

United Provinces Board Of Revenue Act, 1922**12 of 1992****[31 March 1923]**

CONTENTS

1. Short Title, Extend And Commencement
2. Amendment Of Certain Enactments
3. Saving Of Orders, Etc., Issued By Previous Authorities

SCHEDULE 1 :- SCHEDULE I**United Provinces Board Of Revenue Act, 1922****12 of 1992****[31 March 1923]**

An Act to transfer to the Local Government or to some other authority certain non-judicial powers now exercisable by the board of Revenue under certain enactments. Whereas it is expedient to transfer to the local Government or to one other authority certain non-judicial powers now exercisable by the Board of Revenue under certain enactment and whereas the Governor-General has given his previous sanction to the passing of this Act, as required by sub-section (3) of Sec 80-A of the Government of India Act:-

1. Short Title, Extend And Commencement :-

(1) This Act may be called the United Provinces Board of Revenue Act, 1922. (2) It extends to the territories 1(xxx) administered by the 2[State Government] of 3[Uttar Pradesh]. (3) It shall come into force on such day as the 2[State Government] may, by notification in the 4[Official Gazette] appointed in this behalf. 1. The words "for the lime being" omitted by A.Q. 1937. 2. Substituted by the A.O. 1950 for "Provl. Govt." which has been Substituted by the A.O. 1937 for "L.G." 3. Substituted by A.O. 1950 for "United Provinces". 4. Substituted for "Gazette" by A.O. 1937.

2. Amendment Of Certain Enactments :-

The enactment specified in the third column of the schedule are hereby amended, or in the case of enactments which extend

beyond the limits of 1[Uttar Pradesh] shall be deemed to be amended in their application to 1[Uttar Pradesh] to the extent and in the manner mentioned in the fourth column thereof. 1. Substituted by A.O. 1950 for "United Provinces".

3. Saving Of Orders, Etc., Issued By Previous Authorities :-

Any appointment, notification, order, scheme, rule or form made or issued, before the commencement of this Act, by an authority for the making or issuing of which a new authority is substituted by or under this Act, shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority, unless and until superseded by an appointment, notification, order, scheme, rule or form made or issued by such new authority.

SCHEDULE 1

SCHEDULE I

(See Section 2)

Year	No.	Short title or subject	Amendment
			ACTS OF THE GOVERNOR GENERAL IN COUNCIL * * * * <u>1</u>
1863	XXIII	The Wastelands (Claims)	Section 23-A shall be deemed to be omitted.
		Act, 1863.	
1870	VII	The Court Fees Act, 1870	In Section 23 ² the words "by the Chief Controlling Revenue Authority and approved
			shall be deemed to be omitted.
1871	XXII	The Pensions Act, 1871	1. In Section 5 the words "the Chief Revenue Authority may, subject to the general control of shall be deemed to be omitted and after the words appropriate Government" ³ where they secondly occur the word "may" shall be deemed to be inserted.
			2. In Section 8 for the words "Chief Controlling Revenue Authority" the words "State Government" ⁴ , shall be deemed to be substituted.
			3. In Section 44 for the words "The Chief Controlling Revenue Authority may, with the consent of the Local Government" the words "the appropriate Government ⁵ may" shall be deemed to be substituted.
1883	XIX	The Land Improvement	Section 12 shall be deemed to be omitted.
		Loans Act, 1883	

		LOANS ACT, 1884	
1884	XII	The Agriculturists Loans Act, 1884	In Section 4 the words "or in a province for which there is a Board of Revenue or Financial Commissioner, such Board or Financial Commissioner, subject to the control of the Local Government" shall be deemed to be omitted.
1886	V	The Mirzapur Stone Mahal Act, 1886	1. Sub-section (4) of Section 3 shall be omitted.
			2. In sub-section (3) of Section 18 for the word "Board" the words "State Government" shall be substituted.
1899	II	The Indian Stamp Act, 1899	In Cl. (a) of sub-section (8) <u>6</u> of Section 2 for the words "territories respectively under the administration of the Lieutenant-Governors of Bihar and Orissa and the Northwestern Provinces and the Chief Commissioner of Oudh" the words "territories under the administration of the <u>4</u> [State Government] of Bhia and Orissa" shall be deemed to be substituted.
1917	V	The Destruction of Records Act, 1917 <u>7</u>	1. In Section 2 sub-section (1), Cl. (a), the words "the United Provinces" shall be deemed.
			2. In Section 3, sub-section (2), after Cl. (a) the following clause shall be deemed to be inserted, namely:
			"(aa) in the case of judicial documents in the possession and custody of revenue courts and officers--the Board of Revenue."
			In the Cl. (b) of the said sub-section before the word "documents" the words "non-judicial" shall be deemed to be inserted.
			In sub-section (3) of the said section after the word "authority" the words "or by the Board of Revenue" shall be deemed to be inserted.
			UNITED PROVINCES ACTS
1901	III	The United Provinces	1. For Section 5 the following section shall be substituted, namely--
		Land Revenue Act,	
		1901.	
			"5. Controlling powers of State Government and Board respectively:
			The control of all non-judicial matters connected with the Land Revenue in <u>8</u> [Uttar Pradesh] other than matters connected with

		settlement is vested in the ⁴ [State Government], and the control of all Judicial matters and of all matters connected with settlement under this Act is vested in the Board.
		2. In Section 9 for the words "its non-judicial business" the words "business connected with settlement" shall be substituted.
		3. In Section 12 the words "subject to the control of the Board" shall be omitted.
		4. In Sees. 21, 22, 25, 28, 33, 38, 55, 61, 144 and 137 for the word "Board wherever it occurs, the words ² "State Government" shall be substituted.
		5. In Section 26 the words the Board under "the orders of" shall be omitted.
		6. In Section 116 for the word "Board" the words ⁴ "State Government" shall be substituted and after the words "this Act and" the words "Board shall make rules for determining" shall be inserted.
		7. In Sees. 153 and 160 the words "the Boards, or, in the case of a taluqa or part of a taluqa in Oudh" shall be omitted.
		8. In Section 159 the words "Board or, in the case of a taluqa or part of a taluqa" shall be omitted.
		9. In Section 161, sub-section (3), the words "the Board with the sanction of "shall be omitted.
		10. For Section 191 the following section shall be substituted, namely--
		"191. Power of State Government, Board or Commissioner to transfer cases.--The ⁴ [State Government] or a Commissioner may transfer any non- judicial case or any class of non-judicial cases not connected with settlement, and the Board or a Commissioner may transfer any judicial or settlement case or any class of such cases, including partition cases, from any subordinate revenue court or revenue officer to any other such court or officer competent to deal therewith."
		11. In Section 210, sub-section ;(1), Cl. (c) before the word "orders" the words "judicial or settlement" shall be inserted.
		After sub-section (3) of the said section, the following sub-section shall be
		added. namely--

			"(4) No appeal shall be allowed from non-judicial order not connected with settlement passed by a Commissioner."
			12. In Section 212 before the words "A second appeal" the words "subject to the provisions of Section 210" shall be inserted.
			13. In Section 213 before the words "A third appeal" the words "subject to the provisions of Section 210" shall be inserted.
			14. In Section 218 after the word "Board" where it first occurs the words "if the case is of a judicial nature, or connected with settlement, or for the order of the 4[State Government] if the case is of a non-judicial nature not connected with settlement shall be inserted, and after the word "Board" where it last occurs the words "or the State Government ⁴ as the case may be" shall be inserted. In the marginal note before the word "Board the words "State Government" ¹ or" shall be inserted.
			15. In Section 219 for the word "Board" where it first occurs, the words "State Government" ¹ shall be substituted, and after the word "proceeding" the words "not connected with settlement" and after the word "nature" the words "or connected with settlement" shall be inserted, and in the marginal note before the word "Board" the words "State Government ¹ or", shall be inserted.
			16. In Section 220 for the words "its non-judicial business" the words "business connected with settlement" shall be substituted.
			17. For Section 234 the following section shall be substituted, namely--
			"234. Power of Stale Government and Board to make rules.-- The State Government ⁴ may make rules consistent with this Act in respect of matters under Cls. (a) to (f), (m), (i), (o) to (s), (v) (i), (w) (i), (x) (i) and (y) and the Board may from time to time, subject to the sanction of the State Government ⁴ make rules consistent with this Act in respect of matters under Cls. (g) to (l), (m) (ii), (n), (t), (w), (v) (ii), (u) (ii) and (x)(ii)--
			(a) prescribing the duties of tahsildars and

		naib-tahsildars and regulating their postings and transfers and their appointment in temporary vacancies;
		(b) regulating the appointment and transfer of kanungos and patwaris, their salaries, qualifications, duties, removal, punishment, suspension and dismissal ;
		(c) regulating the extent to which preference may be given in the appointment to kanungos to persons of families in which the office of kanungo is hereditary;
		(d) prescribing the form, contents, method of preparation, attestation, and maintenance of the record of rights and other records, maps, field-books, registers and lists made or kept under this Act;
		(e) regulating the imposition of fines, under Section 38, for failure to notify successions and transfers;
		(f) regulating the appointment, duties, and dismissal of lambardars ;
		(g) prescribing the manner in which Settlement Officers shall report proposals of assessment for the mahals of any area ;
		(h) regulating the distribution of assessment;
		(i) directing with regard to what matters the Settlement Officer is to ascertain and record the village custom, under Section 84, and what matters are to be determined and recorded, under Section 85 ;
		(J) for the guidance of Collectors and Settlement Officers in fixing rents under this Act;
		(k) regulating the assessment of resumed revenue-free grants or of land gained by alluvion, or the reduction of the assessment or the suspension of revenue of a mahal in consequence of fluvial action ;
		(l) for the guidance of Collectors in making settlement, under Section 96, and in making remission, suspensions, or reduction of rent, under Section 101;
		(m) (i) regulating the costs of partition and the instalments and times of payment thereof under Section 116 ;
		(ii) determining the mode in which the costs of partitions are to be apportioned under Section 116;
		(n) regulating the division of complex mahals

			(n) regulating the division of complex matters and the distribution of the revenue thereof, under Section 135 ;
			(o) regulating the instalments in which, and the persons, places and time to whom and at which the revenue shall be paid;
			(p) providing for the payment of the revenue through lambardars and for their remuneration;
			(q) regulating the issue of writs of demand and citations to appear, under Section 147, and the exercise of powers of arrest and detention in custody, under Section 148, and directing by what officers or class of officers such process shall be issued or powers exercised, and fixing the costs to be recovered from defaulters;
			(r) regulating the method of attachment and sale of movable property, under Section 149;
			(s) regulating the procedure to be adopted when a share or patti is transferred, the settlement of a patti or mahal is annulled, or any immovable property is attached and sold ;
			(i) regulating the recovery of arrears due to under Section 184 ;
			(u) regulating the recovery of rent from under-proprietors, under Section 185 ;
			(v) (i) regulating the costs which may be recovered in, or in respect of, any non-judicial proceeding not connected with settlement under this Act;
			(ii) regulating the costs which may be recovered in, or in respect of, any judicial or settlement proceeding under this Act, other than costs recoverable by the (State Government) ⁴ in proceedings in partition case;
			(w) (i) regulating the procedure to be followed by an officer (or other persons) who under any provision of this Act is required or empowered to take action in any non-judicial matter not connected with settlement;
			(ii) regulating the procedure to be followed by any officer (or other person) who under any provision of this Act is required or empowered to take action in any judicial or settlement matter;
			(x) (i) generally for the guidance of all

			persons in all non-judicial proceedings not connected with settlement under this Act and for carrying out the provisions of this Act in respect of such proceedings;
			(ii) generally for the guidance of all persons in all judicial or settlement proceedings under this Act and for carrying out the provisions of this Act in respect of such proceeding ; and
			(y) defining the classes of cases, matters, businesses, orders of proceedings which are to be deemed judicial or non-judicial respectively.
1914	I	The United Provinces Local Rates Act, 1914.	In sub-section (2) of Section 13 for the words "Board of Revenue" the words State Government" shall be substituted.
1915	VI	The Pargana of Kaswar Raja Act, 1915.	In Section 15 for the words "Board" and words "State Government" ⁴ shall be substituted.
(1920) ⁹	IV	The Canning College and British India Association Contribution Act.	In Section 7 for the words and commas The Board of Revenue may, from time to time, subject to the sanction of the State Government" the words and comma "The "State Government may, from time to time", shall be substituted.
			BENGAL REGULATIONS
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In Section 7 for the words "Board of Revenue" the word "Commissioner" shall be deemed to be substituted, and for the words "for its orders" the words "for or its orders" shall be deemed for be substituted.
1803	XXXIII	The United Provinces Revenue Officers Regulation, 1803.	In Section 3 for the words "the Board of Revenue are", the words "the (State Government is" shall be deemed to be substituted.
1806	XI	The Bengal Troops Transport and Travellers Assistance Regulation, 1806.	In Sees. 5 and 7 for the words "Board of Revenue" the word "Commissioner" shall be deemed to be substituted.
1825	VI	The Bengal Troops Transport Regulation, 1825.	In Sees. 4 and 5 for the words" Board or Board of Revenue" wherever they occur, the word "Commissioner" shall be deemed to be substituted.
1827	V	The Bengal	In the proviso to Section 3 for the words

1027	V	The Bengal Attached Estates Management Regulation, 1829.	In the proviso to Section 3 for the words "Board of Revenue and the Board" the word "Commissioner", who shall be deemed to be substituted.
1-833	IV	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	In Section 24 the words "the Board of Revenue or" and the words "as the case may be" shall be deemed to be omitted.

1. Entries relating to the Opium Act, 1857 (Act XIII of 1857) repealed by Section 4 of the Opium (Amendment) Act, 1925 (XXVII of 1925).
2. Section 23 of the Court Fees Act, 1870 (Act VII of 1870) was deleted by Section 24 of the United Provinces Court Fees (Amendment) Act, 1938, (U.P. Act XIX of 1938).
3. The words "appropriate Government" Substituted by the A.O. 1937 for L.G. in Section 5 of the Pensions Act, 1871 (Act XXIII of 1871).
4. Substituted by the A. O. 1950 for "(Prov. Govt.)" which has been Substituted by the A. O. 1937 for L. G..
5. According to the A.O. 1937 the words "appropriate Govt." Substituted for "L.G." in Section 14 of the Pensions Acts 1871 (Act XXIII of 1871).
6. Sub-section (8) of Section 2 of the Indian Stamp Act, 1899 (Act II of 1899) repealed by the A.O. 1937. Also See No. 1572/X-C/161, dated April 6, 1923 in Gaz., 1923, p. 368, appointing U.P. Board of Revenue as the Chief Controlling Revenue Authority for the purposes of the Indian Stamp Act, 1899.
7. Section 2 of the Destruction of Records Act, 1917 (Act V of 1917) omitted by the A. O. 1937.
8. Substituted by A. O. 1950 for (the United Provinces).
9. Inserted by U. P. Act 1 of 1924, Section 2, as amended by Act V of 1924, Section 2.