

ACT No. VIII OF 1879.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd May, 1879).

An Act to amend the North-Western Provinces Land-Revenue Act, 1873, and the North-Western Provinces Local Rates Act, 1878.

WHEREAS it is expedient to amend the North-Western Provinces Land-Revenue Act, 1873; Preamble.

It is hereby enacted as follows:—

1. This Act may be called "The North-Western Provinces Land-Revenue Act, 1879;" Short title.

and shall come into force at once.

This section and sections 28 and 29 extend to the whole of the territories for the time being under the administration of the Lieutenant-Governor of the North-Western Provinces. Commencement.
Local extent.

The whole of this Act extends to those portions of the said territories to which the whole of the said North-Western Provinces Land-Revenue Act, 1873, extends; and every provision of this Act amending any part of the said North-Western Provinces Land-Revenue Act, 1873, extends to all other portions of the said territories to which such part may have been, whether before or after the passing of this Act, extended.

2. To section 3, clause (1), of the said North-Western Provinces Land-Revenue Act, 1873, the following shall be added:— Addition to section 3, clause 1, of Act XIX of 1873.

"and (c), for such purposes as the Local Government may from time to time determine, any grant of land made heretofore or hereafter under the waste-land rules for the time being in force."

3. In

Amendment of same Act, section 23. New section substituted for section 29 of same Act. Patwáris' fund.

3. In section 23 of the same Act, for the word "villages," the word "maháls" shall be substituted.

4. For section 29 of the same Act, the following shall be substituted :—

"29. A rate may be imposed by order of the Board on the annual value or on the cultivated area of all maháls, or partly on one and partly on the other, for the purpose of defraying the salaries of patwáris and any charges incurred for the proper supervision, maintenance and correction of patwáris' records.

"The proceeds of such rate shall be credited to a provincial fund, and shall be applied to the said purpose in such manner as the Board, subject to the orders of the Local Government, may from time to time direct.

"The Local Government may from time to time, by rules published in the local official Gazette, declare the circumstances under which a landlord shall be entitled to recover from tenants holding rent-free, or at fixed or beneficial rates, the whole or any specified part of the rate imposed under this section.

"*Explanation.*—Charges incurred in the preparation of village-maps shall be deemed to be charges within the meaning of this section."

New proviso substituted for proviso to section 30 of same Act.

5. For the proviso to section 30 of the same Act, the following shall be substituted :—

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

"Provided that the rate or sum hitherto paid (whatever its amount may be) by the proprietors of any mahál on account of the patwáris' salaries or expenses shall, if the Local Government so directs, be deemed to be the rate imposed under this Act."

Amendment of section 44 of same Act.

6. In section 44 of the same Act, for the word "elected," the word "selected" shall be substituted ;
and

and to the same section the words "such representatives shall be called lambardárs" shall be added.

7. In section 65 of the same Act, for clauses (d) and (e), the following shall be substituted :—

Amendment
of section 65
of same Act.

"(d) as to any other matters which he may be directed to record under rules framed under section 257.

"The Settlement-officer may, subject to rules to be made from time to time by the Board, with the previous sanction of the Local Government, fix and shall record—

"(e) the amounts of instalments of rent and the respective dates for their payment ;

"(f) the dates for the payment of any amounts payable by inferior to superior proprietors under section 54, clause (1) ; and

"(g) the dates on which profits shall be divisible by lambardárs."

8. In section 66 of the same Act, for the second clause, the following shall be substituted :—

Amendment
of section 66
of same Act.

"A list of all other cesses levied in accordance with village-custom, and generally or specially sanctioned by the Local Government, shall be made by the Settlement-officer. And, save as provided by any other enactment for the time being in force, no cesses not comprised in such list shall be enforced in any Civil or Revenue Court, and no such list shall be altered or added to during the currency of a settlement."

List of cesses
to be made.

And to the same section, the following shall be added :—

"While any local area is under settlement, the Governor General in Council may, from time to time, in case of doubt, declare what shall be deemed to be a cess within the meaning of this section."

Power of
Governor
General in
Council to
declare what
shall be
deemed to be
a cess.

9. To section 74 of the same Act, the following shall be added :—

Addition to
section 74 of
same Act.

"Provided that the Local Government may empower any Settlement-officer, when any such appli-

cation

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cation made before him is opposed, to refuse, for reasons to be recorded by him in writing, to grant the same."

Amendment of section 95 of same Act.

10. In section 95 of the same Act, for the words "no such changes," the words "no such change or other thing affecting proprietary rights or interests" shall be substituted.

Addition to section 141 of same Act.

11. To section 141 of the same Act, the following shall be added:—

"*Explanation.*—'Owners' in this and the following sections of this chapter include also a lessee, mortgagee or other person in possession of the land referred to."

Addition to section 146 of same Act.

12. To section 146 of the same Act, the following shall be added:—

"*Explanation.*—'Proprietor' in this chapter includes also a farmer and a mortgagee in possession."

Amendment of section 156 of same Act.

13. In section 156 of the same Act, for the word "proprietor," the words "defaulter or his legal representative" shall be substituted.

New section substituted for section 157 of same Act.

14. For section 157 of the same Act, the following shall be substituted:—

Transfer of defaulter's share to co-sharers.

"157. When the arrear is due in respect of a share or patti of a mahál, the Collector of the district may, with the previous sanction of the Commissioner of the Division, in cases where the annual revenue payable in respect of such share or patti does not exceed fifty rupees, and in other cases with the previous sanction of the Board, transfer such share or patti, for a term not exceeding fifteen years from the first day of July next after the date of the sanction, to any or all of the other co-sharers, on condition of their paying such arrear and on such terms as the Commissioner or Board (as the case may be) in each case may think fit.

"The Commissioner shall, without unnecessary delay, report to the Board every transfer sanctioned by him under this section, and the Board may thereupon set aside such transfer or alter the terms of the same, or pass such other order as it thinks fit.

"A transfer

“A transfer under this section shall not affect the joint and several liability of the co-sharers of the mahál in which it is enforced.”

15. To section 165 of the same Act, the following shall be added :—

Addition to section 165 of same Act.

“for the remainder of the term of the settlement of the district, or for any period within such term as the Board may fix.”

16. To section 172 of the same Act, the following shall be added :—

Addition to section 172 of same Act.

“No officer having any duty to perform in connection with any such sale, and no person employed by or subordinate to such officer, shall, either directly or indirectly, bid for, acquire or attempt to acquire, except on behalf of the Government or the Court of Wards, the property sold or any interest therein.”

17. To section 189 of the same Act, the following shall be added :—

Addition to section 189 of same Act.

“No protest under this section shall be of any effect unless it is made at the time of payment in writing and signed by the person making the same, or by an agent duly authorized in his behalf.”

18. In section 193 of the same Act, for the word “lands,” the word “property” shall be substituted.

Amendment of section 193 of same Act.

19. In section 194 of the same Act, for the word “lands,” the word “property,” and for clause (e) the following, shall be substituted :—

Amendment of section 194 of same Act.

“(e) persons declared by the Local Government incapable, owing to physical defects and infirmities, to manage their own estates.”

20. In section 195 of the same Act, for the proviso, the following shall be substituted :—

New proviso substituted for proviso in section 195 of same Act.

“Provided that, if the person or property of any disqualified proprietor mentioned in section 194, clause (b), clause (c) or clause (d), has been placed under the charge of the Collector, or under the superintendence of the Court of Wards, by any Civil Court, it shall not be released without the concurrence of such Court :

“Provided

“ Provided also that the property of a proprietor who has been held disqualified under the same section, clause (a), clause (e), clause (f) or clause (g), shall not be released from the superintendence of the Court of Wards without the previous sanction of the Local Government.”

Amendment of section 200 of same Act.

21. In section 200 of the same Act, after the word “ may,” the following shall be inserted :—

“ from time to time determine what sums shall be allowed in respect of the expenses of any person whose property is under its superintendence, and.”

Amendment of section 203 of same Act.

22. In section 203 of the same Act, before the words “ any part,” the words “ the whole or ” shall be inserted.

New section substituted for section 205 of same Act.

23. For section 205 of the same Act, the following shall be substituted :—

Suits by and against disqualified proprietors in Civil Courts.

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

“ Provided that no such suit shall be instituted, defended, compromised or otherwise dealt with by any such guardian without the previous sanction of the Court of Wards.

“ Disqualified proprietors, whose property is in charge of the Court of Wards, and for whom guardians have not been appointed, shall sue and be sued in Civil Courts by and in the name of the Collector of the district in which the suit is brought.”

New sections to follow section 205 of same Act.

24. After section 205 of the same Act, the following sections shall be inserted :—

Suits and proceedings in Revenue Courts.

“ 205A. A Manager appointed by the Court of Wards may, subject to the control of the Collector, institute, defend, compromise or otherwise deal with suits, applications or other proceedings in Revenue Courts relating to the property entrusted to him.

Disability of disqualified proprietors.

“ 205B. Persons whose property is under the superintendence of the Court of Wards shall not be competent

competent to create, without the sanction of the Court, any charge upon, or interest in, such property or any part thereof.

“And 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.”

25. In section 212 of the same Act, after the word “suit,” the words “or other proceeding” shall be inserted.

Amendment of section 212 of same Act.

26. In section 235, clause (20), of the same Act, for the word “rent” where it first occurs, the word “limits” shall be substituted.

Amendment of section 235 of same Act.

27. In section 257 of the same Act, after clause (e), the following clause shall be inserted:—

Addition to section 257 of same Act.

“(ee) regulating the appointment, dismissal and duties of lambardárs.”

AND whereas it is also expedient to amend the North-Western Provinces Local Rates Act, 1878; It is hereby further enacted as follows;—

28. In section 3 of the said North-Western Provinces Local Rates Act, for the definition of “tenant,” the following shall be substituted:—

Definition of “tenant” in section 3 of Act III of 1878.

“‘Tenant’ used in reference to any land, means a tenant holding directly from the landlord of such land and also includes an under-proprietor of such land, and a person bound to pay or deliver anything to such landlord in respect of the use and occupation of such land.”

29. In section 16 of the same Act, shall be substituted—

Amendment of section 16 of same Act.

(a) for the words and figures “twenty-three of Act No. X of 1859, and in section one of Act No. XIV of 1863,” the words and figures “ninety-three of the North-Western Provinces Rent Act, 1873;” and

(b) for the words and figures “Act No. X of 1859 and Act No. XIV of 1863,” the words and figures “the North-Western Provinces Rent Act, 1873.”