

LAND REGISTRATION ACT, 1876

7 of 1876

[23rd August, 1876]

CONTENTS

PART 1 :- PRELIMINARY

1. Short title
2. Regulations repealed
3. Interpretation clause

PART 2 :- OF THE REGISTERS TO BE KEPT UP BY THE COLLECTOR

4. Collector to keep registers.
5. Forms, language, character and arrangement of registers
6. General register of revenue paying lands
7. Part I of general register.
8. Part II of general register.
9. General register of revenue-free lands.
10. Part I of general register of revenue free lands.
11. Part II of general register of revenue free lands.
12. Part III of general register of revenue free lands.
13. Board may direct that three last sections shall not apply to any district.
14. Purpose of mauzawar register.
15. Mauzawar register to be arranged according to local divisions.
16. Intermediate registers.
17. Division of intermediate register.
18. Particulars of Part I of intermediate register.
19. Particulars of Part II of intermediate register.
- 19A. Power of Board to issue orders as to record of matters required to be entered in Register A or Part I of Register D.
- 19B. Act to be read subject to orders so issued.

PART 3 :- PREPARATION AND MAINTENANCE OF THE REGISTERS

20. Old registers to be in force till new registers prepared.
21. How registers to be prepared.
22. Board may order new registers to be prepared.
23. Entry of estate on Part of general register.
24. Entry of mauza under local division of mauzawar register.
25. Order of entries under two preceding sections.
26. Note to be made on general register.

27. Note on general register of revenue free lands.
28. Collector, after inquiry, may make change in register.
29. When Collector may order name of proprietor to be struck out of register.
30. Information to be supplied to Collector.
31. Penalties for not giving notice or furnishing information.
32. When register may be altered on order of Civil Court.
33. Lands held without payment of rent deemed to be pan of certain estates.
34. Collector may include any lands in an estate.
35. Collector may register lands as a revenue free estate and call on proprietor to apply for registration.
36. Board to decide what lands to be included in each revenue free property.
37. Collector may serve notice (or inclusion of lands in revenue free property

PART 4 :- OF THE REGISTRATION AND MUTATION OF NAMES

38. Proprietor and manager to register within specified time.
39. State Government may fix date before which proprietor and manager must apply for registration.
40. State Government may fix different dates in respect of different estates.
41. Publication of date fixed by State Government.
42. Person succeeding to proprietary right in, or management of, estates to give information within six months.
43. State Government may exempt proprietors from obligations imposed by Act.
44. Mortgagee may apply for registration.
45. Presentation of application.
46. Manager to specify extent of interest of each person for whom he manages.
47. Collector when to register applicant for registration as manager appointed by authority.
48. Notice to objectors.
49. Such notice shall be published by affixing a copy of the same on or at all the following places
50. Notice to transferor.
51. Effect of irregularity in publication of service of notice.
52. Inquiry by Collector.
53. Power to summon witnesses and compel production of documents.
- 53A. Record of evidence in inquiries.
54. Payment of costs
55. Dispute as to possession, succession or acquisition by transfer.
56. In cases of disputed possession, etc., Collector may appoint receiver.
57. Effect of Collectors order.
58. Procedure on reference under section 55.

- 59. Procedure on receipt of reference.
- 60. Judge may appoint curator.
- 61. Costs.
- 62. Effect of summary decision of Court.
- 63. Court to certify its determination to Collector.
- 64. Collector to levy fees on transfers.
- 65. Penalty for omitting to comply with Act.
- 66. Fine may be levied notwithstanding appeal.
- 67. No penalty on person who applies suo motu.
- 68. Liabilities of proprietors and managers.

PART 5 :- OF THE OPENING OF SEPARATE ACCOUNTS IN RESPECT OF SHARES

- 69. Opening of separate account of share of applicant under the Bengal Land revenue Sales Act, 1859.
- 70. Proprietor holding undivided interest in specific lands may apply for separate account.
- 71. Sections 12, 13 and 14 of Act 11 of 1859 applied.
- 72. Application to close separate account.
- 73. Separate account may be closed and another opened.
- 74. Procedure in case of objection.
- 74A. Power of Collector to close a separate account otherwise than upon application.

PART 6 :- MISCELLANEOUS

- 75. Collector to furnish extract from register.
- 76. Collector to furnish translation of extract.
- 77. Changes in names of proprietors, etc., and extent of interest to be notified on estate.
- 78. No person bound to pay rent to claimant not registered.
- 79. Indemnity to persons paying rent to registered proprietor.
- 80. Payment of sums payable by Collector to proprietors jointly.
- 81. Saving of written contracts and recovery from person receiving money.
- 82. Every amount due deemed to be a demand.
- 83. Collector may require proprietor to name estate.
- 84. Collector may delegate duties.
- 85. Appeal.
- 86. Exclusion of time in case of appeals.
- 87. State Government may vest officer with special appellate powers.
- 88. Board may make certain rules.
- 89. Saving clause.

LAND REGISTRATION ACT, 1876

7 of 1876

[23rd August, 1876]

An Act to provide for the registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof. Preamble. WHEREAS it is expedient to make better provision for the preparation and maintenance of registers of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, and of certain mortgages of revenue-paying lands; It is hereby enacted as follows

PART 1
PRELIMINARY

1. Short title :-

This Act may be called the Land Registration Act, 1876, Commencement. Rep. by Act 1 of 1903.

2. Regulations repealed :-

Rep. by Act 1 of 1903.

3. Interpretation clause :-

In this Act, unless there be something repugnant in the subject or context,

(1) "Civil court" means any Civil Court which is competent to hear and determine the matter with respect to which the words are used;

(2) "estate" includes

(a) any land subject to the payment of land-revenue, either immediately or prospectively, for the discharge of which a separate engagement has been entered into with 1[the Government];

(b) any land which is entered on the revenue-roll as separately assessed with land-revenue (whether the amount of such assessment be payable immediately or prospectively), although no engagement has been entered into with J[the Government] for the amount of revenue so separately assessed upon it as a whole;

(c) any land being the property of ¹[the Government] of which the Board shall have directed the separate entry on the general register hereinafter mentioned ²[or on any other register prescribed for the purpose by rule made under this Act];

(3) "extent of interest" means the share or interest in an estate or revenue-free property of which the person with respect to whom the words are used is in possession as proprietor or manager; ³* *

* * *

(5) "local division" means a subdivision pargana, thana, police division or jurisdiction, or other division according to which the mauzawar register of the district is arranged;

(6) "Manager" means every person who is appointed by the Collec

⁴(7) "mauza" means the area defined, surveyed and recorded as a distinct and separate mauza in

(a) the general land-revenue survey which has been made of the ⁵[State] ⁶* or

(b) any survey made ⁷[by any Government] which may be adopted ⁸[by the State Government] by notification in the ⁹[Official Gazette], as defining mauzas for the purposes of this clause in any specified area; and, where a survey has not been ¹⁰[so made or adopted by the State Government], such area as the Collector may, with the sanction of the Board of Revenue, by general or special order, declare to constitute a mauza;

(8) "proprietor" means every person being in possession of an estate or revenue-free property, or of any interest in an estate or revenue-free property, as owner thereof; and includes every farmer and lessee who holds an estate or revenue-free property directly from or under the Collector;

(9) "recorded proprietor" means any proprietor whose name, and the

(10) "revenue-free property" means any land not subject to the payment of land-revenue which is included under one entry in any part of the general register of revenue-free lands;

(11) "section" means a section of this Act;

¹¹(12) "the Board" means the Board of Revenue for the ¹²[State];

(13) "the Collector" means the Collector of the district to which a register relates;

(14) "the district" means the district to which a register relates.

1. Words "the Crown" first subs, for the word "Government" by the the Government of India (Adaptation of Indian Laws) Order, 1937,

- then the word "Government" subs, for the word "Crown" by the Adaptation of Laws, Order, 1950.
2. Words within third brackets subs, for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.
 3. Clause (4) om. by the Government of India (Adaptation of Indian Laws) Order, 1937, which was as under: (4) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity. 'tor, the Court of Wards or by any Civil or Criminal Court to manage any estate or revenue-free property or any part thereof, and every person who is in charge of an estate or revenue free property or any part thereof on behalf of a minor, idiot or lunatic, or on behalf of a religious or charitable foundation 4for as a trustee or executor
 4. Clause (7) subs, for original clause for Eastern Bengal by E.B. and A. Act 1 of 1907. Original clause (7) was as under: (7) "Mouzah" includes every village, hamlet, tolah, and other similar subdivision of land commonly in use in any district, by whatever name such subdivision may be known. '.
 5. Words subs, for the word "Province" by the Adaptation of Laws Order, 1950.
 6. Words "of Bengal" om. by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
 7. Words subs, for the words "by the Government" by the Government of India (Adaptation of Indian Laws) Order. 1937.
 8. Words "by the Provincial Government" first ins. by the Government of India (Adaptation of Indian Laws) Order, 1937; then the word "State" subs. for the words "Provincial" by the Adaptation of Laws Order. 1950.
 9. Words subs, for the word "Government Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.
 10. Words "so made or adopted by the Provincial Government" first subs, for the words "made by, or under the authority of, the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.
 11. Clause (12) subs, by the Government of India (Adaptation of Indian Laws) Order. 1937. Original clause (12) was as under: (12) "The Board" means the Board of Revenue of the Provinces for the time being subject to the Lieutenant-Governor of Bengal.
 12. Word subs, for the word "Province" by the Adaptation of Laws Order, 1950.

PART 2

OF THE REGISTERS TO BE KEPT UP BY THE COLLECTOR

4. Collector to keep registers. :-

The Collector of every district shall prepare and keep up the following registers :

A. A general register of revenue-paying lands.

B. A general register of revenue-free lands.

C. A mauza-wise register of all lands revenue-paying and revenue-free.

D. An intermediate register of changes affecting entries in the general and mauzawar registers.

5. Forms, language, character and arrangement of registers

:-

The registers shall be written in such forms, languages and character, and shall be arranged in such manner not being inconsistent with the provisions of this Act. as the Board from time to time may direct for each district. **1 ******

1. The second paragraph of sec. 5 rep., in Western Bengal by Ben. Act 2 of 1906, and in Eastern Bengal by E.B. and A. Act 1 of 1907.

6. General register of revenue paying lands :-

The general register of revenue-paying lands shall consist of two parts: Part I. Book of estates borne on the revenue-roll of the district. Part II. Book of lands situated in the district appertaining to estates borne on the revenue-rolls of other districts.

7. Part I of general register. :-

In Part I of the general register of revenue-paying lands shall be entered the name of every estate which is borne on the revenue-roll of the district, and the following particulars relating to every such estate:

(a) name of the estate;

(b) number of the estate on the revenue-roll of the district, and the annual amount of revenue for which it is liable;

(c) names and addresses of the proprietors, managers and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager and mortgagee;

(d) name of every local division in which any lands of the estate are situated, whether in the district or in any other district, with specification under each local division of

(i) the number of mauzas containing such lands,

(ii) the name of each mauza,

(iii) the number which each mauza bears under the local division in

the mauzawar register, and

(iv) the area of land appertaining to the estate which each mauza contains, if ascertained by survey or other authentic measurement;

¹ (e) reference to entries made in the intermediate register after the preparation of the general register.

1. Clause (e) rep., by Ben. Act 2 of 1906 and E.B. and A. Act 1 of 1907, in the districts in respect of which any order is issued under any clause of sec. 19A of the present Act.

8. Part II of general register. :-

In Part II of the general register of revenue-paying lands shall be entered the name of every estate which comprises lands situated in the district but which is borne on the revenue-roll of some other district, and the following particulars relating to every such estate:

(a) name of the estate:

(b) name of the district on the revenue-roll of which the estate is borne, with the number which the estate bears on that roll, the annual amount of revenue for which it is liable, ¹[and the number which the estate bears in Part I of the general register of revenue-paying lands for its own district];

(c) names and addresses of the proprietors, managers or mortgagees of the estate, with the character and extent of the interest of each proprietor, manager and mortgagee;

(d) name of every local division of the district to which the register relates, in which any lands of the estate are situated, with a specification under each local division of

(i) the number of mauzas containing such lands,

(ii) the name of each mauza,

(iii) the number which each mauza bears under the local division in the mauzawar register of the district, and

(iv) the area of land appertaining to the estate which each mauza contains, if ascertained by survey or other authentic measurement;

² (e) reference to entries made in the intermediate register after the preparation of the general register.

1. Words rep., by Ben. Act 2 of 1906 and E.B. and A. Act 1 of 1907. in the districts in respect of which any order is issued under

clause (a) or clause (b) of sec. 19A of the present Act.

2. Clause (e) rep., by Ben. Act 2 of 1906 and E.B. and A. Act 1 of 1907. in the districts in respect of which any order is issued under any clause of sec. 19A of the present Act.

9. General register of revenue-free lands. :-

The general register of revenue-free lands shall consist of three parts Part I. Book of lands held exempt from revenue in perpetuity. Part II. Book of lands occupied for public purposes without payment of revenue. Part III. Book of unassessed waste-lands and other lands not included in Part I or Part II of the general register of revenue-free lands.

10. Part I of general register of revenue free lands. :-

In Part I of general register of revenue-free lands shall be entered, all lands held under badshahi hukami and other lakhiraj grants which have been declared to be valid by competent authority, all lands in which ¹ [the Government] has conferred a proprietary title free in perpetuity from any demand on account of land-revenue, in consideration of the payment of a capitalized sum, or for any other reason, and any lands of which the Board, on a full report of the circumstances of the case, shall have sanctioned the entry in this Part of such register. Part I of such register shall, as far as possible, contain the following particulars in respect of each entry:

(a) name of the revenue-free property, with the character of the tenure, whether jagir, altamgha, debottar, bishunpirit, purchased revenue-free, redeemed or otherwise;

(b) date of the grant or title being conferred;

(c) nominal area granted;

(d) names of the grantor and original grantee;

(e) reference to any decree or other order of competent authority declaring or recognizing the grant to be valid;

(f) names and addresses of the proprietors and managers of the revenue-free property, with the character and extent of the interest of each proprietor and manager;

(g) name of every local division in which any land appertaining to

(i) the number of mauzas containing such land,

(ii) the name of each mauza,

(iii) the number which each mauza bears under the local division in the mauzawar register, and

(iv) the area of land appertaining to the revenue-free property which the mauza contains if ascertained by survey or other authentic measurement, with specification of the number of each field according to the papers of such measurement;

(h) reference to the entries in earlier registers relating to the property or any part thereof;

(i) reference to entries made in any intermediate register after the preparation of the general register.

1. Words "the Corwn" first subs, for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order. 1937, then again the word "Government" subs, for the word "Crown" by the Adaptation of Laws Order. 1950.

11. Part II of general register of revenue free lands. :-

In Part II of the general register of revenue-free lands shall be entered all lands which are occupied ¹ [by the Government] or by any public body, for public purposes, and on account of which no land-revenue is demanded. It shall contain the following particulars :

(a) area of the land comprised in each entry;

(b) names of the local divisions and mauzas in which the lands are situated, with area in each mauza and a reference to the number under which each mauza is entered in the mauzawar register of the local division;

(c) name of the department of Government or of the public body by which the land is occupied;

(d) the purpose for which it is occupied;

(e) the date and particulars of the appropriation of the land to such purpose;

(f) reference to entries in the intermediate register made after the preparation of the general register.

1. Words "by the Crown" first subs, for the words "by the Government" by the Government of India (Adaptation of Indian Laws) Order. 1937, then word "Government" subs, for the word "Crown" by the Adaptation of Laws Order, 1950.

12. Part III of general register of revenue free lands. :-

In Part III of the general register of revenue-free lands shall be entered all waste and other lands (not being included in any other part of the general register) which are not assessed to land-revenue. It shall contain the following particulars :

- (a) name and number of the lot, or other particulars identifying the property;
- (b) area comprised in each entry;
- (c) name of every local division and mauza in which lands of the
- (d) reference to entries in the intermediate register made after the preparation of the general register.

13. Board may direct that three last sections shall not apply to any district. :-

If it shall appear to the Board that the circumstances of any district are such, ²⁰[or that, in consequence of the preparation of a record-of-rights, or for any other reason, the circumstances of any district or part of a district are so altered,] that it is not desirable or practicable to prepare ²¹[or re-write or maintain] the register of revenue-free lands in the manner described in the three last preceding sections, the Board may direct that the said sections shall not apply to such district, and may lay down rules, not being inconsistent with the provisions of this Act, in respect of the registration of revenue-free lands and of the proprietors and managers thereof:

Provided that such rules shall require the registration of the name of one or more persons as liable for the discharge of the duties and obligations referred to in section 68 in respect of all lands which under such rules may be registered as separate revenue-free properties. Such rules, when they shall have been sanctioned by the ²²[State Government] and published in the ²³[Official Gazette] and otherwise locally as the ²² [State Government] may order, shall, from such date as the ²²[State Government] may direct, have the same force as if they were included in this Act.

20. Words ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

21. Words ins. for Western Bengal by Ben. Act 2 of 1906.

22. Words "Provincial Government" first subs, for the words "Lieutenant Governor" by the Government of India (Adaptation of

Indian Laws) Order 1937, then the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

23. Words subs, for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937

22. Words "Provincial Government" first subs, for the words "Lieutenant Governor" by the Government of India (Adaptation of Indian Laws) Order 1937, then the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

14. Purpose of mauzawar register. :-

The mauzawar register shall be kept up for the purpose of showing, in a connected form, the mauzas situated in each local division, and the lands, whether revenue-paying or revenue-free, of which each mauza consists.

15. Mauzawar register to be arranged according to local divisions. :-

The mauzawar register shall be arranged and divided according to subdivisions, parganas, thanas, police-jurisdictions, or such other local divisions of the district as the Board may from time to time direct for each district; the entries of mauzas shall have a separate series of consecutive numbers ¹ [for each local division, and shall be so arranged as the Board may direct.!] The mauzawar register shall contain the following particulars :

(a) name of the mauza;

(b) total area of mauza, if ascertained by survey or other authentic measurement, with a reference to the authority for the entry;

(c) name of every estate or revenue-free property to which any of the lands of the mauza appertain, with a reference to the entry of each on the general register, and a specification of the area of land in the mauza which appertains to each, if ascertained by survey or other authentic measurement, with a reference to the authority for such entry;

(d) gross rental of the area of land in the mauza which appertains to each estate or property, if such rental has been ascertained during management of the lands by the Collector or by other authentic means, with a reference to the authority for the entry;

(e) reference to entries made in intermediate registers after, the preparation of the mauzawar register.

1. Words subs, for the words "and a separate alphabetical arrangement for each local division," for Western Bengal by Ben.

Act 2 of 1906 and, for Eastern Bengal by E.B. and A. Act 1 of 1907.

16. Intermediate registers. :-

Intermediate registers shall be kept up for the purpose of recording therein from time to time changes affecting the entries which stand in the general and mauzawar registers, so that by a reference to them, in connection with those registers, correct information up to date on the points recorded may be obtained at any time; also for the purpose of keeping together, as far as possible, in a convenient form, the information which will eventually be required for re-writing the general and mauzawar registers.

17. Division of intermediate register. :-

The intermediate register shall consist of two parts, as follows :
Part I. Book of changes affecting entries relating to revenue-paying lands. Part II. Book of changes affecting entries relating to revenue-free lands.

18. Particulars of Part I of intermediate register. :-

In Part I of the intermediate register shall be recorded, on a convenient form, all changes in the names of proprietors, managers and (so far as this Act requires) mortgagees, and in the character or extent of the interest of each such proprietor, manager and mortgagee, and such other changes affecting any entry standing in the general register of revenue-paying lands, or any entry in the mauzawar register relating to revenue-paying lands as cannot conveniently be entered against such entry in the general or the mauzawar register. It shall contain the following particulars :

(a) name of the estate affected, with references to ¹[the number it bears on the general register of revenue-paying lands,] the number it bears on the revenue-roll, and the amount of revenue for which it is liable;

(b) references to previous entries in the intermediate register relating to the estate;

(c) particulars of the change, with a reference to the authority under which it is made;

(d) the numbers borne by the entries ² [in each Part of the general register of revenue-paying lands,] and under each local division in the mauzawar register which are affected by the change here recorded.

1. Words rep., by Ben. Act 2 of 1906 and E. B. and A. Act 1 of 1907. in the districts in respect of which any order is issued under clause (a) or clause (b) of sec. 19A of the present Act.
2. Words rep., by Ben. Act 2 of 1906 and E. B. and A. Act 1 of 1907, in the districts in respect of which any order is issued under clause (a) or clause (b) of sec. 19A of the present Act.

19. Particulars of Part II of intermediate register. :-

In Part II of the intermediate register shall be recorded all changes in the names of proprietors and managers of revenue-free properties, and in the character and extent of interest of each such proprietor and manager, and such other changes affecting any entry standing in the general register of revenue-free lands, or any entry relating to revenue-free lands in the mauzawar register, as cannot conveniently be entered against such entry in the general or the mauzawar register. It shall contain the following particulars :

- (a) name and character of the revenue-free property to which the lands appertain, and number which it bears in any part of the register of revenue-free lands;
- (b) reference to previous entries in the intermediate register relating to the property;
- (c) particulars of the change, with a reference to the authority under which it is made;
- (d) the numbers borne by the entries in the general register and under each local division in the mauzawar register which are affected by the change here recorded.

19A. Power of Board to issue orders as to record of matters required to be entered in Register A or Part I of Register D.

:-

¹ Notwithstanding anything contained in other sections of this Act, the Board may from time to time, by written order, direct, in respect of all or any districts,

- (a) that all matters required by this Act to be entered in the general register of revenue-paying lands and Part I of the intermediate register, respectively, shall be entered in a combined register to be prescribed by the Board, instead of the aforesaid registers, or
- (b) that all matters required by this Act to be entered in the general register of revenue-paying lands shall be entered in Part I

of the intermediate register instead of in the general register of revenue-paying lands, or

(c) that all matters required by this Act to be entered in Part I of the intermediate register shall be entered in the general register of revenue-paying lands instead of in the intermediate register.

Explanation. An order issued under this section may merely direct the entry of matters in some register other than that prescribed for the purpose by other sections of the Act. It may not prohibit the record of matters which are required by the Act to be recorded.

1. Sec 19A ins. for Eastern Bengal by E. B. and A. Act 1 of 1907.

19B. Act to be read subject to orders so issued. :-

¹ All provisions of this Act (other than section 19A) as to the maintenance of registers, as to the entry of matters in any particular register or in any particular Part of any register, and as to other matters relating in registers, shall be read subject to any orders issued by the Board under section 19A and for the time being in force,

1. Sec. 19B ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

PART 3

PREPARATION AND MAINTENANCE OF THE REGISTERS

20. Old registers to be in force till new registers prepared.

:-

Until the registers by this Act directed to be prepared are so prepared the existing registers now kept up in the office of every Collector shall be deemed to be the registers kept up under this Act, that is to say, the existing general register of revenue-paying estates shall be deemed to be the general register of revenue-paying lands; the existing pargana register (Part II) of revenue-free lands shall be deemed to be the general register of revenue-free lands and the mauzawar register in respect of revenue-free lands; the existing pargana register (Part I) of revenue-paying lands shall be deemed to be the mauzawar register in respect of revenue-paying lands; the existing register of intermediate mutations shall be deemed to be the intermediate register of changes affecting entries in the general and mauzawar registers; and all the provisions of this Act shall, as far as possible, be deemed to be applicable to such registers and to the registration therein of the names and interests of proprietors, managers and

mortgagees.

21. How registers to be prepared. :-

The first general registers and the first mauzawar register under this Act shall be prepared for each district at such time as the Board may direct from the entries in the existing registers mentioned in the last preceding section, and from any other authentic information available to the Collector.

22. Board may order new registers to be prepared. :-

The Board may order new registers to be prepared whenever it may think fit, and such registers shall be prepared from the registers existing at the time of such order, and from the entries of subsequent changes in the intermediate registers, and from any other authentic information available to the Collector; and such additions to, omissions from, and alterations in, the entries as they appeared in the previous registers shall be made as subsequent changes have rendered necessary, and the authority for every changes shall be expressly referred to.

23. Entry of estate on Part of general register. :-

Whenever, after the preparation of the general registers, it may be necessary to bring any estate or revenue-free property on to any Part of such registers on which such estate or property is not already borne, such estate or property shall be at once brought on to such Part under a new number in continuation of the last number already borne on such Part; ¹ * * * * *

1. Words and figure "and a note referring to such entry shall be made in the place in the general register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section 5" om. in Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

24. Entry of mauza under local division of mauzawar register. :-

Whenever, after the preparation of the mauzawar register, it shall be necessary to enter any mauza under any local division of such register under which it is not already borne, such mauza shall be at once brought under the proper local division with a new number in continuation of the number borne by the last entry under such local division; and a note referring to such entry shall be made in the place in the mauzawar register in which such estate or property would have appeared according to ¹ [the arrangement directed

under section 15].

1. Words and figures subs, for the words and figures "the alphabetical arrangement mentioned in section 15" for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907

25. Order of entries under two preceding sections. :-

Rep. in Western Bengal, by Ben. Act 2 of 1906, and, in Eastern Bengal, by E.B and A. Act.1 of 1907.

26. Note to be made on general register. :-

After the general register of revenue-paying lands shall have been prepared, a note shall from time to time be made on such register against the estate affected of every alteration which may be ordered by competent authority in the amount of revenue assessed on any estate; of every partition of an estate into two or more estates; of every change involving the removal of an estate from the part of the register on which it is borne; of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the register; and in every such note reference shall be made to the authority under which the change was made. In preparing the register space shall be left for the future entry of such notes against each estate. Any other changes affecting the entries as they stand in the register may be recorded in Part I of the intermediate register, as provided in section 18, and a reference shall be made in the general register against the estate affected to every entry which may be made in the intermediate registers recording any such change.

27. Note on general register of revenue free lands. :-

After the general register of revenue-free lands shall have been prepared, a note shall from time to time be made on such register against the property affected of every case in which lands entered as revenue-free may be declared liable to assessment, and assessed by competent authority; of every partition of a revenue-free property into two or more properties; of every change involving the removal of a revenue-free property from the part of the register on which it is borne; and in every such note reference shall be made to the authority under which the change was made. In preparing the register space shall be left for the future entry of such notes against each estate. Any other changes affecting the entries as they stand on the register may be recorded in Part II of the intermediate register as provided in section 19.

28. Collector, after inquiry, may make change in register. :-

Whenever it shall come to the notice of the Collector that any change has occurred which affects any entry in his registers, and renders necessary any alteration therein, the Collector, after making such inquiry as may be necessary, shall make such alteration :

¹ Provided that, except when changes are made in the general register of revenue-paying lands or in the mauzawar register in order to bring the entries in these registers into accordance with a record-of-rights finally published under the provisions of the Bengal Tenancy Act, 1885, notice shall be given to the recorded proprietors and managers of any estate or revenue-free property before any change is made in any way affecting such ² [The notice required under this section shall be served in the manner prescribed by section 50.

1. Proviso subs, by Ben. Act 3 of 1936, which was earlier as under: "Provided that notice shall be given to the recorded proprietors and managers of any estate or revenue-free property before any change is made in any way affecting such estate or property, and to every person whose name the Collector is about to register as proprietor or manager of any estate or revenue-free property, before such registration is effected; and any objections which may be made to the proposed change or registration shall be duly considered by the Collector before he orders such change or registration to be made."

2. Words ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

29. When Collector may order name of proprietor to be struck out of register. :-

Whenever it shall appear to the Collector, in the course of an inquiry made in respect of an application under section 38 or section 42 or otherwise that any person whose name is recorded in the general register as proprietor or manager or joint-proprietor or joint-manager, of an estate or revenue-free property, is no longer in possession of any interest in such estate or property as proprietor or manager, and that the names of other persons have been recorded as proprietors or managers of every portion of the interest in respect of which such proprietor's or manager's name was borne on the register, the Collector may order the name of such person to be struck out from among the recorded proprietors or managers of such estate or property and, if required, may grant him a certificate to that effect.

30. Information to be supplied to Collector. :-

To enable the Collector more effectually to maintain his registers,

(a) whenever any competent authority may direct that any estate be transferred from the revenue-roll of one district to that of another, the Collector of the district from the revenue-roll of which the estate is to be transferred shall transmit to the Collector of the district to the revenue-roll of which the transfer is to be made a copy of all entries in any of the registers relating to the estate to be so transferred, and entries taken from such copy shall be made in the proper registers of the district to which the transfer is made;

(b) whenever the Collector of any district shall make an entry, or any alteration of any entry, in his registers, which will affect any entry required to be made under this Act in any register of another district, such Collector shall transmit to the Collector such other district copy of such entry as made or as altered, and the Collector to whom such copy is transmitted shall cause the necessary entries, or alteration of entries, to be made in the registers of his district;

1* * * *

(c) every proprietor and manager of an estate or revenue-free property, and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the Collector, to furnish any information required by the Collector for the ²[entry of matters directed to be entered in any register prescribed by this Act or by any rule or order thereunder], or to show to the satisfaction of the Collector that it is not in his power to furnish the required information. Such requisition shall be made by a notice to be served in the manner prescribed by section 50, requiring the production of such information before a date mentioned in such notice.

3 (d) whenever any minor, disqualified proprietor or other beneficiary, whose name has been recorded in any register along with that of a guardian or manager, lawfully assumes direct charge of his estate, he shall within six months give notice to the Collector and apply for correction -of the register by removal therefrom of the name of such guardian or manager.

1. Clause (c) om. in Eastern Bengal by E. B. and A. Act 1 of 1907

2. Words subs, for the words and figures "purpose of preparing, making or correcting any entry of the particulars specified in sections 7,8, 10, 11, 12 or 15", for Eastern Bengal, by E.B. and A.

Act 1 of 1907.

3. Clause (d) ins. for Eastern Bengal by E.B. and A. Act 1 of 1907.

31. Penalties for not giving notice or furnishing information. :-

Whoever, being bound ¹* * * * under clause (d) of ²[section 30] to furnish any information required by the Collector, ³ [or under clause (e) of the said section to give notice of his having assumed direct charge of an estate], shall voluntarily or negligently omit to give such notice or furnish such information, or to show to the satisfaction of the Collector that it is not in his power to furnish information, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees, for such omission; and the Collector may impose such further daily fine as he may think proper, not exceeding fifty rupees, for each day during which such person shall omit to furnish the information required under clause (d) after a date to be fixed by the Collector in a notice warning the person required to furnish such information that such further daily fine will be imposed. Such notice shall be served in the manner prescribed by section 50. and the date fixed by such notice shall not be less than 15 days after service thereof. The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section, notwithstanding that an appeal against the order imposing such fine may be pending :

Provided that, whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case-specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

1. Words, letter and brackets "by clause (c) of the last preceding section to give notice to the Collector of the establishment of any new village, or" om. by Ben. Act 1 of 1914.

2. Word and figures subs, for the words "the said section" by Ben. Act 1 of 1914.

3. Words, letter and brackets ins., for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

32. When register may be altered on order of Civil Court. :-

Whenever any Civil Court makes a decree confirming any transfer of proprietary possession which has already been made in any estate or revenue-free property, or gives effect to any decree transferring any such possession, such Court may order the transfer

to be registered in the registers of the Collector and the Collector shall register such transfer accordingly.

33. Lands held without payment of rent deemed to be part of certain estates. :-

All lands which are held without payment of rent, not being a revenue-free property entered in the general register of revenue-free lands, as prescribed by sections 10, 11 or 12 and not being a part of any such property, shall, for the purposes of this Act, be deemed to be a part of the estate within the local boundaries of which they are included; and, if they are not included within the local boundaries of any one estate, then to be a part of such neighbouring estate as the Collector shall, by an order under his seal and signature, declare.

34. Collector may include any lands in an estate. :-

Whenever it shall appear to the Collector that any lands which are not included in any estate as entered in the existing general register should be included in any such estate for the purposes of this Act, the Collector shall cause a notice addressed to the person who is believed to be in possession of such lands, to be served in the manner prescribed by section 50, and a general notice to be published as prescribed by section 49, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may think fit to allow. After the expiration of the said month or other period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said estate for the purposes of this Act.

35. Collector may register lands as a revenue free estate and call on proprietor to apply for registration. :-

Whenever it shall appear to the Collector that any land which is not entered on the general register as a separate revenue-free property should be entered on the register as such property, he may cause a notice to be served in the manner prescribed by section 50, calling on the person in possession of such land as proprietor or manager to show cause why such land should not be so registered as a revenue-free property; and if, after hearing any objections (which may be preferred within a month of the service of the said notice, or such longer period as the Collector may think fit to allow), and after making such further inquiry as may be necessary, the

Collector shall be of opinion that the land should be so registered, he shall enter such land on the general register as a revenue-free property; and by a notice served as prescribed in section 50, as well as by general notice published as prescribed in section 49, shall require every proprietor and manager of such revenue-free property to apply for registration of his name and of the character and extent of his interest as such proprietor or manager; and thereupon every such proprietor and manager shall be deemed, for the purposes of section 68, to be a person who is required by this Act to apply for the registration of his name; and all -the provisions of Part IV of this Act, so far as may be practicable, shall apply to every such person:

Provided that no such proprietor or manager shall be liable to any fine under section 65 until after the expiration of three months from the date on which the last-mentioned notice shall have been served:

Provided, also, that no land shall be entered as a revenue-free property in Part I of the general register of revenue-free lands until the circumstances of the case shall have been reported to the Board, and until the Board shall have sanctioned such entry.

36. Board to decide what lands to be included in each revenue free property. :-

The Board may decide what revenue-free lands shall be included in each revenue-free property to be registered as such under this Act, and may from time to time direct that lands which are borne on the register as forming one revenue-free property shall be divided and entered on the register as forming two or more such properties; and may similarly direct that revenue-free lands which are borne on the register as forming two or more revenue-free properties shall be united and entered as forming one revenue-free property. The Board may also direct that any lands which are improperly borne upon the general register of revenue-free lands shall be removed from such register, or shall be omitted from any new register of such lands which may be prepared.

37. Collector may serve notice (or inclusion of lands in revenue free property) :-

Whenever it shall appear to the Collector that any land which is not included in any revenue-free property entered in the existing general register should be included in any such property for the purposes of this Act, the Collector may cause a notice to be served

on the person believed to be in possession of such lands in the manner prescribed by section 50, and a general notice, to be published as prescribed by section 49, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may allow. At the expiration of the said month or of such period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said property for the purposes of this Act.

PART 4

OF THE REGISTRATION AND MUTATION OF NAMES

38. Proprietor and manager to register within specified time. :-

¹Every proprietor of an estate or revenue-free property or of any interest therein, respectively, being in possession of such estate, property, or interest at the commencement of this Act, every joint proprietor of an estate or revenue-free property being in charge of such estate or property or of any interest therein, respectively, on behalf of the other proprietors thereof, at the commencement of this Act. and every person being manager of an estate or revenue-free property, or of any interest therein, respectively, on behalf of a proprietor thereof, at the commencement of this Act, shall, if his name and the character and extent of his interest have not, already been registered, make application, in the manner hereinafter provided, for the registration of his name and of the character and extent of his interest as such proprietor or manager to the Collector of the district on the general register of which such estate or property is borne, or to any other-officer who may have been empowered by the Collector to receive such application within such time as the ² [State Government] may fix as hereinafter provided.

1. Sees. 38 to 41 are obsolete.

2. Words subs, for the words "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

39. State Government may fix date before which proprietor and manager must apply for registration. :-

¹The ² [State Government] shall, within six months from the commencement of this Act, fix for each district the date or dates before which such proprietors and managers, being in possession of estates or revenue-free properties, or of any interest therein,

respectively, at the commencement of this Act, shall be required to apply for registration of their names and of the character and extent of their interests, under the last preceding section; and may at any time alter any date so fixed, provided that no date so fixed shall be later than five years after the said commencement.

1. Sees. 38 to 41 are obsolete.
2. Words subs, for the words "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

40. State Government may fix different dates in respect of different estates. :-

¹The ² [State Government] may in any district, for the purposes of the last preceding section, fix different dates in respect of estates and revenue-free properties, or in respect of different classes of estates and revenue-free properites, or in respect of different portions of the district;

Provided that no person shall incur any penalty or disability under this Act for failure to apply for registration of his name as such proprietor or manager as aforesaid until after the lapse of six months from the date on which the notice prescribed by the next succeeding section shall have been published in respect of his estate or property, or in respect of the class of estates or revenue-free properties within which his estate or property falls, or in respect of the portion of the district in which his estate or revenue-free property is situated.

1. Sees. 38 to 41 are obsolete.
2. Words subs, for the words "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

41. Publication of date fixed by State Government. :-

¹Every date fixed by the ²[State Government] as provided in the two last preceding sections shall be published by a notice in the ³[Official Gazette]; and also by notices to be posted up at the Court or office of the Judge, the Magistrate and the Collector of the district, in respect of which such date is fixed; at the Court or office of every Munsif, Sub-divisional Officer and Sub-Registrar of Assurances in such district; and at every police-station in such district; and by proclamation to be made by beat of drum at the headquarters of such district, and in every place in which a Sub-divisional office is situated, and in such other places as the ² [State Government] may direct. The officer in charge of every Court, office and police-station at which a notice is required to be posted up

under this section shall certify to the Collector the date on which the notice was so posted up at his Court, office or police-station; and the latest date so certified shall be deemed to be the date of publication of the notice for the purposes of the two last preceding sections.

1. Sees. 38 to 41 are obsolete.
2. Words subs, for the words "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.
3. Words subs, for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

42. Person succeeding to proprietary right in, or management of, estates to give information within six months. :-

Every person succeeding, after the commencement of this Act to any proprietary right in any estate or revenue-free property, whether by purchase, inheritance, gift or otherwise; every joint proprietor of an estate or revenue-free property assuming charge after such commencement of such estate or property, or of any interest therein respectively, on behalf of the other proprietors thereof; and every person assuming charge after such commencement of any estate or revenue-free property, or of any interest therein respectively as manager, shall, within six months from the date of such succession or assumption of charge, make application in the manner hereinafter provided to the Collector of the district on the general register of which such estate or property is borne, or to any other officer who may have been empowered by such Collector to receive such application, for registration of his name, and of the character and extent of his interest as such proprietor or manager.

43. State Government may exempt proprietors from obligations imposed by Act. :-

Notwithstanding anything contained in section 38 or the last preceding section, the ¹ [State Government] may in any district exempt proprietors and managers of all or any estates which are liable to pay less than twenty rupees of land revenue annually, and proprietors and managers of all or any revenue-free properties which consist of less than fifty acres of land from the obligations imposed by this Act in respect of applying for registration of their names, and may at any future time withdraw such exemption and require such proprietors and managers to register their names.

1. Words subs, for the words "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

44. Mortgagee may apply for registration. :-

Every person who holds a mortgage of any proprietary right in any estate may apply to the Collector for registration of his name as such mortgagee, and of the interest in respect of which he is such mortgagee, and in such application shall specify whether he or the mortgagor is in possession. On receipt of such application the Collector shall proceed, as far as possible, according to the manner hereinafter prescribed in respect of applications for registration as proprietor.

45. Presentation of application. :-

Any application for registration under this Act may be presented by the applicant or by some person duly authorised by him in that behalf.

46. Manager to specify extent of interest of each person for whom he manages. :-

If the applicant under section 38 or section 42 is a joint proprietor in charge as aforesaid, or a manager, he shall in his application specify the name of the person or persons on behalf of whom he is in such charge, or on behalf of whom he is manager, and the character and extent of the interest of every such person.

47. Collector when to register applicant for registration as manager appointed by authority. :-

If the application under section 38 or section 42 be for registration of the name of the applicant as manager appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court, the Collector shall register the name of the applicant on proof being produced to his satisfaction that the applicant has been so appointed to be such manager.

48. Notice to objectors. :-

If the application be for registration otherwise than as manager appointed as mentioned in the last preceding section, and if it sets forth circumstances which would justify the Collector in registering the name of the person whose name is required to be registered, or if after further inquiry the Collector considers that such circumstances exist, he shall issue a notice requiring all persons who object to the registration of the name of the person whose name is required to be registered, or who dispute the character or

extent of the interest in respect of which it is required to be registered, to give in a written statement of their objections, and to appear on a day to be specified in such notice, not being less than one month from the date of the publication thereof.

49. Such notice shall be published by affixing a copy of the same on or at all the following places :-

(a) the zamindari cutcherry (if any) of the estate or other place at which the rents are ordinarily received;

(b) some conspicuous place in at least one village appertaining to the estate to which, the application relates, and if the estate comprises lands situated in more than one local division, then in at least one village in each local division containing such lands;

(c) the office or Court of every Collector, Sub-divisional Officer, Judge and Munsif within whose jurisdiction, and every police-station within the jurisdiction of which any of the lands to which the application relates are known to be situated.

50. Notice to transferor. :-

If the application alleges that the applicant has acquired possession of the interest in respect of which he applies to be registered by transfer from any living person, a copy of such notice shall be served on the alleged transferor by tendering to the person to whom it maybe directed a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, or to some adult male member of his family; or, in case it cannot be so served, by posting such copy upon some conspicuous part of the usual or last known place of abode of such person. In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct. No fees or other costs shall be payable by the applicant in respect of the service or publication of the notice prescribed by this and the last preceding section.

51. Effect of irregularity in publication of service of notice. :-

No irregularity or omission in the publication or service of notice as required by the three last preceding sections shall affect the validity of any proceedings under this Act, unless it is proved to the satisfaction of the Collector that some material injury was caused by such irregularity or omission.

52. Inquiry by Collector. :-

On the day fixed in the notice issued under section 48, or as soon thereafter as possible, the Collector shall consider any objections which may be advanced, and make such further inquiry as appears necessary to ascertain the truth of the alleged possession of, succession to, or transfer of, the estate, revenue-free property, or interest therein, in respect of which registration is applied for; and if it appears to the Collector that the possession exists, or that the succession or transfer has taken place, and that the applicant has acquired possession in accordance with such succession or transfer, but not otherwise, the Collector shall order the name of the applicant to be registered in the proper registers as proprietor or manager of the said estate, revenue free property or interest therein:

Provided that any person to whom any proprietary right in an estate has been mortgaged may be registered as mortgagee, whether he be in actual possession or otherwise.

53. Power to summon witnesses and compel production of documents. :-

For the purpose of the inquiry mentioned in the last preceding section, and of every inquiry held under this Act, ¹[and subject to the provisions of ²(sections 132 and 133 of the Code of Civil Procedure, 1908,)] the Collector may summon and enforce the attendance of witnesses ³[and any applicant or his agent] and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided ⁴[in respect of witnesses] by the Code of Civil Procedure, ⁵ [1908].

1. Words and figures Ins. for Eastern Bengal by E.B. and A. Act 1 of 1907.

2. Words and figures within first brackets subs, for the words and figures "sections 640 and 641 of the Code of Civil Procedure," by Ben Act 1 of 1939.

3. Words ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

4. Words subs, for the words "in the case of a Civil Court," for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

5. Figures ins. by Ben. Act 1 of 1939.

53A. Record of evidence in inquiries. :-

¹The evidence of every person examined by the Collector in any

inquiry from which an appeal lies under this Act shall be recorded in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, ² [1908].

1. Sec. 53A ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

2. Figures ins. by Ben. Act 1 of 1939.

54. Payment of costs :-

All costs of any inquiry or proceeding held before the Collector under this Act shall, except as provided in section 50, be payable by the parties concerned; and the Collector may pass such orders as he shall think fit in respect of the payment of such costs.

55. Dispute as to possession, succession or acquisition by transfer. :-

¹ [If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered is disputed by, or on behalf of, any person making a conflicting claim in respect thereof, and if it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute, the Collector shall determine summarily the right to possession of the same, and shall deliver possession accordingly, and shall make the necessary entry in the registers;] or if, in the opinion of the Collector, the dispute be one which can more properly be determined by a Civil Court, the Collector shall refer the matter in dispute to the principal Civil Court of the district for determination as hereinafter provided:

Provided that if the applicant's possession of any extent of interest in accordance with his application be not disputed, or if such possession be proved to the satisfaction of the Collector, the Collector may register the said applicant's name in respect of such extent of interest, and may at the same time make a reference, as hereinafter provided, to the Civil Court for determination of any dispute as to any further extent of interest in respect of which the applicant has applied to be registered, but in respect of which the right of the applicant to be registered is disputed, and is not proved to the satisfaction of the Collector.

1. This clause subs, by Ben. Act 5 of 1878, which was originally as under: "If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered. is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if the

possession of the applicant in accordance with his application is not proved to the satisfaction of the Collector, the Collector shall determine summarily the right to possession in respect of the interest in dispute, and shall deliver possession accordingly, and shall make the necessary entry in the registers;".

56. In cases of disputed possession, etc., Collector may appoint receiver. :-

In any case of disputed possession of, succession to, or acquisition by transfer of, the extent of any interest in respect of which application is made under the last preceding section, the Collector may appoint a receiver to collect the rents of the extent of interest in dispute, and from the sums so collected shall be paid the expenses of management and the revenue due to the Government; and the surplus shall be held in deposit in the Collector's treasury, and shall be paid over to the person who shall be registered by the Collector, or, under the order of a Civil Court, in respect of the extent of interest in dispute.

57. Effect of Collectors order. :-

Every order of a Collector passed under the first clause of section 55 shall be of the same force and effect as an order by the Judge under ¹ [section 194 of the Indian Succession Act, 1925,] determining summarily the right to possession and delivering possession accordingly; and no proceedings shall be taken by any Civil Court under the said Act in respect of any claim or dispute which has been determined by an order of the Collector as aforesaid.

1. Words and figures subs, for the words, figures and brackets "section 4 of Act XIX of 1841 (an Act for the protection of movable and immovable property against wrongful possession in cases of succession}." by Ben. Act 1 of 1939.

58. Procedure on reference under section 55. :-

In making a reference to the Civil Court under section 55, the Collector shall state, for the information of the said Court, in writing under his hand,

(1) the name of the estate or revenue-free property to which the

(2) the names of all persons who now stand registered on the general register as proprietors, managers or mortgagees of such estate or property, with the character and extent of the interest in respect of which each stands registered;

(3) the name of the applicant for registry;

(4) the character and extent of the interest in dispute;

(5) the circumstances of the case, as far as they are before the Collector, and the reasons which have led him to make the reference,

59. Procedure on receipt of reference. :-

On receipt of such reference the said-principal Civil Court of the district may either proceed to determine the matter or may transfer the matter for determination to any other competent Civil Court in the district. The said principal Civil Court, or the Court to which the matter is transferred, shall cite the parties concerned, and give notice of the time at which the matter will be heard; and, after expiration of the time so fixed, shall determine summarily the right to possession in respect of the interest in dispute (subject to regular suit), and shall deliver possession accordingly.

60. Judge may appoint curator. :-

If it shall appear to the Judge of the Court by which the matter is heard that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, such Judge may appoint curators for the care of the property and may exercise all or any of the powers mentioned in ¹ [sections 195, 196 and sections 198 to 204 of the Indian Succession Act, 1925).

1. Words and figures subs, for the words, figures and brackets "sections 5 to 13 (both inclusive) of Act XIX of 1841" by Ben. Act 1 of 1939.

61. Costs. :-

The said Court may make such order as it shall think fit with regard to the payment by the parties of the cost of the inquiry, and proceedings;

Provided that no costs shall be recoverable from the parties on account of the issue of notices citing the parties and fixing a date for the first hearing of the case.

62. Effect of summary decision of Court. :-

The summary decision of the Court under section 59 shall have no other effect than that of settling the actual possession; but for this purpose it shall be final, not subject to any appeal or order for review.

63. Court to certify its determination to Collector. :-

The Court shall certify to the Collector its determination as to the right of possession, and the Collector shall thereupon make the necessary entries in the proper registers.

64. Collector to levy fees on transfers. :-

Fees at the following rates shall be levied by the Collector on the registry under this Act of any transfer

(1) in the case of revenue-paying lands, one quarter or four annas per centum on the annual revenue payable to Government from the extent of interest transferred;

(2) in the case of revenue-free lands, two-and-a-half per centum on the amount of the annual produce of the extent of interest transferred, such annual produce being the amount of the rents received and receivable on account of the year preceding the year in which the transfer may be registered;

¹(3) in the case of a fee-simple waste-land lot which is revenue-free, and for which no rents are received or receivable, two-and-a-half per centum on one-fifteenth part of the value, such value being taken to be

(a) in the case of a transfer by sale, the purchase-money, and

(b) in any other case, the value determined by the Collector: Provided that no fee for the registry of any one transfer shall exceed one hundred rupees :

²Provided also that the ³[Commissioner of the Division] may, by general or special order, remit the payment of fees payable for any transfer. Such fees shall be levied from the person in whose favour the transfer is registered.

⁴ [of the State Government].

1. Clause (3) ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

2. Proviso ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

3. Words subs, for the word "Board" by Ben. Act 5 of 1915.

4. Words "of the Provincial Government" first subs, for the words "of Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

65. Penalty for omitting to comply with Act. :-

Whoever, being required by this Act to apply for the registration of his name and the extent of his interest in any estate or revenue-free property voluntarily or negligently omits to make such application within the prescribed time, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees for such omission, and to such further daily fine as the Collector may think fit to impose, not exceeding fifty rupees, for each day during which such person shall omit to apply for such registration after a date to be fixed by the Collector in a notice requiring such person to apply for registration. Such notice shall be served in the manner prescribed in section 50, and the date before which such person is required to apply for registration shall not be less than one month after service of such notice.

66. Fine may be levied notwithstanding appeal. :-

The Collector may proceed from time to time to levy any amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending:

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

67. No penalty on person who applies suo motu. :-

Notwithstanding anything contained in section 65, no fine shall be imposed by the Collector under the said section on any person on the ground that such person has failed to make application for registration of his name within the time fixed by the ¹ [State Government] under section 39 or 40, or on the ground that such person has failed to apply for registration of his name within the time prescribed by section 42, if such person shall, at any time after the expiration of the time fixed or prescribed as aforesaid, of his own motion, and otherwise than after the issue of a requisition by the Collector in that behalf, present such application as is required by this Act for the registration of his name and of the character and extent of his interest.

1. Words subs, for the word "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

68. Liabilities of proprietors and managers. :-

Save as is provided in ¹ [section 45 of the Code of Criminal Procedure, 1898,] all the recorded proprietors and managers of an estate or revenue-free property shall be deemed to be jointly and severally liable for the discharge of any duties and obligations which are, by any law for the time being in force, imposed upon the proprietors of such estate or property; and all persons who are required by this Act to apply for registration shall, from the date on which the obligation so to register is imposed on them respectively by this Act, be deemed to be liable for the discharge of any duties and obligations which are by any such law as aforesaid imposed upon the proprietors of the estate or property in respect of which they are required to apply for registration, respectively.

1. Words and figures subs, for the words and figures "section 90 of the Code of Criminal Procedure," by Ben. Act 1 of 1939.

PART 5

OF THE OPENING OF SEPARATE ACCOUNTS IN RESPECT OF SHARES

69. Opening of separate account of share of applicant under the Bengal Land revenue Sales Act, 1859. :-

Notwithstanding anything contained in ¹ [the Bengal Land-revenue Sales Act, 1859,] from the commencement of this Act no separate account shall be opened under the provisions of section 10 or of section 11 of the said Act in respect of the share of any applicant under the said sections otherwise than for a share corresponding with the character and extent of interest in the estate in respect of which such applicant is recorded as proprietor or manager under this Act.

1. Words and figures subs, for the words, figures and brackets Act XI of 1859 (an Act to improve the law relating to sales of land, etc.), by Ben. Act 1 of 1939.

70. Proprietor holding undivided interest in specific lands may apply for separate account. :-

When a proprietor of a joint estate, who is recorded as proprietor of an undivided interest held in common tenancy in any specific portion of the land of the estate, but not extending over the whole estate, desires to pay separately the share of the Government revenue which is due in respect of such interest, he may submit to the Collector a written application to that effect. The application must contain a specification of the land in which he holds such undivided interest, and of the boundaries and extent thereof, together with a statement of the amount of Government revenue

heretofore paid on account of such undivided interest. On the receipt of this application the Collector shall cause it to be published in the manner prescribed for publication of notice in section 10 of ¹[the Bengal Land-revenue Sales Act, 1859]. In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence. ²[Notwithstanding anything hereinbefore contained, no application under this section or under section 10 or section 11 of the Bengal Land-revenue Sales Act, 1859, shall be received unless it is accompanied by a fee of two rupees.] ³ [and no separate account shall be opened on such application until an additional fee at the rate mentioned below is paid by the applicant, namely: for a separate account for which the land-revenue payable does not exceed ten rupees four rupees, for a separate account for which the land-revenue payable exceeds ten rupees but does not exceed fifty rupees ten rupees, for a separate account for which the land-revenue payable exceeds fifty rupees but does not exceed one hundred rupees ... fifteen rupees, for a separate account for which the land-revenue payable exceeds one hundred rupees ... twenty rupees.]

1. Words and figures subs, for words and figures "Act XI of 1859" by Ben. Act 16 of 1946.

2. The paragraph ins., for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

3. Words ins. by Ben. Act 2 of 1921.

71. Sections 12, 13 and 14 of Act 11 of 1859 applied. :-

Section 1.2 of ¹[the Bengal Land-revenue Sales Act, 1859], shall apply to every application made under the last preceding section; and the effect and consequences of opening a separate account under the last preceding section shall be such and the same as are described in section 13 and in section 14 of ¹ [the Bengal Land-revenue Sales Act, 1859.].

1. Words and figures subs, for the words and figures "the said Act of 1859," by Ben. Act 16 of 1946.

72. Application to close separate account. :-

Whenever any share in respect of which a separate account has been opened by the Collector under section 10 or section 11 of ¹[the Bengal Land-revenue Sales Act, 1859,] or under section 70, shall no longer correspond with the character and extent of interest held in the estate by any one proprietor or manager, or jointly by two or more proprietors or managers. any proprietor or manager whose name is borne on the general register under this Act as proprietor or manager of any interest in the share in respect of which such separate account is open, may submit to the Collector a written application, setting out the circumstances under which such share no longer corresponds with the extent of interest held in the estate by any recorded proprietor or manager, or jointly by two or more recorded proprietors or managers, and specifying the manner in which such share has become broken up and distributed among the proprietors of the estate, and praying that the separate account standing open in respect of such share shall be closed, and, if he so desire, praying that another separate account be opened in respect of any other share or shares which were wholly or partly included in the share in respect of which the previous separate account was open

Illustration In a certain estate separate accounts have been opened under section 10 of ² [the Bengal Land-revenue Sales Act, 1859] for the 4 annas share of A, and also for the 5 annas share of B, the accounts of the remaining 7 annas shares being kept jointly in the names of the remaining proprietors C, D, and E. In course of time X has inherited A's 4 annas share, and also C's interest in the 7 annas share which amounted to 3 annas: X has also acquired by purchase 2 annas out of B's 5 annas share so that the interests in the estate are now distributed as follows: X, if a recorded proprietor of the estate, may apply to the Collector to close the separate account which is open in respect of A's 4 annas share and also the separate account which is open in respect of B's 5 annas share, but as neither of these shares corresponds with the extent of interest held by any one proprietor, or held jointly by two or more proprietors in the estate; and in the same application X may apply for the opening of a separate account in respect of the 9 annas share which he now holds. Any of the other proprietors might also make a similar application.

1. Words and figures substituted, for the words and figures "the said Act XI of 1859," by Ben. Act 16 of 1946.
2. Words and figures substituted, for the words and figures "Act XI of 1859," Ben. Act 16 of 1946.

73. Separate account may be closed and another opened. :-

On receipt of such application the Collector shall cause a copy of the same to be published in the manner provided in section 10 of¹[the Bengal Land-revenue Sales Act, 1859;] and if within six weeks from the date of such publication no objection is made by any other recorded proprietor of the estate, the Collector shall close separate account which then stands open, and shall open a separate account with the applicant as required by him under section 10 or section 11 of ¹ [the Bengal Land-revenue Sales Act, 1859]; or under section 70, as the case may be.

1. Words and figures subs, for the words and figures "Act XI of 1859," by Ben. Act 16 of 1946.

74. Procedure in case of objection. :-

If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the share in respect of which any separate account is open as aforesaid has not been broken up, and does still correspond with the character and extent of interest held by any one proprietor or manager, or jointly by two or more proprietors or managers, or object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him, or (when the application is in respect of a specific portion of the land of an estate, or in respect of an undivided interest held: in common tenancy in any specific portixm of the land of the estate) object that the amount of Government revenue stated by the applicant to have been heretofore paid on account of such portion of land or on account of the applicant's undivided interest therein, is not the amount which has been recognized by the other sharers as the Government revenue thereof, the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

74A. Power of Collector to close a separate account otherwise than upon application. :-

¹ Notwithstanding anything contained in the foregoing sections, if the Collector becomes aware, otherwise than after receipt of an application under section 72, that any separate account opened under section 10 or section 11 of the Bangal Land-revenue Sales Act, 1859, or under section 70 or section 72 of this Act, in respect of any estate does not represent existing facts, he may, after service of a notice on the recorded proprietor in the manner

prescribed by section 50, and after hearing any objection which may be preferred, close the account.

1. Sec. 74A ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

PART 6

MISCELLANEOUS

75. Collector to furnish extract from register. :-

The Collector shall supply an extract from any register mentioned in this Act to any person who may apply for the same, subject to the payment of such fees for searching and copying as may be prescribed by the Board.

76. Collector to furnish translation of extract. :-

If in any district any register prescribed by this Act has not been prepared and kept up in the vernacular language and character of the district, the Collector shall be bound, together with any English extract which may be furnished under the last preceding section to furnish a translation of the same in the vernacular language and written in the vernacular character of such district to any one who may demand such translation, and no further charge shall be made in respect of the furnishing of such translation than might have been charged in respect of the English extract furnished under the said section.

77. Changes in names of proprietors, etc., and extent of interest to be notified on estate. :-

Whenever any change shall be made by order of competent authority in the names of the recorded proprietors or managers of any estate or revenue-free property, or in the character or extent of the interest of any such proprietor or manager as entered in any register mentioned in this Act, so soon as the order under which such change in the entry may have been made shall have been confirmed on appeal, or so soon as the period for presenting an appeal against such order shall have expired without the presentation of an appeal, the Collector shall cause a notice of such change to be posted up at his office, at the office of every Subdivisional Officer within whose jurisdiction any lands of the estate or revenue-free property concerned are situated and at such places as he may think fit on the estate or property; and every such notice shall set out the name of every proprietor and manager of the estate of revenue-free property ¹ [who is] concerned, and the character and extent of the interest of every such proprietor

and manager as it stands recorded on the general register on the date of the issue of the notice.

1. Words ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

78. No person bound to pay rent to claimant not registered.

:-

No person shall be bound to pay rent to any person claiming such rent as proprietor or manager of an estate or revenue-free property in respect of which he is required by this Act to cause his name to be registered, or as mortgagee, unless the name of such claimant shall have been registered under this Act; ¹ * * * * *

1. The second paragraph om. by Ben. Act 3 of 1936.

79. Indemnity to persons paying rent to registered proprietor. :-

The receipt of any proprietor, manager or mortgagee whose name and the extent of whose interest is registered under this Act shall afford full indemnity to any person paying rent to such proprietor, manager or mortgagee.

80. Payment of sums payable by Collector to proprietors jointly. :-

Whenever any sum of money shall be payable by the Collector to the proprietors of any estate or revenue-free property jointly (otherwise than under the Land Acquisition Act, ¹ [1894]), the Collector may pay to any one or more recorded proprietors or managers thereof respectively such portion of the said sum as may be proportionate to the extent of the interest in respect of which each such proprietor or manager is registered, and the receipt of each such proprietor or manager shall afford full indemnity to the Collector in respect of any sum so paid.

1. Figures subs, for the figures "1870" by Ben. Act 1 of 1939.

81. Saving of written contracts and recovery from person receiving money. :-

Nothing contained in the three last preceding sections shall be held to interfere with the conditions of any written contract or to prevent any person deeming himself entitled to any sum of money from recovering such sum by due process of law from any other person who has received the same.

82. Every amount due deemed to be a demand. :-

Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred, of any fees payable, of any notices served, of any costs payable by any party, or of any fines imposed, shall be deemed to be a demand ¹
* * *.

1. Reference 'Ben. Act 7 of 1868' om. by Ben. Act 7 of 1880.

83. Collector may require proprietor to name estate. :-

The Collector may by a notice require the proprietor or manager of any estate or revenue-free property to name such estate or property by a distinctive name, and in case of failure of such proprietor or manager to comply with the requisitions within the time fixed by the Collector may name such estate or property ¹
[The notice required under this section shall be served in the manner prescribed in section 50.]

1. Words ins. for Western Bengal by Ben. Act 2 of 1906 and for Eastern Bengal by E.B. and A. Act 1 of 1907.

84. Collector may delegate duties. :-

The Collector may, by a special or a general order, delegate to any Assistant Collector, Deputy Collector or Sub-Deputy Collector, the performance of any duty, and the exercise of any function, which the Collector is required or empowered to perform or exercise under this Act, except in respect of appeals. and any Assistant, Deputy or Sub-Deputy Collector to whom any duty or function is so delegated may exercise all the powers of a Collector under this Act, except in respect of appeals.

85. Appeal. :-

Every order passed under this Act by any revenue'-officer below the rank of the Collector of the district (not being an officer specially vested with appellate powers as hereinafter mentioned) shall be appealable to the Collector of the district, or to any officer who may have been specially vested by ¹ [the State Government] with special appellate powers in this behalf, and there shall be no further appeal from any order so passed in appeal confirming the order appealed against, but an appeal shall lie to the Commissioner of the Division against every order so passed in appeal which modifies or reverses the order appealed against. Every order passed by the Collector of the district, or by any officer especially vested with appellate powers as aforesaid being passed otherwise than on appeal from the order of another officer, shall be

appealable to the Commissioner of the Division. Every appeal to the Collector shall be presented within fifteen day of the date of the order appealed against; and every appeal to the Commissioner shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the order appealed against; and every appeal presented after the lapse of the time fixed by this section may be summarily rejected, unless sufficient cause shall be shown to the satisfaction of the appellate authority for admitting the appeal after the lapse of such time. Every order passed by any officer subordinate to a Commissioner shall be subject at any time to revision and modification by such Commissioner; and every order passed by any such officer or by such Commissioner shall be subject at any time to revision and modification by the Board.

1. Words "the Provincial Government" first subs, for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order 1937, then the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

86. Exclusion of time in case of appeals. :-

In computing the period of limitation prescribed for an appeal, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same shall be excluded.

87. State Government may vest officer with special appellate powers. :-

The ¹ [State Government] may from time to time vest any officer other than the Collector of the district with special appellate powers under this Act; and every officer so vested shall be competent to hear and decide any appeal which the Collector of the district is competent to hear and decide under this Act.

1. Words subs, for the word "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937.

88. Board may make certain rules. :-

Within four months of the date, on which this Act comes into force the Board shall make general rules, consistent with this Act, to regulate the form in which registers under this Act are to be kept; the procedure as to the presentation, admission and verification of applications for registration under Part IV, and as to inquiries under section 52, and generally for the purposes of this Act. The Board may from time to time cancel or alter any such rules.

89. Saving clause. :-

Nothing contained in this Act, and nothing done in accordance with this Act, shall be deemed to

(a) preclude any person from bringing a regular suit for possession of, or for a declaration or right to, any immoveable property to which he may deem himself entitled;

(b) render the entry of any land in the registers under this Act as revenue-free and admission on the part of ¹[the Government] of the right of the person in whose name such land may be entered, or an admission of the validity of the title under which the said land is held revenue-free;

(c) affect the rights of ¹ [the Government] or of any person in respect of any immoveable property or of any interest, except as otherwise expressly provided herein. SCHEDULE OF REGULATIONS REPEALED. Rep. by Act 1 of 1903.

1. Words "the Crown" first subs, for the words "the Government" by tin-Government of India (Adaptation of Indian Laws) Order, 1937, then the word "Government" subs, for the word "Crown" by the Adaptation of Laws Order, 1950.