

ACT No. XIV OF 1881.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March, 1881.)

An Act to amend Bengal Regulation VII of 1828.

Preamble.

WHEREAS it is expedient to amend Bengal Regulation VII of 1828 (*for amending the Provisions of Regulation XV of 1795, and for defining the Authority of the Rajah of Benares in the Maháls therein referred to*) in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called “The Benares Family Domains Act, 1881”:

Commence-
ment of Act.

And it shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces may, by notification in the official Gazette, appoint in this behalf.

Repeal of
certain por-
tions of
Bengal Re-
gulation VII
of 1828.

2. The following portions of Bengal Regulation VII of 1828 shall be repealed, namely:—

- (a) in section 5, the words and figures “under the rules contained in Regulation XLI, 1795”;
- (b) in section 14, the words “under the Regulations,” in both places in which they occur;
- (c) in section 19, the words “before the Court of circuit”;
- (d) in section 20, the proviso.

New section
substituted
for section 3
of same
Regulation.
Superin-
tendence of

3. In the same Regulation, for section 3, the following shall be substituted, namely:—

“3. The superintendence of the said maháls shall
be

be vested in the Commissioner of the Benares Division, hereinafter called 'the Superintendent.'

maháls vested in Commissioner.

"The Lieutenant-Governor of the North-Western Provinces may, from time to time, appoint a Deputy Superintendent of the said maháls, and confer upon him all or any of the powers of the Superintendent, to be exercised by him subject to the general control of the Superintendent."

4. In the same Regulation, section 7, for the last twenty-two words, the following shall be substituted, namely:—

Amendment of same Regulation, section 7.

"The orders thus passed by the Superintendent shall be subject to appeal to, and revision by, the Board of Revenue, whose order thereon shall be final, unless altered or set aside by the said Lieutenant-Governor."

5. In the same Regulation, section 9, for the words "The Regulations at present in force within the Province of Benares" the words "The enactments for the time being in force in the North-Western Provinces" shall be substituted, and after the word "applicable" the words "and the Local Government, with the concurrence of the Mahárájá, may direct" shall be inserted.

Amendment of same Regulation, section 9.

6. To section 10 of the same Regulation the following clause shall be added, namely:—

Clause added to section 10 of same Regulation.

"The Mahárájá may delegate to one or more of his officers the exercise of all or any of the powers vested in him under this section in the whole or any part of the said maháls."

7. In the same Regulation, section 11, for the words and figures "Regulation XI. 1822," the words "the enactments for the time being in force in the North-Western Provinces" shall be substituted.

Amendment of same Regulation, section 11.

8. In the same Regulation, section 12, for the words "Boards of Revenue" the words "Commissioners of Divisions and the Board of Revenue" shall be substituted;

Amendment of same Regulation, section 12.

and

and, for the words "towards the Board" the words "towards the Commissioner" shall be substituted.

Amendment of same. Regulation, section 13.

9. In the same Regulation, section 13, for the words "Governor General in Council" the words "Board of Revenue" shall be substituted.

Amendment of, and addition to, same Regulation, section 16.

10. In the same Regulation, section 16, for the words "a Native Commissioner shall be maintained by the Rajah in each of the pergunnahs referred to in Regulation XV. 1795," the following shall be substituted, namely:—"a Native Commissioner, or two or three Native Commissioners, as the said Lieutenant-Governor may, from time to time, direct, shall be maintained by the Maharájá."

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

"The local limits of the jurisdiction of the Native Commissioners shall be determined by the Maharájá, and may be altered by him from time to time."

Amendment of same Regulation, section 21.

11. In the same Regulation, section 21, for the words and figures "contained in Regulation XXIII. 1814" to the end of the section, the following shall be substituted, namely:—"prescribed by the said Lieutenant-Governor under section 22 of this Regulation."

Sections substituted for sections 22 to 26 of same Regulation.

12. For sections 22 to 26, both inclusive, of the same Regulation, the following sections shall be substituted, that is to say:—

Power to make rules.

"22. The said Lieutenant-Governor may, from time to time, make rules consistent with this Regulation—

"(a) to regulate the procedure and powers of the Native Commissioners, and to determine the cases in which, the mode in which, and the authority to or by which, the orders and decisions of such Commissioners shall be subject to appeal or revision, and

"(b) to regulate, in matters not hereinbefore provided for, the administration of the Family Domains in so far as it is entrusted to the Maharájá;

"such

“ such rules shall, when published in the local Gazette, have the force of law :

“ Provided that no such rule shall be so published until the opinion of the Mahárájá thereon has been taken and considered by the Lieutenant-Governor.

“ In matters not otherwise provided for by the rules made under clause (a), the Code of Civil Procedure shall apply.

“ 23. If, in any suit instituted or appeal presented under this Regulation in any Court, the Judge or presiding officer doubts whether he has jurisdiction, he may refer the matter to the Board of Revenue ; and, on any such reference being made, the said Board may order the Judge or presiding officer either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

Procedure in case of doubt as to Judge's jurisdiction.

“ The order of the said Board on any such reference shall be final.

“ 24. Except as provided by or under this Regulation, or any other enactment for the time being in force,

Operation of general Acts.

“ (a) the administration of the Family Domains, in so far as it is entrusted to the Mahárájá, shall be regulated by the principles and spirit of the enactments for the time being in force in the North-Western Provinces, and

“ (b) the administration of the said Domains, in so far as it has not been so entrusted, shall be regulated by those enactments.

“ 25. In this Regulation, unless there is something repugnant in the subject or context,—

Interpretation-clause.

“ ‘ Board of Revenue ’ means the Board of Revenue of the North-Western Provinces, or such officer or officers as may hereafter be lawfully appointed to exercise, within the Province of Benares, the powers of such Board :

‘ Board of Revenue.’

“ ‘ Regulations ’

'Regulations,'
tions.

“ ‘Regulations’ includes Acts for the time being in force in the North-Western Provinces.”

Validation
of past or-
ders, &c.

13. All orders heretofore passed by the Governor General in Council, or the Lieutenant-Governor of the North-Western Provinces, or any other authority, regarding revisions of settlement or other matters connected with the revenue-administration of the tracts of territory mentioned in the preamble to Bengal Regulation VII of 1828, shall be deemed to have been passed in accordance with law; and no order or decision purporting to have been passed by any civil or revenue authority under the provisions of that Regulation shall be called in question in any Court.

Parts of Acts
XIV and XV
of 1874 re-
pealed.

14. In the Scheduled Districts Act, 1874, first schedule, Part IV, and in the Laws Local Extent Act, 1874, sixth schedule, Part IV, the following shall be repealed, that is to say :—

“ V. The Family Domains of the Mahárájá of Benares comprising the following parganas :—

“ Bhadohi and Kheyra Mángror in the Mirzapur District.

“ Kaswá Rájá in the Benares District.”

Clause added
to Act XV of
1874, s. 8.

15. In the Laws Local Extent Act, 1874, section 8, after clause (*j*), the following shall be inserted, namely :—

“ (*j*) extend to Pargana Bhadohi or Pargana Kera Mangror in the Mirzapur District, or to Pargana Kaswár Rájá in the Benares District, any law not now in force therein.”