

- (g) claims connected with, or arising out of, the collection of land revenue, or any process for the recovery of an arrear of land revenue or any sum which is by this Regulation, or by any other enactment for the time being in force, realisable as an arrear of land revenue ;
- (h) claims to occupy or resort to lands under sections 13 and 14, and disputes as to the use and enjoyment of such lands between persons permitted to occupy or resort to the same ;
- (i) claims to have an allotment made under section 13 or section 14, and objections to the making of such allotment ;
- (j) claims to a remission or refund of any revenue, cess, tax, rate, fee, or fine payable or paid under this Regulation or leviable under any enactment for the time being in force as an arrear of land revenue ;
- (k) claims to set aside a decision passed in accordance with an award of arbitrators ;
- (l) claims to any office connected with the revenue administration or to any emolument appertaining to such office or in respect of any injury caused by exclusion, suspension, or removal therefrom ; and
- (m) any matter respecting which an order expressly declared by this Regulation to be final, subject to the provisions of section 151, has been passed.

(2) In all the above cases jurisdiction shall rest with the revenue authorities only.

(3) Notwithstanding anything in section 265\* or section 396† of the Code of Civil Procedure a Civil Court may, in the case of a claim for an imperfect partition with respect to which its jurisdiction is not barred by this section, exercise the same powers in making the partition of a revenue-paying estate as it is competent to exercise in making the partition of a revenue-free estate.

(4) When a Civil Court has made an imperfect partition of a revenue-paying estate, the amount of revenue for which each portion of the divided estate is, as between that portion and the other portions, to be liable shall be determined by

\* Now section 54 of the Code of Civil Procedure 1908 (Act V of 1908).

† Now rules 13 and 14, Order XXVI, Schedule I, of ditto ditto.

the Deputy Commissioner in the same manner as if the partition had been carried out by himself under Chapter VI of this Regulation.

Additional  
power to  
make rules.

155. The Chief Commissioner may, in addition to the other matters for which he is empowered by this Regulation to make rules, make rules consistent with this Regulation, relating to the following matters:—

- (a) the person by whom, and the time, place, and manner at or in which, anything is to be done for the doing of which provision is made in this Regulation or the rules made thereunder;
- (b) the mode in which notices, proclamations, summonses, warrants, and other processes issued under this Regulation shall be issued, published, and reserved, and the fees to be charged for the issue, publication, and service of such processes;
- (c) the costs of all proceedings under this Regulation;
- (d) the manner in which representatives shall be appointed to act in matters relative to this Regulation on behalf of any body of settlement-holders or persons entitled to, or with whom it may be desirable to make, a settlement;
- (e) the granting of licenses to prepare or collect, or the farming of the right of preparing or collecting, rubber, lac, and other forest produce upon land over which no person has the rights of a proprietor, landholder, or settlement-holder;
- (f) the granting of licenses, or the farming of the right, to work mines, stones, and lime-quarries, salt-wells and oil-wells, to fish in fisheries proclaimed under section 16, and to carry on gold-washing operations;
- (g) the payments in consideration of which, and the conditions on which, such licenses or farms may be granted; and
- (h) generally to carry out the provisions of this Regulation.

Penalty for  
breach of  
rules.

156. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequence which would ensue from such

breach, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

157. (1) The Chief Commissioner shall, before making any rules under this Regulation, publish in such manner as may, in his opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

Making and publication of rules.

(2) If, on such consideration of the draft, any modification is made, the Chief Commissioner shall determine whether it is necessary to republish the draft under this section.

(3)

\* \* \*

(4) All rules made by the Chief Commissioner under this Regulation shall be published in the local official Gazette, and shall thereupon have the force of law.

158. (1) The Chief Commissioner shall at least once in every three years cause all rules in force under this Regulation to be arranged in some convenient order according to their subject-matter and consolidated, and, where necessary, shall † † † amend the rules so arranged and consolidated.

Consolidation and republication of rules.

(2) The rules so arranged, consolidated, and amended, shall be published in the local official Gazette, and upon such publication all previous rules under this Regulation shall cease to be in force.

159. All powers conferred by this Regulation may be exercised from time to time as occasion requires

Powers exercisable from time to time.

\* \* \* The sub-section (3)—“In making rules under this Regulation the Chief Commissioner shall act subject to the control of the Governor General in Council” was omitted by section 2 of the Devolution Act XXXVIII of 1920.

† † † The words “subject to the control of the Governor General in Council” were omitted by section 2 of the Devolution Act XXXVIII of 1920.

## THE SCHEDULE.

*(See section 2.)*

## ENACTMENTS REPEALED.

*Part I.—Bengal Regulations.*

Number and year.	Subject.	Extent of repeal.
XIX, 1793 ...	Non-badshahi lakhiraj grants ...	The whole.
XXXVII, „ ...	Badshahi lakhiraj grants ...	Ditto.
XLVIII, „ ...	Quinquennial Register ...	Ditto.
III, 1794 ...	Collection of land revenue; Embezzlement by Tahsildars.	Ditto.
XV, 1797 ...	Fees ...	Ditto.
VIII, 1800 ...	Pargana Register and Mutations	Ditto.
I, 1801 ...	Division of joint estates ...	Ditto.
XI, 1811 ...	Partition ...	Ditto.
V, 1812 ...	Leases by proprietors; Collection of land revenue.	Ditto.
XVIII, „ ...	Leases by proprietors; Partition	Ditto.
XIX, 1814 ...	Partition ...	Ditto.
II, 1819 ...	Resumption ...	Ditto.
IV, 1821 ...	Assistant Collectors ...	Ditto.
III, 1822 ...	Board of Revenue ...	Ditto.
VII, „ ...	Settlement ...	Ditto.
XI, „ ...	Sales of land for arrears of revenue	Ditto.
IX, 1825 ...	Extending Regulation VII, 1822	Ditto.
XIII, „ ...	Lakhiraj tenures; Kanungos ...	Ditto.
XIV, „ ...	Lakhiraj tenures ...	Ditto.
III, 1828 ...	Special Commissioners ...	Ditto.
IV, „ ...	Settlement ...	Ditto.
I, 1829 ...	Commissioners ...	Ditto.
IX, 1833 ...	Settlement; Deputy Collectors ...	Ditto.

*Part II.—Acts of the Governor General in Council.*

Act II, 1835 ...	Assam; Arracan; Tenasserim ...	So far as it refers to the Board of Revenue.
„ VI, „ ...	Khasi Hills and Cachar ...	Ditto.
„ XX, 1836 ...	Partition ...	The whole.
„ XXI, „ ...	Zilas ...	Ditto.

THE SCHEDULE—*concl.**(See section 2.)*ENACTMENTS REPEALED—*concl.**Part II.—Acts of the Governor General in Council—concl.*

Number and year.	Subject.	Extent of repeal.
Act XI, 1838...	Remuneration of <b>Amins</b> effecting partitions.	The whole.
„ XII, 1841...	Sales of land for arrears of revenue	Ditto.
„ IX, 1847...	Assessment of land gained by alluvion.	Ditto.
„ XX, 1848...	Attendance before <b>Collectors</b> ...	Ditto.
„ XII, 1850...	Default of public accountants ...	Ditto.
„ XLIV, „ ...	Board of Revenue ...	Ditto.
„ XXXI, 1858...	Settlement of alluvial lands ...	Ditto.
„ XI, 1859...	Sales of land for arrears of revenue	Ditto.

*Part III.—Acts of the Lieutenant-Governor of Bengal in Council.*

Act III, 1862 ...	Amending Act XI of 1859 ...	The whole.
„ VII, „ ...	Repealing section 30, Regulation II, 1819.	Ditto.
„ IV, 1864 ...	Amending Act XXI, 1836 ...	Ditto.
„ III, 1868 ...	„ Regulation VII, 1822	Ditto.
„ IV, „ ...	„ Act IX, 1847 ...	Ditto.
„ VII, „ ...	„ „ XI, 1859 ...	Ditto.
„ II, 1871 ...	„ „ XI, „ ...	Ditto.
„ VII, 1880 ...	Recovery of Public Demands ...	So far as it relates to recovery of arrears of land revenue.

*Part IV.—Regulation under 33 Victoria, Chapter 3.*

Regulation IV, 1875	Realisation of arrears of revenue in Sylhet and Goalpara.	The whole.
---------------------	---	------------

PART II.

---

RULES UNDER THE LAND AND  
REVENUE REGULATION, 1886.

PLATE III

REPRODUCED FROM THE  
PUBLISHED BY THE  
AMERICAN MUSEUM OF NATURAL HISTORY

## PART II.—RULES UNDER THE LAND AND REVENUE REGULATION.

### Chapter I.—Settlement Rules.

#### *General.*

1A. The Deputy Commissioner may eject any person who has entered into possession of land that has previously been reserved for the grazing of village cattle or for other public purposes, or who has entered into possession of land from which he has previously been excluded by general or special orders :

Provided that such person has not acquired in respect to such land the status of a proprietor, landholder or settlement-holder.

### SECTION I.

#### SPECIAL CULTIVATION.

1. *Special cultivation* means cultivation which involves, either owing to the nature of the crop or owing to the process of cultivation, a much larger expenditure of capital per acre than is incurred by most of the cultivators in the province. Definitions.

*Waste land* in this section means unoccupied land, the property of Government, which Government has not disposed of by lease, grant, or otherwise, and which is of such a character or in such a position that it is not likely to be taken up for cultivation other than special cultivation within a reasonable time.

*Cost of survey* includes cost incurred by the Deputy Commissioner for the pay of the Surveyor and of his establishment.

2. Only waste lands as defined in rule 1 can be taken up for special cultivation :

Provided that no lands may be taken up under this section which lie within 35 feet of the edge or base of the embankment of any provincial or local road.

What lands can be taken up for special cultivation.



Lands which may not be leased under this section.

3. (1) Ordinarily, waste land of the following descriptions shall not be leased under this section without the special sanction of the Local Government :—

- (a) Land in forests reserved, or proposed to be reserved, under section 5 of the Assam Forest Regulation, VII of 1891, and land in unclassified forests containing *sâl* or other valuable timber species.
- (b) Land specially valuable for grazing or for the supply of fuel and other forest produce.
- (c) Land known or supposed to contain valuable minerals.
- (d) Land claimed by wild tribes, or over which the inhabitants of neighbouring villages claim special privileges.

(2) The Deputy Commissioner shall refer all applications received for waste lands to the Divisional Forest Officer for report on 1(a) and (b) above.

Act XXIII of 1863.

4. The provisions of Act XXIII, 1863, shall apply to leases of land sold under this section.

Applications for land.

5. Applications for waste land required for the purposes of special cultivation shall be submitted to the Deputy Commissioner of the district either direct or through the Subdivisional Officer of the subdivision in which the land is situate, and shall give the following particulars :—

- (1) Name and address of applicant.
- (2) Nature of the special cultivation for which the land is required.
- (3) Estimated area in acres of the land, with its character and description.
- (4) The situation of the land and its boundaries, ascertained and described as fully as possible.
- (5) What grants or leases for special cultivation, or interest in any such grants or leases, the applicant already holds in the district.

Limit of area which application can be made.

6. No application for a single lease under this section shall be entertained if the area applied for exceeds 600 acres except with the special sanction of the Local Government ; and if the applicant already possesses a grant or lease of

waste land for special cultivation, or an interest in any such grant or lease, the Deputy Commissioner shall enquire whether he really intends to cultivate or plant the additional area applied for and shall not entertain the application until he has satisfied himself on this head.

7. Every lot applied for must be compact, including no more than one tract of land, such as might be enclosed within a ringfence. If the land touches a public road or navigable river, the length of the road or river frontage must not exceed one-half the depth of the lot; but if for any special reasons the Local Government see fit to relax this restriction, they may do so.

Land applied to be compact.

8. The applicant shall, at the time of presenting his application, deposit a sum to cover cost of survey at the rate of twelve annas per acre when the survey is to be carried out by a Government officer, and at seven annas per acre when it is effected by an approved private surveyor. This sum shall be calculated on the area which the lot is estimated by the applicant to contain. In cases in which the area applied for exceeds 10,000 acres, if the Local Government are satisfied that the charge so calculated is seriously in excess of the actual cost of survey, they may refund so much of the deposit as seems to them to be excessive. If the area applied for exceeds 100 acres, the applicant shall further deposit Rs. 16 for expenses of advertisement under rule 14.

Deposit of cost of survey and of demarcation of boundaries.

The Deputy Commissioner shall ascertain from the applicant whether he desires to clear and demarcate the boundaries himself prior to survey; if so, he may be permitted to do so in the manner required by the Deputy Commissioner. If the Deputy Commissioner undertake the clearing and preliminary demarcation of boundaries on behalf of the applicant, the applicant shall deposit, in addition to the cost of survey, the cost of clearing and demarcation as estimated by the Deputy Commissioner, and shall point out the boundaries to the surveyor.

On the failure of the applicant to make the deposits required by this rule within one month of date of application, or to point out the boundaries to the surveyor after due notice, the application shall be rejected.

9. After deposit of cost of survey, advertisement, and demarcation under rule 8, the Deputy Commissioner shall cause the land to be surveyed, and a map prepared on the

Survey of land.