

**THE LAND-REVENUE (SETTLEMENT AND DEPUTY
COLLECTORS) REGULATION, 1833**

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THE ¹[*] LAND-REVENUE (SETTLEMENT AND
DEPUTY COLLECTORS) REGULATION, 1833
Bengal Regulation IX of 1833**

(9th September, 1833)

A Regulation to modify certain portions of Regulation VII of 1822 to provide for the more speedy and satisfactory decision of judicial questions cognisable by officers of revenue employed in settlements under the above Regulation; for enforcing the production of the village-accounts; for the appointment of Deputy Collectors in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to malikana.

Preamble

1. Experience having demonstrated the expediency of modifying certain enactments of Regulation VII of 1822, also of providing a more speedy and satisfactory mode of deciding such judicial questions as may be cognisable by officers of the Revenue Department under that Regulation and of declaring the intent of the rules regarding *malikana* promulgated by section 5, Regulation VII of 1822; it having been found expedient likewise that measures should be adopted for enforcing the production of the village-accounts, and for rendering them accessible to all persons concerned having occasion to examine them; also that persons of respectability should be employed in more important trusts connected with the revenue administration; the following provisions have been enacted, to be in force from the date of their promulgation.

2. *[Repeal of provisions of Regulation VII of 1822, as to mode of determining jama to be demanded from mahal] Rep. by the Amending Act, 1903 (I of 1903).*

3. *[Repeal of provisions of Regulation VII of 1822 as to investigation of claims simultaneously with determination of Government demand.] Rep. by the Amending Act, 1903 (I of 1903).*

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

The ¹[Government] will hereafter determine the order in which the above matters shall be respectively disposed of.

4. [Repeal of parts of the Bengal Land-Revenue Settlement Regulation, 1828 (IV of 1828.) Rep. by the Repealing Act, 1874 (XVI of 1874).

5. In addition to section 33, Regulation VII of 1822 it is hereby enacted that whenever any judicial question may be depending before a Collector or other officer employed in making settlements under the provisions of Regulation VII of 1822, in which the interests of justice may, in the opinion of such officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the superior Revenue-authorities, a period within which the parties must produce the award.

When Collector making settlements considers arbitration necessary, he may fix period for production of award

6. In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the Collector or other officer to summon a *panchayat*, to be composed of three or five impartial and otherwise competent persons of good repute for the trial of the matter at issue.

When Collector may summon *panchayat*

7. After duly considering the statement and evidence offered by the parties, or, in case of the default or recusance of either, the statements and evidence produced by the party in attendance, the *panchayat* shall declare their opinions, and judgment shall be recorded according to the sentence of the majority.

Procedure of *Panchayat*

The superior Revenue-authorities will from time to time issue such rules of practice for the guidance of the officers employed in this duty, or the *panchayats*, as they may consider necessary.

8. No appeal shall be allowed from such decisions, which shall be immediately executed and maintained unless the Commissioner, subject to the control of the Board of Revenue should think proper, for any special reason, to direct that the case shall be submitted to another *panchayat* for decision.

Bar of appeal:-
submission to second *panchayat*

¹ Throughout this Regulation, the word "Government" was replaced for the words "the Central Government", "the Government of Pakistan", "the Provincial Government" or "the Government of East Pakistan" by Article 8 of the Bangladesh (Adaptation of Existing Laws) order, 1972 (President's Order No. 48 of 1972).

Non-suit of suit to set aside decision: also suits against arbitrators

9. Any suit brought before any Court of Justice to set aside a decision made in conformity with the above rules shall be non-suited with costs.

Property lost by arbitrators decision non-suited

10. In like manner any suit brought before any Court of Justice against the arbitrators, collectively, or individually, appointed in conformity with the rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be non-suited with costs.

Intention of rules as to *malikana* in section 5, Regulation VII, 1822

11. It is hereby declared that the rules concerning *malikana* contained in section 5, Regulation VII of 1822, were intended to have a prospective effect only, and to be applicable solely to settlements made under that Regulation, and to recusance tendered at the completion of such settlements.

Village-accounts

12. It is further enacted that the village-accounts which are required to be kept in such manner and form as has heretofore been the custom, or in such other mode as may hereafter be prescribed by the Board of Revenue shall be prepared in duplicate sets—one for deposit in the office of *patwari*, and one for deposit in the office of Collector of the district in which the respective estates or tenures may be situated, and, wherever the office of a *kanungo* may be established, a third copy shall be prepared and deposited in that office.

Account to be furnished according to directions of Board

13. The several accounts required for deposit in the *pargana* and *Zila* Revenue-offices, as above-stated, instead of being delivered at the expiration of every six months, as prescribed by the rules at present in force, shall be furnished in such mode and at such periods as the Board may direct.

They shall be open to the inspection of every person concerned desirous of examining them.

14, 15. *[Penalties to landholders for not conforming to rules regarding village accounts.] Rep. by the Bengal Rent Act, 1859 (X of 1859).*

16. It shall be competent to the ¹[Government] to appoint to any revenue jurisdiction a Deputy Collector, with the powers hereinafter specified. Appointment of Deputy Collector

17. *[Persons eligible to office, and how appointed.] Rep. by the Repealing and Amending Act, 1914 (X of 1914).*

18. *[Monthly allowance how fixed, and susceptible of increase.] Rep. by the Repealing and Amending Act. 1914 (X of 1914).*

19. *[Solemn declaration to be made by Deputy Collectors.] Rep. by the Indian Oaths Act, 1873 (X of 1873).*

20. The Deputy Collectors appointed under this Regulation are to be in all respects subordinate to the Collector under whom they may be placed, and are required to perform all duties assigned to them by that functionary. Subordination of Deputy Collectors

21. It will be at the discretion of the latter officer to employ them in settlement-duties under the provisions of Regulation VII, 1822, in the superintendence of the Government *Khas Mahals*, and generally in the transaction of any other part of the duties of a Collector. Duties in which Collectors may employ them

22. All proceedings held by a Deputy Collector appointed under this Regulation shall be recorded in his own name and on his own responsibility, subject to the revision and control of the Collector and appealable to the superior authorities in the usual course. Their proceedings how recorded and how appealable

¹ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Collector may
resume duties
committed to
Deputy

23. Provided always that the Collector is competent to resume the duties which he may have committed to the Deputy ¹[***].

Interference by
Commissioners
with arrangements
of Collectors for
employment of
Deputies

²[**24.** Provided also that the Government, whenever it thinks proper, may interfere with any arrangements made by the Collectors for the employment of the Deputies, or the distribution of business to be assigned to those functionaries.]

25. [*Rules regarding dismissal of Deputy Collectors*]
Rep. by the Repealing and Amending Act, 1914 (X of 1914).

¹ The comma and words ", assigning his reasons for so doing for the information of the Commissioner" were omitted by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

² Section 24 was substituted by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).