendee.

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 on his behalf with his guardian or with the manager of his property.

Settlement of estate in possession of lunatic or minor.

27. When several persons are in possession of a mahál, not being a taluqdárá mahál, the Settlement Officer shall have power to make a joint settlement with all such persons, or with their representatives.

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

28. The

Framing and reporting general proposals of assessment.

28. The Settlement Officer shall, in accordance with the rules made under section fifteen, frame general proposals of assessment for any local area or any portion thereof regarding which a notification has been published under the first clause of section fourteen, and shall report such proposals through the Commissioner of the Division to the Chief Commissioner.

Detailed assessment and declaration thereof to persons concerned.

29. After the receipt of the orders of the Chief Commissioner thereon, and subject to such orders, the Settlement Officer shall ascertain the amount of the assessment proper for each mahál in such area, and shall declare the same to the person with whom the settlement of such mahál is to be made.

If any mahál in any such area comprise two or more villages, or portions of villages, the Settlement Officer shall declare the assessment due on each of such villages or portions of villages, together with the aggregate amount of the assessment proper in his opinion for the whole mahál.

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

Effect of agreement to assessment proposed.

30. If the persons with whom the settlement of such mahál is to be made agree to the assessment so proposed, they and those (if any) whom they represent in interest shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner directs, to pay such assessment in respect of such mahál ;

Distribution of assessment.

and in a mahál 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.

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

32. If

32. If the person to be settled with be a taluqdár, and such taluqdár refuse to accept the assessment offered by the Settlement Officer in respect of his entire taluqá, or in respect of any portion thereof, or if, within thirty days from the date of the declaration by the Settlement Officer under section twenty-nine, such taluqdár fail to accept such assessment, the Settlement Officer shall report the case through the Commissioner of the Division to the Chief Commissioner.

Exclusion of taluqdár declining or failing to accept settlement.

The Chief Commissioner, after hearing and considering the reasons which the taluqdár may have to urge against the assessment, may direct that the taluqdár so refusing or failing be excluded from the settlement of his entire taluqá, or of any portion thereof, for such term, not exceeding fifteen years from the date of such direction, as the Chief Commissioner shall fix; and the Settlement Officer or Deputy Commissioner shall either farm the taluqá or any portion thereof or hold it under direct management during such term, or any part thereof: provided that no taluqdár shall be excluded from the settlement of his entire taluqá without the previous sanction of the Governor General in Council.

33. If a taluqdár be excluded from the settlement of any portion of his taluqá, and if such portion be held in sub-settlement by an under-proprietor, the farm of such portion shall be offered to such under-proprietor on such terms as the Chief Commissioner may in each case direct.

Offer of farm to under-proprietor.

34. If such under-proprietor accept the assessment so offered, the taluqdár so excluded shall be entitled to an allowance out of the profits of such portion, to be fixed by the Chief Commissioner, not exceeding the share of the gross assets, if any, to which he would have been entitled had he accepted the assessment.

Allowance to excluded taluqdár.

In other cases, the taluqdár so excluded shall (subject to the orders of the Chief Commissioner) be entitled to an allowance out of the profits of such portion, of not less than five or more than fifteen per cent. on the amount proposed to be assessed thereon.

35. In

Exclusion of person declining or failing to accept settlement in a mahál.

35. In a mahál other than a taluqdárá mahál, 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 twenty-nine, the Settlement Officer shall report the case through the Commissioner of the Division to the Chief Commissioner,

and the Chief Commissioner 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 Chief Commissioner thinks fit,

and the Settlement Officer or the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, 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 Chief Commissioner) to an allowance out of the profits of the mahál, of not less than five or more than fifteen per cent. on the amount proposed to be assessed thereon.

Procedure in case of some of several proprietors refusing assessment.

36. If, in a mahál held on a pattídárá or imperfect pattídárá tenure, any of the co-sharers refuse or fail within thirty days from the date of the declaration by the Settlement Officer under section twenty-nine to accept the proposed assessment, the shares of such co-sharers shall be dealt with under the provisions of section thirty-five, and they shall receive an allowance, as provided in that section, in proportion to their respective shares in the mahál.

Farm of shares of proprietors refusing.

If the Settlement Officer farms any share in such mahál, the farm of such share shall be offered in the first instance to those co-sharers who have accepted the proposed terms.

Adjustment of rent of the sir-land of proprietors of mahál

37. Any proprietor excluded from settlement under sections thirty-five and thirty-six shall be entitled to hold as a tenant with a right of occupancy so much of the land in the mahál actually cultivated by him as

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the Settlement Officer may determine, and the rent to be paid by such proprietor for such land during such exclusion shall be fixed by the Settlement Officer at the rate which would have been paid by a tenant-at-will for the said land less four annas in the rupee.

farmed under section 35 or 36.

38. The aggregate amount of any allowance assigned under section thirty-five or section thirty-six to any proprietor of a mahál who has been excluded from settlement, and of the difference between the rent fixed under section thirty-seven 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 amount proposed by the Settlement Officer to be assessed on such mahál.

Amount of allowance assigned under section 35 or 36 to excluded proprietor, and of difference between rent fixed under section 37, and rent payable by him if he were tenant-at-will.

39. On the expiration of the term fixed under section thirty-two or section thirty-five, the settlement of such mahál, portion, or share comprised therein shall be offered by the Deputy Commissioner to the person then entitled to be settled with in respect of such mahál, portion or share, at such assessment for the remainder of the term of settlement of the district as the Chief Commissioner may direct.

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

And if such person refuse to accept the offer, the Deputy Commissioner shall report such refusal through the Commissioner of the Division to the Chief Commissioner, and such person may be excluded from settlement for such period, not exceeding the term of the settlement of the district, as the Chief Commissioner may direct, and the provisions of sections thirty-two to thirty-eight (both inclusive) shall, so far as may be applicable, apply to his case.

Procedure on refusal.

40. The Settlement Officer shall, in accordance with the provisions of the Oudh Sub-settlement Act, 1866, so far as they are applicable, determine the rent to be paid to the proprietor by all under-proprietors in a mahál, and by all holders of heritable, non-transferable

Determination of rent payable to proprietor.

transferable leases, whose rent has not been fixed by contract.

When the rent is so determined the co-sharers may at their option agree with the Settlement Officer that the rent shall be paid either by them collectively or by one of them on behalf of himself and the others. Whenever, whether before or after the passing of this Act, rent payable by such under-proprietors or lessees has been determined by a Settlement Officer or other competent authority, all the co-sharers shall be jointly and severally responsible for the payment to the proprietor of the rent so determined.

Nothing in this section applies to rent payable by a tenant with a right of occupancy.

Saving of liability for Government revenue.

41. All land shall be deemed liable to be charged with the payment of revenue to Government, unless some competent authority has declared it exempt from such payment. And no length of occupancy of any land, nor any grant of land made by the proprietor, shall release such land from such liability.

Enquiry into cases of land released from payment of revenue.

42. 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.

Confirmation of settlement.

43. Every settlement shall be made subject to confirmation by the Governor General in Council.

Period for which settlement is to be made.

44. The Governor General in Council shall, at some time before confirming the settlement, fix the period for which the settlement is to be made. Such period shall be fixed with reference to the agricultural year.

Revision of assessment before confirmation.

45. The assessment of any mahál may be revised at any time before it is confirmed by the Governor General in Council, and in such case the revised assessment shall be proposed to the proprietors of such mahál, and the provisions of sections twenty-three to forty (both inclusive) shall apply.

Alteration

Alteration of Assessment during the Currency of a Settlement.

46. The Deputy Commissioner shall enquire annually into the cases of all land released from the payment of revenue conditionally, or for a term, or for the life of the grantee.

Annual enquiry as to revenue-free grants.

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

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

47. 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 twenty.

Assessment of land added by alluvion.

48. Where such land is held by an under-proprietor or lessee whose rent has been fixed by a Settlement Officer, such rent shall be increased proportionately to the increase of revenue effected by such assessment.

Proportionate increase of rent payable by under-proprietor.

49. Where the revenue assessed on a mahál has, by order of the Chief Commissioner, been reduced or been wholly or in part remitted or suspended, and the land on account of which the revenue has been so reduced, remitted or suspended is in the possession of an under-proprietor or lessee whose rent has been fixed by a Settlement Officer or other competent authority, the Chief Commissioner may declare that such under-proprietor or lessee shall be entitled (where the revenue has been reduced or remitted) to a proportionate reduction or remission of the rent payable by him in respect of such land, or (where the revenue has been suspended) to a suspension of the payment of such rent for the time during which the revenue has been so suspended, and such under-

Proportionate reduction or remission of rent payable by under-proprietor or lessee.

proprietor

proprietor or lessee shall thereupon be entitled accordingly.

Deputy Commissioner to have powers of officer in charge of settlement. Power to invest officer with Settlement Officer's powers.

50. Assessments under sections forty-six and forty-seven shall be made by the Deputy Commissioner in the same manner and with the same powers as if he were an officer in charge of a settlement.

51. At any time during the currency of a settlement, the Chief Commissioner may, with the previous sanction of the Governor General in Council, 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 he thinks fit;

but not so as to enable him to enhance the total amount of revenue payable on account of any mahál, except in respect of land added thereto or becoming liable to payment of revenue since the confirmation of the settlement.

Resumption of Rent-free Grants.

Liability of rent-free grants to resumption.

52. All grants (whether in writing or otherwise) by proprietors, or the persons whom they represent, of land to be held exempt from the payment of rent or at a favourable rate of rent, are hereby declared to be liable to resumption, unless such grants have been sanctioned or confirmed by the Governor General in Council or the Chief Commissioner.

Grants under certain instruments.

Provided that, if such grants are 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, they shall be held valid 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.

Application for declaration of such liability.

53. Proprietors wishing to resume any grants mentioned in section fifty-two and made by themselves or the persons whom they represent shall apply by petition to the principal Court of original civil jurisdiction

diction of the district in which the land is situate for a declaration of the liability of the grant to resumption.

The Court shall cause notice of such application to be served on the grantee, and shall fix a day for hearing his objections (if any) to the declaration; and thereupon, after considering such objections (if any), may either dismiss the application with or without costs to be paid by the applicant, or declare that the grant is liable, in whole or in part, to resumption.

54. If the Court find that the grant has been made in consideration of the loss or surrender of a right previously vested in the grantee, but has not been sanctioned or confirmed as mentioned in section fifty-two, the Court shall refer the case to the Chief Commissioner, who shall make such order in the case as he thinks fit.

Procedure where grant has been made in lieu of a right, but has not been sanctioned or confirmed.

55. Nothing in section fifty-two or section fifty-three applies to either of the following cases:—

Exemptions from sections 52 and 53.

(a) where land is held rent-free under a judicial decision;

(b) where previously to the passing of this Act, land held rent-free has been acquired for a valuable consideration and the right to resume it has been barred by the law of limitation.

CHAPTER IV.

REGISTRATION, INCLUDING THE PREPARATION AND MAINTENANCE OF REVENUE-RECORDS.

56. The Deputy Commissioner of the District shall, on the basis of the settlement-record, and in accordance with such rules as the Chief Commissioner from time to time prescribes in this behalf, prepare the following lists and registers:—

Lists and registers to be prepared by Deputy Commissioner.

(a) A list of all the villages in each pargana or tahsíl of his district;

The pargana register.

(b) A list of all the revenue-paying maháls in each pargana or tahsíl, showing the revenue assessed

The málguzárá register.

on each mahál, and the name of the person responsible for its payment whether as sole proprietor or as lambardár ;

The khewat.

(c) A register of all the co-sharers in each mahál with the nature and extent of the interest of each co-sharer ;

Register of sub-settled maháls with khewat.

(d) A register of all maháls in which the rent of any under-proprietor or lessee has been fixed by the Settlement Officer, the names of all the co-sharers in such maháls, together with the nature and extent of the interest of such co-sharers ;

Register of under-proprietary and other tenures.

(e) For each mahál a list—

(1) of all under-proprietors and lessees whose rent has been so fixed, and of all tenants with a right of occupancy, with the nature and extent of the interest of each such person, and the rent (if any) which he is liable to pay therefor,

(2) of all other persons (if any) holding land free of rent, or revenue-free ;

Register of revenue-free tenures.

(f) A register—

(1) of all land in his district held revenue-free, with the names of the holders, and the conditions of the grant under which they hold,

(2) of all land declared by competent authority to be waqf or nazul, or the property of the State ;

The málikána register.

(g) A register of all maháls on which a málikána-allowance has been sanctioned by competent authority, with the names of the persons entitled to such allowance, the amount of such allowance, and the conditions under which it was given ;

Register of jungle-grants.

(h) A register of all jungle-grants, the names of the grantees, and the conditions of the grants.

Correction of errors in settlement-record.

57. In the preparation of the said lists and registers, the Deputy Commissioner shall correct any errors in the settlement-record which the parties interested admit to have been made therein ; and any dispute arising regarding any entry in such record shall be investigated and decided on the basis of actual possession ; and all persons not in possession,

but

but claiming the right to be so, shall be referred to a Court of competent jurisdiction: Provided that, if the claim is founded on a decree of such Court, and if, when the claim is made, the decree is capable of execution, the entry shall be in accordance with such decree.

58. The Deputy Commissioner shall keep and maintain the said lists and registers,

Deputy Commissioner to keep the lists and registers.

and he shall from time to time cause to be registered all events and transactions affecting any of the rights or interests recorded in the said registers, to such extent as the Chief Commissioner may from time to time prescribe.

59. The Chief Commissioner shall prescribe the forms in which the lists and registers mentioned in section fifty-six are to be prepared,

Forms of lists and registers.

and the manner in which, the persons by whom, and the occasions on which, the alterations referred to in section fifty-seven and section fifty-eight are to be recorded.

60. The Chief Commissioner may prescribe proper fees for alteration in the lists and registers formed under the said rules: Provided that no fee for a single alteration shall exceed one hundred rupees.

Power to prescribe fees for mutations.

Such fee shall be levied from the person in whose favour the mutation is made, and shall be expended in such manner as the Chief Commissioner thinks fit.

Levy of fees. Fees how spent.

61. All persons obtaining the possession of land or the profits thereof, whether by succession, purchase or other form of transfer, as proprietors or under-proprietors, or as lessees whose rents have been fixed by a Settlement Officer, or as mortgagees, shall give notice of the same immediately after it has taken place to the tahsildár of the tahsíl in which the mahál to which such land belongs is situated, or to the Deputy Commissioner of the District.

Notice of transfer of possession.

If the notification be made to the tahsildár, that officer shall report such notice to the Deputy Commissioner.

62. The

Enquiry as to truth of transfer.

62. The Deputy Commissioner, on receiving such notice or report, shall make such enquiry as the Chief Commissioner may from time to time prescribe, to ascertain the fact of the alleged transfer of the property, and if the transfer appears to have taken place, he shall, subject to the rules framed by the Chief Commissioner under section two hundred and twenty, record the same in the appropriate register :

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

Notification in case of minority or other disqualification.

63. If the person so succeeding is a minor or otherwise under disability, the guardian or other person who has charge of his property shall give the notice required by section sixty-one.

Fine for neglect to notify.

64. Any person neglecting to give the notice prescribed in section sixty-one within three months from the date of the occurrence of the fact to be notified, shall be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five times the amount of the fee which would otherwise have been payable under section sixty.

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

65. If in the course of enquiry made under section sixty-two, a dispute regarding the possession of the property arises, and the Deputy Commissioner is unable to satisfy himself as to which party is in possession, he shall ascertain by summary enquiry who is the person *prima facie* 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.

Registry of transfers of interests in land other than those referred to in section 61.

66. When any person obtains possession of land or of the profits thereof, for any interest other than those referred to in section sixty-one, the transfer of such possession shall be recorded in such manner as the Chief Commissioner from time to time directs ;

Enquiry in disputed cases.

and all disputed cases shall be reported to the Deputy Commissioner, who shall make such enquiry

as may be necessary to ascertain the fact of the alleged transfer, and cause the record to be amended accordingly.

67. All registers prepared under the preceding sections of this chapter shall be deemed to be public documents and the property of Government, and shall be open to public inspection at such hours, and on such conditions as to fees or otherwise, as the Chief Commissioner may from time to time prescribe.

Inspection of registers.

CHAPTER V.

PARTITION AND UNION OF MAHÁLS.

68. Partition is either perfect or imperfect.

Partitions.

'Perfect partition' means the division of a mahál into two or more maháls, severally responsible for the revenue assessed on each.

'Perfect partition.'

'Imperfect partition' means the division of any mahál, or of any portion of a mahál, into two or more portions jointly responsible for the revenue assessed on the whole mahál.

'Imperfect partition.'

69. 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.

Persons entitled to perfect partition.

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.

If any recorded co-sharer be under disability, the person in possession of his property shall, for the purpose of this section, be deemed to be a recorded co-sharer.

70. Applications for perfect partition are to be made in writing to the Deputy Commissioner of the district in which the mahál is situated ;

Application for perfect partition.

and

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

Provision as to estates situated in more than one district.

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 Deputy Commissioners of those districts as the Chief Commissioner may direct.

Notification of application.

71. The Deputy Commissioner, 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 in the mahál to which the application relates,

Notice to co-sharers not joining.

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 less than thirty, or more than sixty, days from the date on which such notice was issued.

Notification when alone sufficient.

72. Where, from any cause, notice cannot be personally served on any co-sharer, the notification so published shall be deemed sufficient notice.

Power to refuse partition when objection admitted.

73. If, on or before the day so specified, any objection is made to the partition by any co-sharer in possession, and the Deputy Commissioner, 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 refuse the application, recording the grounds of his refusal.

Procedure if question of title be raised.

74. 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 Deputy Commissioner may either decline to grant the application until the question in dispute has been determined by a competent Court, or he may proceed to enquire into the merits of the objection.

In

In the latter case the Deputy Commissioner, 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.

The procedure to be observed by the Deputy Commissioner 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.

75. All orders and decisions passed by the Deputy Commissioner 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 under the provisions of the Oudh Civil Courts Act.

Upon such appeal being made, the appellate Court may issue a precept to the Deputy Commissioner, desiring him to stay the partition pending the decision of the appeal.

76. When it has been decided to make a partition under this chapter, the Deputy Commissioner shall either 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 Commissioner subordinate to him, and when made by an Assistant Commissioner, it shall be reported to the Deputy Commissioner for his confirmation.

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

In making a partition, arbitrators shall not be bound by the provisions of sections eighty to eighty-three, both inclusive; but they shall deliver a full and complete paper of partition, specifying the separate maháls into which they propose that the mahál shall

Procedure in such cases.

Reference to arbitration.

Deputy Commissioner's decision equivalent to decision of Civil Court. Appeal thereupon.

Appellate Court may stay partition.

Option to make partition themselves or to appoint arbitrators.

Partition by arbitrators.

be

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be divided; the names of the parties to whom the several maháls are proposed to be allotted, and the amount of land-revenue which in the opinion of the arbitrators should be assessed on each of such maháls.

Power to enter on land for purposes of partition.

78. In making partitions, the Deputy Commissioner, 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 are conferred on Settlement Officers under this Act.

Power to hold mahál under direct management pending partition.

79. When a Deputy Commissioner has decided that a partition shall be made, he may, with the sanction of the Commissioner, hold the mahál under direct management pending the completion of the partition.

The provisions of the law in force for the time being for the management of maháls held under direct management under section one hundred and nineteen for arrears of revenue, shall be applicable to maháls the management of which is assumed under this section.

The collections of the mahál shall be applied to the payment of the Government revenue, and, after defraying the expenses of management and any other expenses with which the mahál is chargeable, the residue shall be divided amongst the recorded co-sharers, in proportion to their respective shares, at such periods as the Deputy Commissioner may see fit.

Partition of lands held only in severalty.

80. 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 some of which are held in common.

81. Where some of the lands are held in common, the Deputy Commissioner shall allot to the applicant for partition his share of such lands in accordance with village-custom, if any such exist.

If no such custom exist, the Deputy Commissioner shall make such division as may secure to the applicant his fair portion of the common lands.

82. The

82. 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.

83. In making partitions under this Act, the Deputy Commissioner shall give effect to any transfer of lands held in severalty and forming part of the mahál, which has been agreed to by the parties previous to the declaration of the partition.

Transfers to be effectuated in making partition.

84. Where all the lands are held in common, the Deputy Commissioner shall make such a partition as may secure to the applicant his fair share of the mahál.

Partition where all lands are held in common.

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

Estate to be compact.

86. 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 the buildings thereon (if any), on condition of his paying a reasonable ground-rent therefor to the sharer into whose portion it may fall.

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

The limits of such land, and the rent to be paid for it, shall be fixed by the Deputy Commissioner.

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

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

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 Deputy Commissioner shall determine the extent to which the 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,

profits, if any, derived from such works, shall be divided.

Rules as to places of worship and burial-grounds.

88. Places of worship and burial-grounds, held in common previous to the partition of a mahál, shall continue to be so held, unless the persons who so held them otherwise agree among themselves.

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

Determination of revenue payable by each division of a mahál.

89. In all cases, whether partition has been made by arbitrators or otherwise, the amount of revenue to be paid in respect of each portion of a mahál partitioned under this chapter shall be determined by the Deputy Commissioner, provided that the aggregate revenue payable in respect of the new maháls shall not exceed the revenue assessed on the mahál immediately before partition ;

Liability of proprietors.

and the proprietor of each new mahál shall be held liable for the portion of the revenue assessed on his mahál, whether a new engagement be taken from him or not.

Power to stay partition.

90. If at any stage of any proceedings under this chapter there appears to be any reason for stopping the partition, the Deputy Commissioner may of his own motion, or on the report of the Assistant Commissioner making the partition, stay the partition and order the proceedings to be quashed.

Order confirming partition.

91. A partition, whether made by the Deputy Commissioner himself or otherwise, shall not be deemed to be complete unless the Deputy Commissioner has made an order confirming it.

Notification of order.

On making such order, he shall publish a notification of the fact at his office and at some conspicuous place in each of the new maháls,

Partition when to take effect.

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

Appeal to Commissioner from

92. An appeal against the decision of the Deputy Commissioner confirming a partition, shall lie to the Commissioner

Commissioner of the division within one year from the date on which such partition takes effect.

orders of Deputy Commissioner.

93. Where the land-revenue is fraudulently or erroneously distributed at the time of the partition, the Chief Commissioner may, within twelve years from the time of discovery of the fraud or error, order a new allotment of the land-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.

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

94. Imperfect partition shall be carried out according to the provisions of sections sixty-nine to ninety-two (both inclusive) so far as they are applicable: Provided that no application for imperfect partition shall be entertained unless the consent of recorded co-sharers holding in the aggregate more than one moiety of the property of which partition is sought be first obtained.

Making of imperfect partitions.

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

Civil Courts barred from entertaining applications for partitions.

96. All imperfect partitions and all partitions perfect or imperfect of under-proprietary maháls hitherto made, shall be deemed to have been made under the provisions of this Act.

Previous imperfect partitions and partitions of under-proprietary maháls.

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

Union of maháls originally part of same village.

98. Every application for the union of such maháls shall be made in writing to the Deputy Commissioner of the district in which the maháls are situate.

Application for such union.

If the Deputy Commissioner see no objection, he shall comply with the application, and cause the necessary entries to be made in the register of his

Application how dealt with.

office,

office, reporting the case to the Commissioner of the division.

Partition or union of revenue-free maháls.

99. The provisions of this chapter, so far as they are applicable, may be applied by order of the Deputy Commissioner to the partition or union of maháls held free of revenue.

Partition of taluqdárá and under-proprietary maháls.

100. The partition of taluqdárá and under-proprietary maháls and of maháls held by lessees whose rent has been fixed by the Settlement Officer or other competent authority, shall be carried out according to the provisions of sections sixty-nine to ninety-three (both inclusive), so far as they are applicable.

Assignment of inferior maháls.

(a) In the partition of taluqdárá maháls, all maháls, whether under-proprietary or held by lessees whose rent has been fixed by the Settlement Officer or other competent authority, shall, if practicable, be assigned to one or other of the new taluqás to be formed by the partition ;

(b) if any such mahál cannot be assigned in whole, the assignment shall be made by thoks, pattís or other existent sub-divisions ;

(c) and if no other satisfactory arrangement can be made, such mahál shall be partitioned ;

(d) in cases in which one portion of any such mahál is assigned to one taluqá and another portion to another taluqá, each portion shall be deemed a separate mahál, the joint responsibility of the co-sharers being limited to such portion.

Objection to distribution of rental.

101. Whenever a partition of a mahál, whether under-proprietary or held by lessees whose rent has been fixed as aforesaid, is effected under this Act, the amount of rent to be paid in respect of each portion shall be determined by the Deputy Commissioner, and the person to whom such rent is payable may present an application in writing to the Deputy Commissioner objecting to the distribution of the rental over the several parts into which the mahál has been divided, and praying that such objection may be heard and determined ; and his objection shall be heard and determined,

determined, and the Deputy Commissioner shall record his reasons for such determination.

CHAPTER VI.

MAINTENANCE OF BOUNDARIES.

102. The Deputy Commissioner and his subordinates shall have power to enter upon and survey land, and to demarcate the boundaries of maháls, villages and fields.

Power of Deputy Commissioner to enter and survey.

103. 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.

104. Any person convicted before a Deputy Commissioner of wilfully erasing, removing or damaging any such boundary-mark, 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 such mark, and of rewarding the informer (if any) through whom the conviction was obtained.

Payment for erasing, removing or injuring marks.

105. Whenever the person erasing, removing or damaging any such mark cannot be discovered, or if for any other reason the sum which he has been so ordered to pay cannot be recovered, the mark shall be re-erected or repaired at the charge of the owner or owners of such one or more of the conterminous field or maháls as to the Deputy Commissioner seems fit.

Who is to be charged for re-erection and repair when offenders not discoverable.

106. The Deputy Commissioner 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,

Powers of Deputy Commissioner as to boundary-disputes and boundary-marks.

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

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

107. In

Power to erect or repair boundary-marks.

107. In default of compliance with such direction within fifteen days from the date of the service of the notice, the Deputy Commissioner 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 maháls, villages or fields in such proportion as he thinks fit.

CHAPTER VII.

COLLECTION OF THE LAND-REVENUE.

Responsibility of proprietors of mahál for land-revenue.

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

The term "proprietors" shall, for the purposes of this chapter, include all persons in possession for their own benefit.

Chief Commissioner may make rules as to payment of revenue.

109. The Chief Commissioner may, 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.

Payment until issue of rules.

110. 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.

Effect of non-payment.

111. Any sum not so paid becomes thereupon an arrear of revenue, and the proprietor responsible for it becomes a defaulter.

No interest shall be demanded on any arrear of land-revenue.

Defaulters in case of settlements with lambardárs.

112. If the settlement of any land has been made with a lambardár, and if there be an arrear of revenue due in respect of such land, both the lambardár and

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the co-sharers of the mahál from which the arrear is due shall be deemed defaulters.

113. A statement of account certified by the tahsildár shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear, of its amount, and of the person who is the defaulter. Evidence of arrear.

114. When an arrear of land-revenue has accrued, a writ of demand or summons to appear may issue, calling on the defaulter to pay the amount within a time therein stated. Writ of demand.

115. At any time after an arrear of land-revenue becomes due, such officer as the Chief Commissioner from time to time empowers in this behalf, may arrest the defaulter and detain him in custody for fifteen days, unless the arrear, together with the costs of arrest, is sooner paid. Arrest and detention of defaulter.

116. If the arrear be not paid within fifteen days, and no good reason for the non-payment is shown, the Deputy Commissioner may issue an order to the jailor of the civil jail of the district, directing him to confine the defaulter therein as a civil prisoner until the arrear is paid, or until the expiration of such period, not exceeding six months from the date of the order, as the Deputy Commissioner thinks fit; and such person shall be confined according to the terms of such order: Imprisonment in civil jail.

Provided that no person exempted under the law for the time being in force from personal attendance in the Civil Courts, no taluqdár and no female, shall be subject to arrest or imprisonment under this and the preceding section.

117. The Deputy Commissioner may, whether the defaulter has been arrested and imprisoned or not, order the attachment and sale of so much of his moveable property as will, as nearly as may be, defray the arrear. Attachment and sale of moveables.

Nothing herein contained shall authorize the attachment and sale of articles set aside exclusively for the use of religious endowments; or, in the case

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of an agriculturist, of instruments of husbandry and of cattle *boná fide* kept for the cultivation of his land; or, in the case of an artisan, of his tools; nor of any other articles exempted by the law for the time being in force from sale in execution of decrees of Civil Courts.

Conduct of sale.

118. Every attachment and sale ordered under the preceding section shall be conducted according to the law in force for the time being for the attachment and sale of moveable property under the decree of a Civil Court.

Property may be attached and taken under direct management.

119. When an arrear of land-revenue has become due in respect of a share, *pattí* or *mahál*, the Deputy Commissioner may, in addition to, or instead of, the processes hereinbefore specified, cause such share, *pattí* or *mahál* to be attached and taken under the direct management of any agent whom he appoints for that purpose.

Powers and obligations of agent.

For the purpose of managing the property so attached, the agent so appointed shall have all the rights, and be subject to all the liabilities, with respect to such property, of the person for whose default it was attached;

until the arrears of land-revenue due therefrom have been satisfied, or until the Deputy Commissioner directs him to restore the person whose interest has been attached to the management thereof.

Application of surplus-profits.

120. All surplus-profits of the property so attached after defraying thereout any instalment of land-revenue that may become due during such management, and the cost of such attachment and direct management, shall be applied to discharging the arrear of revenue on account of which it was ordered.

Termination of management.

And no such management shall continue after such arrear has been discharged as aforesaid, and any surplus remaining after payment of the charges mentioned in the first clause of this section shall be handed over to the proprietor.

121. If

121. If an arrear of land-revenue has become due in respect of the share of any member of a village-community, such community, or any member thereof, may tender payment of such arrear, or may offer to pay such arrear by instalments.

Transfer of share of defaulter to solvent co-sharers.

If such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner may transfer the share of the defaulting member to the community or member making the tender or offer, on such terms as the Deputy Commissioner thinks fit, and either for a term of years, or until such arrear is paid.

In case of conflicting tenders or offers under this section, the co-sharer who, in case the share were sold, would have a right of pre-emption under section nine of the Oudh Laws Act, shall be preferred.

122. If such share is so transferred until the arrear is repaid, and if the arrear is not repaid within twelve years from the date of the transfer, the community or member to whom the share has been so transferred may apply in writing to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, such transfer will become absolute.

When transfer of share is to become absolute.

The Deputy Commissioner shall publish such notification accordingly, and if the arrear is not repaid before the expiration of one year from the date of the notification, the transfer to such community or member shall become absolute.

123. The procedure prescribed in the two preceding sections shall not affect the joint liability of the co-sharers of the mahál.

Procedure not to affect joint liability of co-sharers.

124. When any arrear of land-revenue has become due in respect of any pattí or mahál, and the Deputy Commissioner 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, any such process, report, through the Commissioner of the division, the matter to the Chief Commissioner, and the Chief Commissioner may thereupon order

When settlement may be annulled.

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the existing settlement of such pattí or mahál to be annulled.

Exception of certain arrears.

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,

(a) while attached under section one hundred and nineteen, or

(b) while in charge of the Court of Wards.

When settlement has been annulled, the Deputy Commissioner may manage the land himself, or by agent, or let it in farm.

125. When the settlement of any pattí or mahál has been annulled under the last preceding section, the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, either manage the land by himself or an agent, or let it in farm to any person willing to accept the same, for such term and on such conditions as may be approved by the Chief Commissioner :

Provided that the term for which a pattí or mahál may be so managed or let be not longer than fifteen years from the first day of July next after the date of such annulment.

Suspension of contracts.

And no interest in or right to such pattí or mahál, or any part thereof, created or assigned by any person who, immediately before the annulment of the settlement, was in possession of the whole or any part of the land comprised therein, or by any person through whom he claims, shall, during the continuance of such term, be binding on the Deputy Commissioner or his agent or lessee.

Proclamation of attachment or annulment of settlement.

126. When the Deputy Commissioner attaches any land under section one hundred and nineteen, or when the settlement of any land has been annulled under section one hundred and twenty-four, he shall make public proclamation thereof on the mahál.

And he may realize all arrears of rent becoming due in respect of such land by under-proprietors or by lessees whose rent has been fixed by a Settlement Officer, as if they were arrears of land-revenue.

Payments thereafter to defaulter not to discharge payer.

127. No payment made after such proclamation on account of rent or other profit of the land so attached, or of which the settlement has been so annulled, to

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any person other than the Deputy Commissioner or his agent or lessee, shall be credited to the person making such payment, or relieve him from liability to payment to the Deputy Commissioner, his agent or lessee.

128. No payment made to the defaulter in anticipation of the usual period for the payment of rents, shall, without the special sanction of the Deputy Commissioner, be credited to the person making the same in account with the Deputy Commissioner, or with his agent or lessee.

Payments to defaulter in anticipation of due date.

129. When any land has been let in farm under section one hundred and twenty-five, any balance due by the lessee as such may be recovered from him or his surety (if any) as if it were an arrear of revenue.

Recovery of balance due by farmer.

130. Whenever the settlement of any portion of a mahál is annulled under section one hundred and twenty-four, the joint responsibility of the co-sharers of the mahál for the revenue of such portion subsequently becoming due, shall be in abeyance until a new settlement of such portion is made under section one hundred and thirty-one.

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

131. After the expiration of the period for which any land has been managed or let in farm under section one hundred and twenty-five, the Deputy Commissioner shall offer to the person entitled to be settled with under section twenty-six a new settlement, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the district; and if such person refuse such offer, the Deputy Commissioner may (with the previous sanction of the Chief Commissioner) either manage the land by himself or an agent, or let the same in farm, under the provisions of sections thirty to thirty-eight, both inclusive.

Offer of settlement to proprietor on expiry of period for which land is managed or farmed.

132. When an arrear of land-revenue has become due in respect of any patti or mahál, and the Deputy Commissioner 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

Power to sell land to recover revenue-arrears.

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tion to, or instead of, all or any such other processes, and subject to the provisions next hereinafter contained, and with the previous sanction of the Chief Commissioner, sell by auction the pattí or mahál in respect of which such arrear is due :

Provided that no pattí or mahál shall be sold—

(a) for any arrears of land-revenue which may have become due in respect thereof while it was under the management of the Court of Wards, or held under the provisions of the Oudh Taluqdárs' Relief Act, or when the proprietor or under-proprietor thereof was, at the time the arrear accrued, a female deemed by the Chief Commissioner incompetent to manage her estate, a minor, an idiot or a lunatic ;

(b) for any arrears of land-revenue which may have become due while it was under attachment under section one hundred and nineteen ; or

(c) for any arrears of land-revenue which may have become due while it was under direct management by the Deputy Commissioner, or in farm by any other person, under sections thirty-two, thirty-five, one hundred and twenty-five or one hundred and thirty-one.

Land to be sold free of incumbrances.

Grants and contracts void against purchaser.

Exceptions.

Power to direct sale to be made subject to incumbrances.

133. Land sold under the last preceding section shall be sold free of all 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.

Nothing in the former part of this section applies to leases of lands at fair rents, for the erection of dwelling-houses or manufactories, or for mines, gardens, tanks, canals, places of worship or burying-grounds.

134. The Chief Commissioner may, notwithstanding anything contained in section one hundred and thirty-three, at any time before a sale of land for arrears of revenue has been actually made, direct it to be made subject to such of the interests in or rights

to

to such land created by the proprietor in possession thereof, or any person through whom he claims, as the Chief Commissioner thinks fit.

When the proceeds of a sale so made are not equal to the arrears due at the time of sale, the Chief Commissioner may, at any time before the Commissioner of the division has confirmed the sale, direct it to be cancelled and a new sale of the land to be made under section one hundred and thirty-three.

Power to cancel restricted sale and re-sell under section 133.

135. If the arrear cannot be recovered by any of the above processes, and the defaulter is in possession of any other immoveable property, the Deputy Commissioner may proceed against such other property, as if it were the land on account of which the revenue is due under the provisions of this Act :

Power to proceed against defaulter's other immoveable property.

Provided that no interest 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.

136. On the receipt of the sanction of the Chief Commissioner to the sale of any land, the Deputy Commissioner 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,

Procedure in effecting 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.

137. When the land is sold for arrears of revenue due in respect thereof, the proclamation shall declare that the land is to be sold free of every incumbrance except the leases mentioned in section one hundred and thirty-three, and except the interests and rights, if any, referred to in the first paragraph of section one hundred and thirty-four.

Contents of proclamation.

The particulars of such leases, interests and rights shall be given in the proclamation.

Such

Such proclamation shall be made at the headquarters of the tahsil in which the land is situate, and also in the village of which it is a part.

Notification of sale.

138. A written notice of the intended sale and of the time and place thereof shall be affixed in the office of the Deputy Commissioner of the district, and where the Assistant Commissioner in charge of the subdivision 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.

Sale by whom to be made.

139. Every sale under this chapter shall be made either by the Deputy Commissioner of the district in person or by an Assistant Commissioner specially appointed by him in this behalf.

Time when sale may 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 Deputy Commissioner of the district, and proclamation of the sale has been made in the village in which the land is situate.

The Deputy Commissioner of the district may, from time to time, postpone the sale, reporting such postponement to the Commissioner of the division.

When sale may be stayed.

140. If the defaulter pay the arrear of revenue in respect of which the land is to be sold at any time before the day fixed for the sale, to the person appointed by Government under section one hundred and nine to receive payment of the revenue assessed on such land, or to the Deputy Commissioner of the district, or the Assistant Commissioner in charge of the subdivision of the district, the sale shall be stayed.

Deposit by purchaser.

141. 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.

Re-sale in default of deposit.

Purchase-money when to be paid.

142. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day

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 ;

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.

Re-sale in case of default.

143. 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 under the rules contained in the Code of Civil Procedure for the execution of a decree for money.

Liability of purchaser for loss by re-sale.

144. No re-sale under section one hundred and forty-two in default of payment of the purchase-money shall be made unless and until a fresh notice has been issued in the manner prescribed for the original sale.

Notification before re-sale.

145. At any time within thirty days from the date of the sale, application in writing 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.

Application to set aside sale.

146. 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.

When sale may be set aside.

147. After the expiration of the said thirty days, if no such application as is mentioned in section one hundred and forty-five has been made, or if such application has been made and rejected, the Commissioner of the division shall make an order confirming the sale ;

Order confirming or setting aside

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.

148. If

Bar of claims against Government.

148. If no such application be made within the time allowed by section one hundred and forty-five, 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.

149. Whenever the sale of any land is set aside, the purchaser shall be entitled to receive back his purchase-money, with or without interest at such rate, not exceeding six per cent. per annum, as the Commissioner of the division thinks fit.

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

150. After a sale of land in respect of which an arrear of revenue is due has been confirmed in manner aforesaid, the Deputy Commissioner of the district shall, unless the purchase has been made subject to a right of some other person to possession, 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.

If the land has been sold on account of an arrear of revenue due in respect thereof, the certificate shall also either state that the purchaser has purchased the land to which the certificate refers free of every incumbrance other than the leases mentioned in section one hundred and thirty-three, or shall specify the incumbrances subject to which the land has been sold.

Bar of suit against certified purchaser.

151. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil 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.

Application of proceeds of sale.

152. When a sale of land has been confirmed under section one hundred and forty-seven, the proceeds

ceeds of the sale shall be applied in the first place to defraying the expenses of 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,

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 Deputy Commissioner of the district.

153. 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 a like order) be retained in the Government treasury.

Surplus not to be paid to creditors, nor retained by Government, except under order of Court. Liability of purchaser for revenue.

154. 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.

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

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

Provided that such claim 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.

156. 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,

Payment under protest and suit for recovery.

and upon such payment the proceedings shall be stayed,

and (subject to the pecuniary limitations prescribed by law) the person against whom such proceedings

ceedings

ceedings 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 thirteen, give evidence of the amount which he alleges to be due from him.

Proprietor of mahál when to be deemed a tenant with right of occupancy.

157. Any proprietor or under-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, at the date of the order of such attachment, transfer, direct management, farm or sale, hold any land within such mahál or portion of a mahál in his cultivating occupancy, shall be deemed to be a tenant with a right of occupancy in respect of so much of such land as the Deputy Commissioner may determine, and the rent to be paid by him for such land shall be fixed by the Deputy Commissioner under the provisions of the Oudh Rent Act.

Assistance to recover rent of mahál held in sub-settlement.

158. Whenever a mahál or pattí is held in sub-settlement, or under a heritable, non-transferable lease, the rent payable under which has been fixed by the Settlement Officer or other competent authority, and the rent of such mahál or pattí falls into arrear, the proprietor, instead of suing the defaulter under Act No. XIX of 1868, may, within the period limited for such a suit, apply in writing to the Deputy Commissioner requesting him to realize such arrear.

The Deputy Commissioner shall, on receipt of such application, satisfy himself as to the existence of such arrear, and shall then, subject to such rules as may from time to time be made in this behalf by the Chief Commissioner, proceed to recover such arrear as if it was an arrear of revenue.

If in addition to or in lieu of the other remedies applicable to the recovery of arrears of revenue, the Deputy Commissioner thinks it necessary or expedient to annul the sub-settlement of any such mahál or pattí, he shall refer the case with his opinion thereon to the Chief Commissioner, and the Chief Commissioner

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sioner may thereupon annul the existing sub-settlement of such mahál or pattí for such period (not exceeding fifteen years) as he thinks fit; and the new sub-settlement to be made on the expiration of such period shall be made in accordance with the provisions of section forty and (so far as is practicable) with those of section one hundred and thirty-one.

159. 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.

160. 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 VIII.

COURTS OF WARDS.

161. Deputy Commissioners shall, subject to the control of the Commissioner of the division and of the Chief Commissioner, have the power of a Court of Wards within their respective districts for the superintendence of the persons and property of all persons who may become entitled as proprietors or under-proprietors, or lessees whose rent has been fixed by a Settlement Officer, to any beneficial interest in a mahál or portion of a mahál assessed to the payment of land-revenue or held free of revenue, and who are either disqualified for the management of their own estates or are committed by a Civil Court to the care of the Deputy Commissioner:

Deputy Commissioners to be Courts of Wards.

Provided that the Court of Wards shall not take charge of or administer any beneficial interest in an estate, in which more persons than one have a joint

Bar of jurisdiction in certain cases.

undivided

undivided interest, unless all such persons are so circumstanced as to be subject to the Court of Wards.

Persons when disqualified to manage their estates.

162. Persons shall be held to be disqualified to manage their own estates when they are—

- (a) females deemed by the Chief Commissioner incompetent to manage their estates,
- (b) minors,
- (c) idiots,
- (d) lunatics,
- (e) persons who may in the opinion of the Chief Commissioner be otherwise rendered incapable by physical defects or infirmities from managing their estates,
- (f) persons convicted of a non-bailable offence and disqualified in the opinion of the Chief Commissioner by vice or bad character from managing their estates,
- (g) persons declared by the Chief Commissioner on their own application to be disqualified from managing their estates.

Enquiry into minority, lunacy, idiocy, &c.

163. The Deputy Commissioner may make an enquiry into the disqualification of any person whom he has reason to believe disqualified within the meaning of section one hundred and sixty-two, clauses (b), (c) or (d), and into the circumstances and property of any such person, and may make an order declaring him to be subject to the jurisdiction of the Court of Wards.

Jurisdiction of Court of Wards.

164. The Court of Wards may assume or refrain from assuming the superintendence of the person or property of any disqualified person, and may at any time release any person or property from its superintendence : Provided that such person or property has not been placed under the Court of Wards by any competent authority whose order is necessary to his or its release.

Report to Chief Commissioner when right of Court of

165. If in any case not specially provided for by this or any other law for the time being in force, the right of the Court of Wards to assume or retain the superintendence

superintendence of the estate of a disqualified person is disputed by such person, the case shall be reported to the Chief Commissioner, whose orders thereon shall be final.

Wards is disputed by persons other than those specially provided for.
Extent of jurisdiction.

166. The jurisdiction of the Court of Wards shall extend to the care and education, and to the management of the property, of the persons subject thereto.

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

Appointment, removal and control of guardians.

168. Proprietors may appoint guardians for their heirs, if disqualified, by will executed and attested in manner required in case of taluqdárs by Act No. I of 1869, and in case of other proprietors by the Indian Succession Act, 1865; but the Court of Wards shall be competent to remove such guardian for any sufficient reason.

Power of proprietors to appoint guardians for disqualified heirs.

169. 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 its jurisdiction.

170. 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.

171. 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.

172. The

Power of Court of Wards as to land under its charge.

172. The Court of Wards shall have power to give such leases or farms of the whole or parts of the immoveable 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.

Disabilities of persons subject to Court of Wards.

173. Persons whose property is under the superintendence of the Court of Wards shall not be competent to create, without the sanction of the Court, any charge upon or interest in such property or any part thereof.

Their property exempt from being taken in execution of certain decrees.

174. No such property shall be liable to be taken in execution of a decree made in respect of any contract entered into by any such person while his property is under such superintendence.

Suits by and against disqualified proprietors in charge of Court of Wards.

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

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

Suits by such proprietors when no guardian appointed. Rules relating to managers.

176. If no such guardian has been appointed, the disqualified proprietors shall sue and be sued by and in the name of the Court of Wards.

177. 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

(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 IX.

POWERS OF OFFICERS.

A.—Powers of Assistant Commissioners.

178. An Assistant Commissioner in charge of a sub-division shall as such have the following powers :—

Powers of Assistant Commissioners in charge of sub-divisions.

(a) to refer cases for inquiry or decision to his subordinates ;

(b) 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 ;

(c) to order changes in the proprietary register ;

(d) to levy fees for mutations ;

(e) to receive notices of, and to enquire into, cases of reported transfers ;

(f) to levy fines, under section sixty-four ;

(g) to declare the person best entitled to property and put him in possession, under section sixty-five ;

(h) to enquire into and dispose of disputes, under section sixty-six ;

(i) to report on revenue-free holdings, and to assess revenue on resumed grants ;

(j) to assess alluvial lands ;

(k) to receive applications for and make partitions under chapter V of this Act, subject to the confirmation of the Deputy Commissioner of the district ;

(l) to impose fines for injuries to boundary-marks, and in certain cases apportion the charges of re-erecting and repairing boundary-marks ;

(m) to

(*m*) 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 ;

(*n*) to attach and sell moveable property of defaulters, under section one hundred and seventeen ;

(*o*) to fix, under section one hundred and fifty-seven, the area of the land to be held as a tenant with right of occupancy and the rent to be paid for it by proprietors of maháls which have been attached, transferred, held under direct management, farmed or sold, under the provisions of this Act, for land in their cultivating occupancy ;

(*p*) to give orders as to the appointment, suspension, dismissal, punishment, remuneration and supervision, of patwáris, under sections two hundred and six to two hundred and twelve, both inclusive.

Powers of Assistant Commissioners of first class not in charge of sub-divisions.

179. Assistant Commissioners of the first class, not in charge of sub-divisions of districts, shall exercise all or any of the powers conferred on Assistant Commissioners of the first class in charge of sub-divisions, in such cases or class of cases as the Deputy Commissioner of the district may, from time to time, refer to them for disposal.

Powers of Assistant Commissioners of second class.

180. All Assistant Commissioners of the second class shall have power to investigate and report on such cases as the Deputy Commissioner of the district or Assistant Commissioner in charge of a sub-division of a district may, from time to time, commit to them for investigation and report.

B.—Powers of Settlement Officers.

Powers of officers in charge of a settlement.

181. Officers in charge of a settlement may exercise all the powers conferred by or under this Act on Settlement Officers, and by section ten on the Deputy Commissioner of the district, but none but an officer in charge of a settlement or an Assistant Settlement Officer specially empowered by the Chief Commissioner shall have power—

(*a*) to frame proposals for assessment ;

(*b*) to

(b) to distribute the assessment ;

(c) to re-distribute land or revenue under section thirty-one ;

(d) to determine the rent payable under section forty by under-proprietors or lessees ;

(e) to exclude proprietors from settlement for refusal to engage ;

(f) to adjust the rent of excluded proprietors ;

(g) to resume and assess revenue-free land.

182. 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.

Powers of Assistant Settlement Officers.

183. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any officer in charge of a settlement with all or any of the powers of a Deputy Commissioner under this Act, and any Assistant Settlement Officer with all or any of the powers conferrable on an Assistant Commissioner under this Act, within such limits, and with such restrictions, and for such period, as he thinks fit.

Investing of Settlement Officers with powers of Deputy Commissioner and Assistant Commissioner.

CHAPTER X.

APPEALS.

184. Appeals shall lie under this Act as follows :—

Officers to whom appeals lie.

(a) to the Chief Commissioner, from any order passed by a Commissioner, except such orders as are made on appeal from orders passed by Deputy Commissioners in the exercise of their appellate jurisdiction ;

(b) to the Commissioner, from orders, original or appellate, passed by Deputy Commissioners or officers in charge of a settlement in any proceeding held under the provisions of this Act ;

(c) to the Deputy Commissioner, from orders passed by any Assistant Commissioner ;

(d) to

(d) to the officer in charge of a settlement, from orders passed by an Assistant Settlement Officer.

Limitation of appeals.

185. No appeal under section one hundred and eighty-four, clauses (c) and (d), shall be brought after the expiration of thirty days from the date of the order complained of.

No appeal under the same section, clause (b), shall be brought after the expiration of six weeks from the date of the order complained of, unless otherwise specially provided.

No appeal under the same section, clause (a), shall be brought after the expiration of two months from the date of the order complained of.

Time to be excluded.

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

Admission of appeal after period of limitation.

187. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer to whom 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.

Procedure on admitting appeal.

188. The officer to whom the appeal lies may either admit or summarily reject the appeal. If he admit the appeal, he may reverse, modify or confirm the order appealed against, or he may direct such further investigation to be made, or such additional evidence to be taken, as he may think necessary, or he may himself take such additional evidence.

Suspension of order appealed against.

189. In every case in which an appeal is admitted, the execution of the order appealed may, pending the result of the appeal, be suspended.

Power to call for files of subordinate officers.

190. The Chief Commissioner and every Commissioner shall have power to call for the file of any proceeding held by any officer subordinate to him, and to pass such orders thereon as he thinks fit.

CHAPTER XI.

CHAPTER XI.

REFERENCE TO ARBITRATION.

191. The Chief Commissioner, a Commissioner of a Division, a Deputy Commissioner, an Assistant Commissioner 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 any officer acting under the provisions of sections one hundred and two to one hundred and seven, 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.

Power to refer disputes to arbitration.

192. 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;

What to be specified in order of reference.

and he may from time to time extend such period.

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

Appointment of arbitrators.

and a third or fifth arbitrator (as the case may be) shall be appointed by the parties, or, in the event of their being unable to agree, by the officer making the reference.

194. Every officer making a reference under this chapter may, on good cause shown, 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.

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

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

196. If in any of the cases provided for by section one hundred and ninety-four or section one hundred and

Nomination by officer when parties fail.

and

and ninety-five, 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.

197. 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 reference, who shall summon such parties or persons;

Obligation of persons summoned.

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 as to the subject-matter of the reference, and to produce such documents and other things as may be required before the arbitrators.

Preparation and submission of award.

198. 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.

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

199. 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,

(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.

Grounds on which award may be set aside.

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

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.

201. 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.

202. Such decision shall not be open to appeal, and shall be at once carried out; Bar to appeal and suit in Civil Court.

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

CHAPTER XII.

OF PATWÁRÍS.

203. The Chief Commissioner may require the appointment of a patwári for any village, villages or local area, for which, by reason of prior usage or of the requirements of the locality, he thinks that a separate patwári is necessary. Power to require appointment of patwári.

204. All proprietors and under-proprietors shall be responsible for the nomination of duly qualified persons to fill the office of patwári, and for the punctual and accurate performance by their nominees of the duties prescribed for them by the rules framed under the next following section. Responsibility of proprietors in respect of patwáris.

The mortgagees and conditional vendees of such proprietors and under-proprietors shall, if in possession of the land mortgaged or conditionally sold, be deemed

deemed to be, for the purpose of this chapter, proprietors and under-proprietors.

Power to make rules as to qualifications, &c., of patwáris.

205. The Chief Commissioner may, from time to time, make rules consistent with this Act for regulating the qualifications, enrolment and duties of patwáris.

Patwáris by whom appointed.

206. Appointments of patwáris shall ordinarily be made by the Deputy Commissioner on the nomination of the proprietors or under-proprietors. If, in the area for which the patwári is to act, there are more proprietors or under-proprietors than one, the nominee of those proprietors or under-proprietors who own the largest extent of land in that area shall be deemed to have been nominated for the appointment.

If a mahál is under direct management, or under the charge of the Court of Wards, or under the management of a manager appointed under the Oudh Taluqdárs' Relief Act, the Deputy Commissioner shall, for the purpose of nominating a patwári, be deemed to be a proprietor or under-proprietor.

Procedure where proprietors fail to nominate.

207. If the proprietors or under-proprietors fail to nominate a patwári within a reasonable time, the Deputy Commissioner shall give them notice in writing to do so, and if they further fail to do so for fifteen days after the receipt of such notice, he may appoint a patwári.

Procedure where nominee is not qualified.

208. If the Deputy Commissioner considers that a nominee is not qualified for the office of patwári, he shall refuse to appoint him, and shall call upon the proprietors or under-proprietors to nominate some other fit person, and if no fit person be nominated within the following fifteen days, he shall himself appoint a person to the vacant office.

Removal of patwári on request of all the persons entitled to appoint.

209. The Deputy Commissioner shall remove a patwári from his office, if all the persons entitled to appoint to the office request his removal, unless the Deputy Commissioner has reason to think that such request is caused by a fraudulent or other improper motive.

210. The

210. The Deputy Commissioner may remove a patwári from his office, if any of the proprietors or under-proprietors, or any of the tenants of the local area for which such patwári has been appointed, apply to the Deputy Commissioner for his removal: but the Deputy Commissioner shall first give to the patwári and to the proprietors or under-proprietors (if any) who have not joined in the application, reasonable opportunity of showing cause why such patwári should not be removed.

Removal on request of some of such persons.

211. If the Deputy Commissioner thinks that a patwári whose removal is applied for ought to be continued in office, or if he thinks that a patwári is not qualified for his office, he may order that the patwári shall be continued in office or be removed, as he thinks fit.

Procedure where Deputy Commissioner thinks that patwári should be continued.

212. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act, for the appointment, suspension, dismissal, punishment, remuneration and supervision of patwáris. Such rules may, among other things, prescribe the amount to be paid for the salaries of patwáris, for the necessary expenses of their office, and for the remuneration of the kánúngos (if any) appointed to supervise them, and the persons by whom such payments are to be made.

Power to make rules as to appointment, &c., of patwáris.

213. The provisions contained in sections two hundred and six to two hundred and twelve (inclusive) shall not, by force only of this Act, apply to the appointment, dismissal, punishment or remuneration of patwáris for taluqás which are in the possession of their owners; but the Chief Commissioner may order all or any of such provisions to be so applied in the cases mentioned in section two hundred and fifteen.

Exemption from sections 206 to 212.

214. If in any such taluqá, the taluqdár fails to appoint a patwári as required by this Act, or if the patwári fails to prepare or submit any of the papers or accounts required by this Act or any rules made hereunder, the Deputy Commissioner may, for any

Power to order patwári's papers to be prepared at expense of taluqdár.

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one year, cause such papers or accounts to be prepared and submitted at the expense of the taluqdár.

Power to
apply sec-
tions 206 to
212 to local
areas.

215. On the request of any taluqdár,

or if any taluqdár persistently or repeatedly fails

(1) to nominate persons to fill the office of patwári, or

(2) to ensure the punctual and accurate performance by his nominees of the duties prescribed for them by the rules framed under this chapter,

the Chief Commissioner may order that all or any of the provisions contained in sections two hundred and six to two hundred and twelve inclusive, shall be applied to the taluqá of the taluqdár making such request or default, or to any local area therein, for such term as the Chief Commissioner thinks fit; and may rescind or modify such order:

Provided that, in the case of the taluqdár making such request, the term shall not exceed his life, and that, in the case of the taluqdár making such default, the term shall not exceed his life or fifteen years, whichever period first expires.

CHAPTER XIII.

MISCELLANEOUS.

Place for
holding
Court.

216. Subject to the orders of the Chief Commissioner,

(a) a Commissioner may hold his Court at any place within his division that he thinks fit:

(b) a Deputy Commissioner, an Assistant Commissioner (whether in charge or not 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; and

(c) a Tahsildár may hold his Court at any place within the limits of his tahsíl.

217. The

217. The Chief Commissioner and any officer mentioned in the last preceding section shall have power to summon any person whose attendance he considers necessary for the purpose of any investigation, suit or other business before him.

Power to summon persons to give evidence and produce documents.

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

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

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

218. All proceedings held under the provisions of this Act shall be conducted according to the rules for the time being prescribed under section two hundred and twenty.

Conduct of proceedings.

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

Matters excepted from cognizance of Civil Courts.

(a) 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 portion of a mahál, under this or any other Act for the time being in force, or

the rent to be paid to a proprietor by an under-proprietor or a lessee whose rent has been fixed by the Settlement Officer :

(b) 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 :

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

(d) the distribution, on partition, of the land or allotment of the revenue of a mahál, or of the rent of

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an under-proprietary tenure, or of rent payable by lessees whose rent has been fixed by a Settlement Officer :

(e) the determination of the rent to be paid by any person under section eighty-six :

(f) claims connected with, or arising out of, the collection of revenue 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, other than claims under section one hundred and fifty-six :

(g) claims to set aside a sale for arrear of revenue, other than claims under section one hundred and forty-eight.

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

Power to
make rules
for purposes
of Act.

220. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make and issue rules consistent with this Act, and relating to the following matters :—

(a) the qualifications, appointment, duties, remuneration, punishment and dismissal of—

(1) tahsildárs,

(2) lambardárs or representatives of village-communities,

(3) kánúngos or superintendents of revenue-records ;

(b) for regulating the assessment of land gained by alluvion or the reduction of the assessment of a mahál in consequence of diluvion ;

(c) the procedure to be followed by any officer or other person who, under any provision of this Act, is required or empowered to take action in any matter ;

(d) the person by whom, and the time and manner at or in which, anything for the doing of which provision is hereinbefore made in this Act, shall be done ;

(e) the

(e) the form and contents of reports to be furnished by officers required or empowered to take action in any matter, and the period within which such reports shall be furnished;

(f) the form and contents of the registers and lists kept under this Act;

(g) the mode of recovering arrears of rent under section one hundred and fifty-eight, the extent to which they may be recovered, and the amount which may be retained by the Deputy Commissioner to defray the expenses of such recovery;

(h) the cases in which taluqdáris maháls, and maháls, whether under-proprietary or held by lessees whose rents have been fixed by the Settlement Officer or other competent authority, may be partitioned under this Act;

(i) the costs of partitions under this Act and the persons by whom they are to be paid, and the mode of enforcing such payment against such persons or their shares in the property of which partition has been made;

(j) the issue, under section one hundred and fourteen, of writs of demand or summons to appear, and the costs recoverable from the defaulter, and the officer by whom such writs and summonses shall be issued;

(k) and generally to carry out the provisions of this Act.

221. All fees, fines, costs and other moneys ordered to be paid under this Act, shall be recoverable as if they were an arrear of land-revenue.

Recovery of
fines and
costs.