

## BENGAL REGULATION 8 OF 1973

1793: Ben. Reg.8.] SLVCIEMENT' BENGAL REGUIXJO\_N 8 OF 1793 (TRE BENGAL DECENNIA'. SF.m.F..MF.NT 1703) cost T.NIS SECTION 1-3. [Repealed. I 4. Settlement with whom to be concluded. 5-12. [R,pealed.l Payment of revenue by talukdars ordered to br sepa- 13. rated. Separated talukdars where to pay revenue

**14. Talisildars.**15. 16-18. [ Repealed.] Istirnârârtiars to be considered as patta talukdars

**19. Exceptions to general order for conclusion of decennial** 20.settl!ernent u ith actual proprietors of soil. Management of lands of disqualified proprietors. 21

**22. Exception as to proprietors of land in balance to Govern.**ntent and unable to pay arrears. 23-25. [lbpeated.l 26. Determination of agreement to .i:una of undivided estates

**27. Settlement ot' land standing in joint names of several proprietors, or 01 one roany.**28.29. [Repealed.] 30. Settlement of disputed estates

31. If no claimant has been previously in pt»session

**32. Settlement in eases or disputes as to boundaries.**33. [Repealed.] DP.c.EN'S'AL STOTLTF,MENT [1793 : Ben. Reg.8 ECTION 35. 36. 37. 38. 39. 40. 41

**42. Allowances of kâzis and kanungos,a nd public pensions to be.**added to the jama. Assessment to be fixed exclusive of sâir with excep- tions. Also exclusive or lâkhiraj lands. But not ruilikâna lands in Bihar, or other lands in Bengal and Midnapur. [ Omitted. I Nânkâr, khamar, nij jot and other private lands of proprietors in Bengal and Orissa to be annexed to the malguzari lands. Consolidation of and private lands also in certain taluks. Châkarân annexed to mânguzari lands. [ Repealed. Procedure in case of landholders cleclining to engage fi)t• jama proposed to them. 44-48

**49. Certain istimr:irdars not liable to increase of rent.**50. r..xception to above. 51-54. [Repealed.] 55. Proprietors and farmers of land prohibitecl imposing new abwÂb mathat raivats. 56-65. [Repealed.] 66. Landholders, etc., nor to interfere in ma tters coming within cognizance of Courts or Magistrates

**67. First to to attend to spirit of Regulation, not applicable to particular districts.**Repealed.] 68-101. [Repealed. J where 1793: Ben. BLNOAI, 1793 25 re (TJIE •BENGAL DECENNIAL SEVILLMLNT REGULJV'i'10N, 1793) 1 Alay .J A Regulation IOre-enacting, With modifica- tions and amendments, the rules for the Dcccnnial Settellellent of the public Revc- payable the lands of the nue zam indazs, independent talukdars and olher actual proprietors OJ' iand, in Bengal Bihar and Orissa, passcel for those Pro- vinccs respectively on the 18th Septem- bcr, ; lite 25111 November, 1789 • and the. 10th February, 1790, and sub- sequent dates. 1-3. | Re-enactment (d code Passal on, 23rd 1791 io be perpetual with eppnobation td Ro!". Q}' lhc Repealing Alu. (10 "l'ile untici tain icti0its and exceptions Settlement hereafter specilied, shali with whom he concluded with the actual pro- to be con- the soil, of whatev€\*' ciconiiliuati0li, whether zamindars, cluded. taiakdars or is. [ IWha,' talukdars J' ccial Piu/"ictors ; Payment rent through actual ; what to be lease-holders ; jangal- buri lalukdms ; Proprietrns of aituia lands ; Zi'les for guidance comtlors, /i0%ht Q; disjuti€/ied {arties to sue in Court of Diwani Adalat] . Rep. by ix'epeall/I/ • vie!, 1874 (10 1874). 13. T,tlu/cdays 01 acred to be separated are not to be per- Payment mittet to pay the revenue asscesed upon their lands through the of revenue by uk• zamindars or other actual propriectors 01' estates as heretofore. dars dered to be separated. IS}JORT' title was gise!! by Amcndiug Act, 1897 of 1897), since repeah•d. LOCAL EXT E.N l'eguiatiou has declared by notification under the Schedule Distri(ts (XIV 1874), s. 3, to be in lörcc in [hc Districts of Goalpara (excluding the Eastern Duars) and Sylhet—scc Notification Nos. dated 3rd September 1879 and 12424. , dated 1st April 1897 in the Manual of Local Rules and Ordo•s. Vol. lrrrogether witli Noa 13-L., 1,'3?. 4 26 DECENNIAL SET'TL.EMEN'J' : Ben. Reg.g Separated talukdars wh ere to pay reve- nue

**14. Talukdar; •svho; in conscequezcs of the in •sections 5 and 9, Imuy be separ•otcfl from the zamiltclavs or other actual through whom (hey heretofore paid proprietors o? estates, their revenues, are pay their vevcili-le in inamediately except in (.iiseviccc; where, from into the Colicctor's would be the •number of talukx or cause, this which casc attended with considerable inconvenience, \* Collec.ujrs, arc to loc appointed to tahsilda rs , or receive the reve\vue the taluks in such districts**

31. If a case should occur in which none of the claimants they are to be allowed to) has been shall have previously in possession, have been deter- previously appoint a manager until their claims shall be an- possessed- mined in the Divvāni Adālat of the zīlā ; but if they should claimant Sion. Settlement in case of disputes as to bounda. ties. not agree to a manager, the lands are to be held khas, and the surplus produce after discharging the revenue, is to be kept in deposit, until the right of property shall be adjudged

**32. Where disputes exist concerning the boundaries of land, they are to be left to be adjusted in Diwani Adalat and the settlement is to be made in the meantime for the lands in possession of the disputing parties respectively.** 3.3. [ Rules for fixing assessment. I lb!) . by Amending ulcl, 1903 (1 ?fJ903). Section 23 was repealed Ben. Reg. of 1805. It ran as follows : "23. Where proprietors more than one possess an undivided estate, and the whole of them be not within the class of disqualified landholders specified in section 20, the settlement is to be made with them jointly, and they are to be required to elect a sarbamdar or raminagar, who shall have the exclusive management of their lands differing the continuance of his appointment; the majority of the proprietors or of the majority of the determination of those present in event of the absence of any is to be binding on the remainder in the choice of a raminagar ; and, when the shares of the proprietors are equal, the share of the raminagar is to be determined by the greater interest of the proprietors in the property. If in any case the interest also be equal, the raminagar is to be appointed by the Board of Revenue." 1793: Ben. Reg. of DECENNIAL SETTLEMENT 29 is a part of the Regulation 31. The allowances of the kazi and kanungos heretofore Allowances paid by the landholders, as well as any public pensions hitherto of kazis and . paid through the landholders, are to be added to amount of kanungo and Public the jama, and in future paid by the Collectors [i] of the revenue pension, to of the several zilas, on the part of the Government, under the be added to rules and restrictions laid down for their guidance, with regard the jama. to such payments, in the Resolutions passed by the Governor General in Council on the 10th June, 1791, and re-enacted with modifications, by Regulation 24, 1793 [2] 35. The assessment is to be fixed exclusive and independent Assessment of all duties, taxes and other collections, known under the general to be fixed, denomination of sair ; the collections made in the ganjes, haths exclusive of and bazars situated within the limits of the town of Calcutta ex- sair, with cepted, and excepting also the collections confirmed to the exceptions. proprietors and holders of ganjes, bazars, and haths by the Resolutions passed by the Governor General in Council on the 11th of June, 1790

**36. The assessment is also to be fixed exclusive and independent of all existing lakhiyâj lands, whether exempted from the Sive of lak- khiraj (or public revenue) with or without due authority.** hiraj lands

**37. The above exemption, however, is not meant to include But not of [the malikana lands in Bihar, or] the nankar, khamar, Ilij jot and malikana other private lands of the zamindars and independent talukdars lands and or other actual proprietors of land in Bengal and Midnapur re. Bihar or gardening which the following rules have been prescribed. other lands in Bengal and Mia. 38. (Malikana lands in Bihar to be re-annexed. Omitted as being inapplicable to Assam ] 39. The nankar, khamar, nijot and other private lands ap- khamar, appropriated by the zamindars, independent talukdars and other jot and other actual proprietors of land in Bengal [anti (-)rissa] to the subsistence private lands of themselves and families shall be also annexed to the malguzari proprietors lands, and the ten years' jama fixed upon the whole under the an Bengal owing modification ; that such proprietors as may decline to engage be annexed age for their lands be all med the option of retaining possession to the malguzari of their private lands above specified, upon the terms on zari lands. which they have hitherto possessed them, provided they shall prove, to the satisfaction of the Board of Revenue that they held them under a similar tenure previous to the 12th August, 1765 the date of the grant of the Diwani to the Company, and have hitherto been permitted to keep possession of them whenever their zamindaris or estates have been held khas or let in farm, but not otherwise. i In Assam, the Depwy Commisssioner. As to exercise of functions Of Deputy Commissioners. see the Assam Land and Revenue Regulation, 1880 (1 of Chap. VII. Posi. 2 Ben. Reg. XXIV of 1793 was repealed by the Pensions Act, 1871 (XXIII of 1871.) 3 The second sentence of s. 35, which was repealed by the Repealing Act, (XVI of 187 is omitted •l Assam, the Chief Commissioner (Xcne the Stnie G(A'ernment)— see the Bengal, Bihar and Orissa and Assam Laws, Act, 1912 (VII of 1912), s 3. and Sch. D, Pt. III, post, .as adapted by A.O. 1950. no DE/ GF,NNIAL Ben. Reg. In the event or such proof, and of t %cir avai'ing themselves of the option al)ovc given to retain possession their private lands, a deduction, adequate to the nett produce of such lands is to be made from the amount lke fixed for exclude proprietors by section 41.1 40. The above consolidation of the malguzari and private Consilia- lands is also to be made in the taluks constitutd under the pro- dation of prietors on whom they have hitherto been dependent ; not, how- malguzari ever with a view of increasing Lile rents of the talukdars, but in and private order to make the whole of the lands cotnposing their taluks lands also in certain ta- answerable for their the public assessment allotted luku. the reon**

**41. The chakaran lands or lands by public officers and Chakaran annexed to private servants in lie", 01' wages, ace.** also not. to be includ- 'The whole 01 tltese malguz a r i ed in the exception contained in section 36. ave to be to the malguzari lands lands. lands in each ponsiLle for the pal)lic revenue assessed on the zamindaris: independelit tahils•s or other estates ill which they are included, in connection with all other rnalguzari lands therein. 42, [Enquenten!€ fir i ima he f, •r rup:'ts.] by the Repealing 1374 0/' 137'). Procedure 43. In the event of any proprietor (Icc!ining to engage for in case of the settlement of his lands p: oposed to him, the landholdel\$ is to communicate the oi2iections offered, with his declining to Collector engage for opinion respecting them, to the Board ot Revenue, jama propos- ed to them. That Board is to determine the proper assessment after making such fin-ther inquiries as they may think neccessary, and the obiecting proprietor is to be required to engage for such assessment without Curthec delay ; and in the event of his refusal his lands arc to be Ict in farm which is to be given in witing, in each instance or held khas, as the Board of Revenue [ \* I think most expedient. [P/ opriel('' refusing engage 'he jama to receive malikana rule; ing payment o/ enforcement of par- mentftom farm:rs. [Rep. the Re/t'flin.g -'16!. (I (i 1874). Section revealed hv the Repeating Act, (XVI of 'The sec'ion ran as but this reference ic saved by proviso to that Aca. follows ' "14. Proprietors, who rmay finally dtcline enc•ging for the proposed to them. and whose tn.'ty consequently be. let in m or held l'has, are to rec•ive malikan• allowa oce in consideration their proprietor y rights' at the rate of IO pee cent. the said of their !and' i!' in farm, or at i!' held k 'ias, ; 42. , on the same rate the ne:t fccm their the nett amount redl.sed Government, after the rnalikana as But of this allowance. r, a provision is to well as all Other charges. be made foc such perso•s g to 'hc farn lit'S Of the prop. i'tors as may be entitled thereto.' • Substituted for wo •d ' P rovim:e ' 19.30 As to exzrcise functions of g (n Assam, the Deputy Deputy Commissioner. see the Assam L. and Revenue Regula IRR1) (1 of 1886), Chap. VII. 4 In Assam, the Chief Commissioner (Now, t lil? State Government) (VII of 1912), —see the Bengal, nihar and Assn m Law; A 't. s. 3 and Sch. D, P., Ill, post, as adapted by A. O. 1930. 1793: Ben. Rega;l SEVILEMENT 31 /a!u under Rep. 'Ill. [Settlemen! h) 'Ihe Repealing Act, 1876 (1 g/ ./C76)

**49. It is to be unflerstood, however, that istimrardars (muk• Certain is- arraridars) of the (lature of they:c describcd in seciions 18, who titnrardars not liabe to nuore than twelve years, have held their land at fixed rent increase of are not liable to be.assessc€i witli any increase, either by the rent. officers o: GoveiÆl'ijcn: or by the zamindar or other actual pro prietor of land, should eng,tge for his q, wn lands. With legard to such adars aisj\* as have not held their lands at a fixed reut so jong a period, it' Ilie zatuindar or other actual proprietor 01' land has bound by the deed which hc may have exc.uted not to lay any inc.' ease upon them, he shall not be allowed to the • onditions ot' the decd for his own benefit, but ronii:x liis demands to the rent he may have voluntarily agreed to receive. l'his last resttâclio:t on the z.A111it1ditr or other Exception in 50. actual proptGetoc land, ill :ecfion +9, is 110t to be considered to above. preclude the ollieec Govertitnetit or the event of the from assessit"Y such zamindari ln•ing hc!d o: Irt istimararciars to lilt: of district. .51. | to ialu/:dcm.] Rep. by Ibe : and the Gou!tara A c'. Tenancv 19.16 (Assmn XI f 1930). lands as they think proper ; Lit'ld€ SO If/ tak"n without amilnama • under deno;nination of abwab, Process to P erenl 1929 (Assam Acl mathat, cle•: R! I". ,tv. Act, (f 1936). Q\_j• 1929) and v .dcl, ' 55. So o' dependent talukdar or Proprietors shall pose any new and farm crs farmer oi lanc:, abwab or nuthat 1.1! fats any pretence whatever. of land pro• o! by a penalty hib:ted im- pos Ing new if, at any lilture equal Io the abwab or anatintt have been mathat on iod, be the shall be liable to this raiyats. impost:cl, {hc Illipmili" perja:ty s oj P/0duce ; what tuuttain.l Reb. l'he Repealing Act, futlias deii<ii'tl {o 1876(12 1870). 70 (XII of 1870), bul this S. was Ey Act, reference is i' v 'Vije s•xtion as E •llows :— "18. lauds sviich they arc not the actual pro• prietor:s whos: grant Obtaine since the Cotnpa• ny's t he and never w•reiveql of the Supreme Covecnrnett, Aspossessed, the is to be macle with the actual pr«vruet soil this Regula'ion. in cases, h whc,-e such trra' idars. have b:en in possession Of their rnt.karra:is exceeding ! 'vclvc years, they are to receive dur— ing their lives to picasurc the fl .uourable• Coult of Directors) the difference til••• inna at sviich they held the lands and that which may be now ag/ ecd to Ly the proprietors, added to the net produce of the authorised Jair, o: I 'or on the the di•tricLs 01 Goalpa- ra (exceotii:g I hc Iv-scttlfli estat\* and Sylhet, src the Landlord and VI il of Idf9), s, IO, printed /jost. Tenant ProcAure• Act, (Bei'. b/ the Act, 1936 (Assam 3 J T'll's v. •as repeal'.•tl ACI XI of as. the of >ylhet is uave J SE,J [1793: Ben, Reg.; ,anholdevs. not co interfere in matters comin" with- in cogmzar,cc Courts or magistrates. -.8. o! Pallas.] Rcp. by Bengal Land Revenue Salc. Regulation' 59-60.1 Right of ra:yal' Io demand paua; existing io**

remain in joint, until the period; restriction on cancelling Pottahs] by the: Repealing Act, 1876 (12 of 1876). Rep. by II of 1876. [Title of the Regulation, (12 1811), as extended by the Bengal Land Revenue Regulation, 1819 (I of 1819), s. 63. [Proprietors to give for rent or retention, the same as, and not to demand rent abandoned by those remain.] Rep. by I of 1876 (12 1876). 64-65. mtdhssal kâi-bandi; Bar to contrary to Regulation.) Repeal, the Goalpara Tenancy Act, 1929 (I of 1929); and the Scheduled Tenancy Act, 1936 (XI of 1936)

**06. Zmuidars, independent talukdars and other actual proprietors of land, (Independent talukdars, farmers of land holding farms of Government, and all persons farming lands of the above-mentioned descriptions of landholders and farmers of land, and their respective officers, agents, servants, dependents and raiyats, are prohibited taking cognizance of, or interfering in, matters or causes cognate within the jurisdiction of the Courts of Civil Judicature or the Magistrates, under pain of being liable to payment of such fine to Government, and damages to the party injured, as the Court of Judicature in which they may be prosecuted for the act may deem it proper to impose and award.)** (47. In the case of proprietors entitled to the same rules as from raiyats; withdrawal of police jurisdiction from them. 1876 (12 1876). the original rules above-mentioned it was also Government to attend to directed that, if in any instance the Regulations should appear spirit or Repealable (the of any part of the Regulation Collector should attend to the spirit of them, and carry them where not into execution in such mode as circumstances might require, report applicable to any alterations or modifications which he might deem particular districts. necessary in force in forming any This rule is to be considered still settlements which remain to be concluded, but it is not to be construed to empower the Collector to exercise any judicial authority. Regulations in force to the original Sixth.— rules for the decennial settlement] . Rep. by the Repealing Act, 1876 (12 of 1876.) 78-101. [Special orders for Bengal, Bihar, Aligarh and Salt Districts.] Rep. by the Repealing Act, 1876 (12 of 1876.) "the words of Courts, which repealed the Amending Act, 1903 (I of 1903), are omitted. As to exercise of functions of In Assam, the Deputy Commissioner. Deputy Commissioners, see Assam and Revenue Regulation, of 1886, Chapter