

BENGAL REGULATION 1 OF 1973

1793 : Ben. Reg.i.] SETTLEMENT 11 c. in or BENGAL REGULATION 1 OF 1793 (THE BENGAL PERMANENT SETTLEMENT REGULATION, 1193) [Z] list May 1793] A Regulation ior enacting into a Regulation cer- tain Articles of a Proclamation bearing date the 22nd March, 1793. I. The following articles of the Inoclamation relative to the Preamble. limitation of the public demand upon the lands, addressed by the Governor-General in Council to the zamindars, independent talukdars and other actual proprietors of land paying revenue to Government, in the Provinces of Bengal, Bihar and Orissa, are hereby enacted into a Regulation, which is to have force and effect from the 22nd Nlarc.h, 1793, the date of the proclamation. PROCLAM.VI ION 2. Art. I.—In the original Regulations Ibr (lie decennial Decennial settlement Of the public revenues on Bengal IBihar and Orissa] settlement passed for those Provinces, respectiveiy, of the I titil September declared con. ditional t y 1789, the 25th November, 1789 and the 10th Februar , 1790, rmanent it was notified to the proprietors of •land, with or on behalf of original whom a settlement might be concluded, that the jama asfiessed Regulations. upon their lands under those Regulations would be continued after the expiration of the ten years, and remain unalterable for- ever, provided such continuance should rneet with the approba- tion 01 the Honourable Court of Directors Ibr the affairs of the East India Company, and not .—The Marquis Cornwallis, Kliigliit of the Nlost power to 3. Ari. 11 Noble Order of the Garter, Governor-General in Council, now declare jama notifies to all zaminaars, independent talukdars and other actual assessed upon proprietors of land paying revenue to Government, in the Pro. lands under those Regula. vices of Bengal [Bihar and that been ctnpowered tions, fixed by the Honourable Court of Directors for the affairs of the forever. East India Company to declare the jama, which has been or may be assessed upon their Ian:ls under the Regulations above men- tioned, fixed toever. [I] The Regulation shall stand untnmodified. But, as respect anything done or to be done after the commncenv:nt of Constitution, references to the Governor-General in Council shall be construed as references to the State Government, except that, as respects that period, references to the making or adaption of Regulations by the• Governor-General in Council or the British Administrations shall be construed as rcCerenees to the passing of Acts of the State Legislature.—i'de direction in the Adaptation Order, '950. SHORT TITLE.—This short title was given by the Amending Act, I R97 (V Of 1897) (since repealed). LOCAL EXTENT.—This Regulation has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), section 3, to be in force in the districts of Goalpara (excluding the Eastern Duars' and Sylhet— \$te notification' Nos.1242 J. , dated 1st Aprii 1.0"7 and J 152.J., dated 3rd Octo- ber 1879 in the Manual of Local Rules and Orders, Vol. 1, together with Noti- tication No. 713-L., dated 27th September 1937. RULES AND ORDERS RELATING •ro LANI) REVENUE, APPLI. CABLE IN ASSAM.—Sez footnote (1) to Assam Lang aud Revenue Resu. ration, 1886 (1 ef yg86), P ERMANLtsJ' SETM,EMENT 1 1793: Ben. Reg. 1 4. Ait. Ili .—The Governor-General in Council accordingly Jarra assesse d upon lands OQâeclars to the zamindars, iodependent tatukdars and other proprietors actual proprietors of land with or on behalf of whom a settlement with whom has been concluded uncier the Regulations above mentioned, that settlement at the expiration of the term of the settlement no alteration will concluded fixed forever. bc rmade in the assessrment which they have respectively engaged to pay, but that they, and their heirs and lawful successors, will be allowed to hold their estates at such assessment forever

5. Art.I V. he lands of sorne zajnindats, independent Jama hereaiL ter agreed to talukdars and other actual proprietors of land, having been held by proprietors khas, or Ict in farm, in consequence of their refusing to pay the whose lands assessment required 01' them uncier the Regulations above-men- are held khas tioned, the Govemor-Gencrai in Council now nocifies to the or let in iât•rn, fixed forever. zamindars, independent talukdars and other actual proprietor of land whose lands arc: held khas that they shall be restored to the management 01 their lands, upon their agrceing to the pay- ment of the assessment which has been or may be required of them, in conformity to the Regulations above-mentioned, and that no aileration Shail afterwards bc made in that assessment, but that they, and their heirs and lawful successors, shall be permitted (o hold their respective estates at such assessment for ever : and he dec.lores Io the zamindars, indepcncient talukdars andel other actual proprietors of lands whose lands have been let in farm, that they shall not regain possession of their lands bc- lore the expiration 01" the period for which they have been

fram- cd (unless the {armers shall voluntarily consent to make over Co them the re maining term of their lease, and the Governor-Gene• ral in Council shall approve of the transfcw, but that at the expiration of that period, upon their agreeing 10 the payment of the assessment which may be required of the 11) , they shall be reinslated, and that no alteration shall afterwards be made in liiat assessment, but that they, and their heirs and 'ucces- sons, shall be allowed to hold their respective estates at such assess- ment forever. Jama of lancts 6. Art. V.—I the event of the puoprietat•y right in land that belonging to are, or may become, the property of Government being trans- Government' rted to individuals, such individuals and their heirs and law- but transfer- ful successors, shall be permitted to hold the lands at the red to indivi- duals, lixcd assessment at which they may be transferred forever. forever. —It is well known to the zamindars, independent 7. Art. Sl. Assessment in talukdars and other actual proprietors of)anci, as well as to former times liable to _the inhabitants of Bengal, Bihar and Orissa, in general, that frotn variation at the earliest times until the present period the public assessment discretion of upon the land has never been fixed, but that, according to esta- Government. blished usage and custom, the rulers of these provinces have from time to time demanded an increase of assessment from the pro- prictors of land ; and that, ibr the purpose of obtaining this in- crease, not only frequent investigations have been made to ascer- tain the actual produce of their estates, but that it has been the practice to cieprive them of the management of t.teir iands, and either to let them in farm, or to appoint officers on the part of Government to collect • the assessment immediately from the raiyats, 1793•: Ben. Reg. I. j PERMANENT SEI TLL\IENT 5 accordingly and other settlement oned, that tion will engaged rs, will ependent been held to pay the above- men- to the proprietor restored to the pay- Auirea of •oned, and assessment, shall be ent for t' talukdars vebeen let lands be- been fram- uke over to r-Gcne• that at the payment of shall be be made in wiül succes- tsuch assess- in land that *ing trans- irs and law. Ends at tbc independent well as to that from assessment •ng to esta- Its have from the pro- ning this in- to ascer- us been the • lands, and the part of from the N. The Honourable Court of Direciors, considering these usages Motives of and measures to be detrimental to the prosperity of the country, Court Of rectors for have, with a view to promote the future case and happiness Of the abolishing people, authorized the foregoing declarations ; and the za;nin. usage and dars, independent talukdars and other actual proprietors of land, fixing with or ou behalf of whom a settlement has been or may be assessment' concluded, are to consider these orders fixing the amount of the assessment as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administcation of their affairs in this country. The Governor-General in Council trusts that the proprietors Proprietors of land, sensible of the benefits conferred upon them by the public expected to assessment being fixed forever, will exert themselves in the culti- unprove estates. vation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon. them, or their heirs or successors, by the present or any fiature Government, ibr an augmentation of the public assessment in consequence of the improvement of their respective estates. To discharge the revenues at the stipuiated periods without Conduct to delay or evasion and to conduct themselves good thith and bc observed moderation towards their dependent talukdars and raiyats, are by proprie- tors towards duties at all times indispensably required from the proprietors of dependent land, and a strict observance of those duties is now more than ever talukdars incumbent upon them, in return ror the benefits whicil they Will and raiyats. themselves derive from the orders now issued. The Governor-General i.e. Council therefore expccts that the proprietors of land will not only act in this manner themselves towards their dependent talukdars and raiyats, but also enjoin the strictest adherence to the same principles in the pcusons whom they may appoint to coilect the rents from them. Ife further expects that, without deviating from this line of No claims for remissions conduct, they will regularly discharge the revenue in all seasons, or suspen- and he accordingly notifies to them, that, in future, no claims or sions. application ibr suspensions or remissions, on account of drought, inundation or other calamity of seasons will be attended to, but that in the event of any zamindar, independent talukdar or other actual proprietor of land , with or on behalf of whom a settlement has been or may be concluded, or his or her heirs or successors, failing in the punctual discharge of the public revenue which has been or may be assessed upon their lands under the above- mentioned Regvations, a sale of the whole of the lands, of the sale of defaulter, or such portion of them as may be sufficient to make for arrears. good the arrear; will positively and invariably take place

8. Art. Vil. —'To prevent any misconstruction of the foregoing articles the Governor-General in Council thinks it necessary to make the following declarations to the zamindars, independent talukdars and other actual proprietors of land. First.—It being the duty of the ruling power to protect all Regulations for protection of classes of people and more particularly those who from their position of situation are most helpless, the Governor-General in Council will, rayats, etc. whenever he may deem it proper, enact such Regulations as he PERMANENT [1793 : Ben. Reg. 1 may think necessary for the protection and welfare of the dependent talukdars, rayats and other cultivators of the soil ; and no zamindar, independent talukdar or other actual proprietor of land shall be entitled on this account, to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay. Governor-General in Council having, on the Right of Government to July, 1890, directed the sâir collection to be abolished, a full internal full compensation was granted to the proprietors of land for the duties. loss of revenue sustained by them in consequence of this abolition; and he now declares that he should hereafter think it proper to re-establish the shir call or any other internal duties, and to appoint officers on part of Government to collect them, no proprietor of land will be admitted to any participation thereof. or be entitled to make any claims for remissions or assessment on that account. —'The Governor-General in Council will impose such tax and to jama on alienated assessment as he may deem equitable on all lands at present lands. alienated and paying no public revenue which have been or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it. —'The jama of those zamindars, independent talukdars Fourth Resumption of police and other actual proprietors land, which is declared fixed in allowances (the foregoing articles, is to be considered entirely unconnected to proprietors with, and exclusive of, any taxes which have been made to raise them in the adjustment of their jama, or keeping up thanas or police establishments, and also of the produce of any lands which they may have been permitted to appropriate for any purpose, and the Government reserves to himself the option of resuming the whole or part of such allowances, or produce of such lands, according as he may think proper in consequence of the Government having LLC proprietors, of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend the police of the county/. "The Governor-General in Council, however, declares that the allowances or produce of lands which may be resumed will be appropriated to no other purpose but that of defraying the expense of the police ; and that instructions will be sent to the Collectors not to add such allowances or the produce of such lands, to the jama of the proprietors of land, but to collect the amount from them separately. Fifth.—Nothing contained in this proclamation shall be construed to render the lands of the several descriptions of disqualified proprietors, specified in the first Article of the Regulations re- not liable to for garnishing disqualified landholders, passed on the 15th July, 1791, sale liable to sale for any arrears [] which have accrued or may accrue arrears. on the fixed jama that has been or may be assessed upon their lands under the above-mentioned Regulations for the decennial settlement : provided that such arrears have accrued or may accrue But see the Court of Wards Act, 1879 (Act IX of 1879) s. 23A (in Vol. 11 of this Code), which authorises the sale of estates, etc., for arrears of revenue which have accrued while the estates were under the charge of the Court of Wards. 1973: Ben. Reg. 1.] PERMANENT SETTLEMENT during the time that they have been or may be dispossessed of the management of their lands under the said Regulations of the 15th July, 1791. It is to be understood, however, that whenever all or any of the descriptions of disqualified landholders, specified in the first Article of the last-mentioned Regulations, shall be permitted to assume or retain the management of their lands, in consequence of the ground of their disqualification no longer existing, or of the Governor-General in Council dispensing with, altering or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the fixed jama that has been or may be assessed thereon, from the time that the management may devolve upon them, in the same manner as the lands of all actual proprietors of land who are declared qualified for the management of their estates, and also of all actual proprietors who are unqualified for such management, by natural or other disabilities, but do not come within the descriptions of disqualified landholders specified in the first Article of the Regulations of the 15th July, 1791, are and will be held answerable, for any arrears that are or may become due from them, on the fixed jama which they, or any persons on their behalf, have engaged or may engage to pay, under the above-mentioned Regulations, for the decennial settlement

9. Art. V Ill.—That no doubt may be entertained whether Proprietors proprietors of land are entitled, under the existing Regulations, may transfer to dispose of their estates without the previous sanction of Govern-lands with- ment, the Governor-General in Council notifies to the zamindars, out sanction of Govern-independent talukdars and other actual proprietors of land that ment. they are privileged to transfrr to whomsoever they may think proper, by sale, gift or otherwise, their proprietary rights in the whole or any portion of their respective estates, without applying to Government for its sanction to the translör, and that all such transfers will be held valid : Provided that they be conformable to the Muhammadan or Proviso. the Hindu Laws (according as the religious persuasions of the patties to each transaction may render the validity of it determine able by the former or the latter Code), and that they be not repugnant to any Regulations now in force, which have been passed by the British administrations, or to any Regulations that they mav hereafter enact. [N j IO. Art. IX.—From the limitation of the pulic demand Rules for upon the lands, the net income, and consequently the value (inde- ?pportion• pendent of increase of rent obtainable by improvements), of any fixed jama on landed property, for the assessment on which a distinct engage- portions of ment has been or may be entered into, between Government and estates of the proprietor, or that may be separately assessed, although event of included in one engagement with other estates belonging to the sale or transfer nnd same proprietor, and which may be offered for public or private on shares sale entire, will always be ascertainable by a comparison of the of estates. [i] The application of this section is extended by the Bengal Inheritance Regulation, 1793 X1 of 1793 , s. 4 post. so much of the section as relates to the Adjustment of the Government jama on lands exposed to public sale in satisfaction •of decrees was repealed' by Act IV of 1846, s. I. 8 Ben. Reg. 1. amount of the fixed jmna asstssed upon il (which, agreeable to the foregoing declarations, is to remain unalterable lorever, to whom• soever the property may be transferred), with the whole of its pro- duce, allowing for the chargeg of management. But it is also essential that a notification shēlilēl be made of the principles u non whi•.h the fixed assessment charged upon any such estate will apportioned on the several divisions of it, Lhe event of the whole of it being translērvēd by public or private sale, or otherwise, in two or mort.' lots. or of a portion or it being transferred in 011(.•, or in two or lots, oc of its being joint property, and a division it :nacie amongst the proprie- tors ; otherwise, from the vet.lnt oi'a rule for estimating the proportion of the with which t;n: several shares would be chargeable in cases, the reai vaiuc cach share would be uncertain, antl i lle benc!Its expected to result from fixing the pnblc the landF v,' zultl be but partially obtained. The Governor General in C,tv.tncil has accordingly pres- cribecl th:•. apportioning assessments in the several cases but as Government might sUs- tain a loss revenue. by disproportionate allotments of the assessrnt. were the (fit, in any of the cases above specified, to left Ili' proprietors, ""•quires that ail such transfr:rs or division; as . b)' private act of 'he parties b:' to the of the reve- nue of (lie ziia iiii which thr lands may situatid, or such other officer as Government may in in order that the fixed janta, assessed upon the whole, estate, mav be apportioned on the sexeral in tl;e !nanner helc•after directed, and that the names of the proprietors share and the jaxna charged tl•eēeon may be entered upon the public l x•gi.gters, and that sepa- rate engagements for the payrnrrri(01' the .i:tltla assessed upon each share may be eyecuted by the ptopöetors, who will thence for- ward be considered as actual proprietors of land. And the Governor Gene.lQl in Council declares tiia, if the parties to such transfers or divisions shall Dinit to notify them to the Collector [I of the revenue of the zila or such other officer as may be hereafter prescri bed, for the purposes befor:-mentioned, the whole of such estate will bc held responsible to Government (or the discharge of the li.xed jan:a assessed ttpon it, in the same manner as if no suc.! transfer or division had ever taken place. The Governor (General in Council thinkg it neccsarv further to notify, in elucidation of the declarations contained in his Artic:e (which are covarortnable LO the principles of the existing Regulations), that if any zaniindar, independent talukdar or other actual proprietor of land shall dispose. of a portion Gf his or her lands as a dependent taluk, the jama which may be stipulated to be paid by the dependent talukdar will not be entered upon the records 01 Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the In Assam, the Deputy Commissioner. to the exerciqe of functions of Deputy Commissioners, see the 1886 (I IBP,O), Chapter V ll. frost. 1793: Ben Reg. 1.] PERMANENT SETTLEMENT 9 6 estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will it be allowed, in any case, to effect the rights or claims of Govern- ment, any more than if it had never taken place. First.—In the event of the whole of the lands of a zamindar,

independent talukdar or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations above-mentioned being exposed to public sale by the order of the Governor-General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a Court of Justice in two or more lots the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his or her or their heirs and lawful successors, shall hold them at the jama at which they may be so purchased, forever.

Second.—When a portion of the lands of a zamindar, independent talukdar or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded under the Regulations before-mentioned shall be exposed to public sale by order of the Governor-General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a Court of Justice, the assessment upon such lands if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his or her or their heirs or successors, will be allowed to hold them at the jama at which they may be so purchased, forever : and the remainder of the public jama, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his or her possession, will continue unalterable forever, 10 PERMANENT SETTLEMENTS [1793 : Ben, Reg. i. Third.—

—When a zamindar, independent talukdar or other actual proprietor of land with or on behalf of whom a settlement has been or may be concluded, shall transfer the whole of his or her estate in two or more distinct portions to two or more persons or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift or otherwise, the assessment upon each distinct portion of such estate so transferred shall be fixed at an amount which shall bear the same proportion to its actual produce as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole or its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred and his or her or their heirs and lawful successors, shall hold them at the jama at which they may be so transferred, forever : and where only a portion of such estate shall be transferred, the remainder of the public jama which will consequently be payable by the former proprietor of the whole estate may remain in his or her possession and be continued unalterable forever. Fourth.—Whenever a division shall be made of lands, the settlement of which has been or may be concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed jama assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations or such other Regulations as the Governor-General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jama which may be so assessed upon them, forever. [u] 11. Art. X.'—The rules are prescribed respecting Adjusting jama of lands in the adjustment the assessment on the estates of zamindars, held khas or independent talukdars and other actual proprietors of land whose land in farms lands are or may be held khas or let in a farm, in the event of their being disposed of by public sale, or transferred, by any private act of the proprietor, or of their being joint property and a division of them taking place amongst the proprietors. First.—if the whole, or a portion of the lands of a zamindar, independent talukdar or other actual proprietor of land who may not have agreed to the payment of the assessment proposed to him or her under

the Regulations above-mentioned, and whose lands are or may be held khas or let in farm, shall be exposed to sale in accordance with the provisions of the Bengal Land Revenue Regulation 1973 of 1973, so much in/ as relates to the disposal of the lands expropriated to public use. 21 Act 1, (Linte repealed). Reg. 1. r other settlement his or : persons : sons til ; settlement shall be n to its state of ion may (Luce. or may Regula- : rson or s or her le jama e only a of the iormcc ads that 11 altera- Ids, the r on be- become it upon he satne d upon c of its or Regula. adopt , all hold assessed respect- land ars, d whose cvcent of by any •gtty and tuindar , V'ho may osed to I whose exposed : Ben. Reg. 1.1 'é'r \$1 mrr,E.NIENT 11 to public sale, in one or in two or tuore lots (pursuant to the decree of a Court of Justice}, such lands, if khas, shall be disposed of at whatever the Govermo;• General in Council may deem equitable, and the purchaser<, or purchasers of, such lands and his or her or their heirs and law IUI successors, shall hold the lands at the at iiii.c.h they jnay be so purchased lbr ever. If the lands, at the tiny• or their being exposed to sale, shall be held in iarm, and Shail put up in one. or in two or more lots, they shall be disposed o} under t he: following conditions The purchaser or ptavhasrrs Shail receive, during the un- expirecl part of the tenn the or tile fanner, wbatever such proptietut• shall have iu•cn to receive in virtue, of his or her proprietary rights, 011 account of the land so purchased, and such purchaser oc purchaser\$ shall engage: to pay, at the expira- lion of the iease the asses,rnent on account of the "lands as (;overnment may equitable. The suyn to be the purchaser or purchasers during the unexpired [he o! Lile lease of the iarmer, and the .jillna be paid by such; purchaser Oi purchasers after the expiration I 'v ac the tinw of the sale, and such purr h.aser or and his or her or their heirs and lawful successors, shall allowed IO hold t lje lands at the assessment at be, so onrchased, for ever. Second.—ii' talukdar or other actual proprietor land, vviicsr arc or bilay by hchl khas or let in farn, shall Ly sali. •, gift ur othet wise, the whole or a portion oi or ooe ot' ill t\ .s.o or more lots, the person or persons to so tiansferrecl shall be entitled (iJ the lands are. held khas), or from the i a i e let [ariil), t Ile malikana to which the former v. a account of the land so tra to socii !aiids I'e will stand in the s:uue pretilcanu•t't .ls [he independent talukdars or other Art lje Fourth in have been let in farm, in consequencx: their l m•iusing to pay assessment required of them under the Regulations for the decennial settlement; anfi c,01itined in thal Article are to be held a bic to o, (Ii ,+ion being made 01' lands that are or inav the o:' two ot persons, and which are ije khas iti iarnj, Ilie proprietors of the sevci at ill tile same pre dic;tment, with regard to their shul w s, as the Z.Mninclars, independent taluk- dars and actuai of ianci specified in the Fourth Article, svi:os• Ict farnl or arc held khas in consequence or their vine to pay the assessment required ot them under the Regula Lions ior the decennial sealement; arj(l Ille contained i!) that At ticle are to be considered appiicaLir•