



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

TUESDAY, 14TH OCTOBER 1862.

Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts may be collected into a separate Compilation.

ACT PASSED BY THE GOVERNMENT OF BOMBAY.

BOMBAY.

Act No. VI. of 1862.

An Act for the Amelioration of the Condition of Talookdars in the Ahmedabad Collectorate, and for their relief from Debt.

[Received the assent of the Governor General on the 1st day of September 1862, and published by the Governor of Bombay on the 14th day of October 1862.]

WHEREAS the lands held in the Zilla of Ahmedabad in the province of Guzerat under the title of Talookdaree Estates are now only held on leasehold tenure determinable at the pleasure of Government And whereas it has been brought to the notice of Government that many of the Talookdars are in embarrassed circumstances and have borrowed money on the security of their Landed Estates And whereas such of the said Landed Estates as are of the Talookdaree tenure aforesaid could not and cannot be lawfully charged encumbered or alienated And whereas it is expedient to enable the said Talookdars to effect a settlement of their debts and liabilities it is hereby enacted as follows :—

I. Whenever it shall appear to the Governor in Council that any Talookdar in the Zilla aforesaid is subject either

Governor in Council
may make a declaration

ACTS—58

vesting the management of the Estates of any Talookdar in an Officer or Officers appointed by the Governor in Council.

personally or in respect of his Landed Estates of any description of tenure to debts or liabilities equal to or exceeding five times the average rents profits and other annual income derived by the Talookdar from his Estates aforesaid during the previous five years after deducting thereout the land tax and other dues of Government it shall be lawful for the Governor in Council to make a declaration vesting the management of the said Estates in an Officer or Officers who shall then be appointed by the Governor in Council in that behalf and the said declaration shall be published in the *Bombay Government Gazette*.

II. From and after the publication of such declaration as aforesaid all Suits or judicial proceedings for or in respect of debts or liabilities in the first Section mentioned other than debts due to the Crown or Government to be permanently staid.

After such declaration all Suits in respect of the debts or liabilities in the first Section mentioned other than debts due to the Crown or Government to be permanently staid.

or Government pending before or under appeal from any of the Civil Courts in the said Presidency shall be and are hereby declared to be permanently stayed and no further prosecution thereof shall be permitted and all writs processes executions or attachments for or in respect of such debts and liabilities shall forthwith cease and be raised.

III. From and after the publication of such declaration the said Officer or Officers shall have power without resorting to any Civil Court to remove from possession of the Landed Estates of the

Officer or Officers may remove any mortgagee or encumbrancer from possession of the Landed Estates of the Talookdar.

Talookdar of any description of tenure or any part thereof any mortgagee or other encumbrancer who may be in possession of the same without prejudice to such mortgagee or encumbrancer bringing his claim under Sections Eight and Nine before the Officer or Officers appointed for the management of the said Estates.

IV. From and after the publication of such declaration as aforesaid the Talookdar the subject of such declaration shall not be liable to arrest nor shall his personal estate of any description whatsoever be liable to seizure attachment or sale under any process decree judgment or execution of the Civil Court of the Presidency of Bombay for or in respect of any debts or liabilities existing at the time of such declaration other than debts due or liabilities incurred to the Crown or Government.

V. From and after the publication of such declaration as aforesaid the Landed Estates of such Talookdar of any description of tenure and the rents profits and income thereof shall during the period of the management thereof by the said Officer or Officers be wholly exempt from seizure attachment or sale under or by virtue of any process decree judgment or execution of any Civil Court of the Presidency of Bombay for or in respect of the debts and liabilities aforesaid other than debts due or liabilities incurred to the Crown or Government.

During such management the Estates to be exempt from Civil process in respect of the debts and liabilities aforesaid.

thereof shall during the period of the management thereof by the said Officer or Officers be wholly exempt from seizure attachment or sale under or by virtue of any process decree judgment or execution of any Civil Court of the Presidency of Bombay for or in respect of the debts and liabilities aforesaid other than debts due or liabilities incurred to the Crown or Government.

VI. It shall be lawful for the Governor in Council to make Rules for carrying this Act into effect and from time to time to alter vary or amend such Rules as necessity may arise.

VII. The said Officer or Officers shall during the continuance of his or their management of the said Estates receive the whole of the rents profits and income thereof and shall defray thereout land tax and other debts due or liabilities incurred or hereafter respectively to grow due or be incurred to the Crown or Government and pay to the Talookdar such annual sum only as shall appear to the Governor in Council requisite for the decent support of the Talookdar and his family and any balance remaining after such payment as aforesaid shall be applied in discharge of the expenses of such management as aforesaid and in liquidation or settlement of the debts and liabilities to which at the time of the publication of the said declaration the Talookdar

The Officer or Officers to receive the rents profits and income of the said Estates.

And pay annual sum for support of the Talookdar and his family.

Expenses of management.

And in liquidation or settlement of debts and liabilities.

publication of the said declaration the Talookdar

In accordance with the Rules alluded to in last Section.

in accordance with the Rules alluded to in the last preceding Section.

VIII. The said Officer or Officers shall publish in the *Bombay Government Gazette* a Notice in English and Guzerathee calling upon all persons having claims against the said Talookdars or their said Landed Estates in respect of any of the debts or liabilities aforesaid to notify the same in writing to such Officer or Officers within three Calendar months from the time of such notice in the *Gazette* and the said Officer or Officers shall before or contemporaneously with such publication in the *Gazette* cause copies of such Notice to be exhibited at the Mam-ludars' Cutcheries in the said Zilla and in such place or places as to such Officer or Officers shall seem fit and as may be directed by the said Rules.

IX. Any debt or liability of the Talookdar other than as aforesaid to which he is subject either personally or in respect of the said Landed Estates existing at the time of the said declaration by the Governor in Council not duly notified to the said Officer or Officers within the time and in the manner in the last preceding Sections specified shall and is hereby declared to be for ever barred Provided always that upon proof being given to the satisfaction of such Officer or Officers of the inability of the Claimant to have complied with these provisions it shall be lawful for the said Officer or Officers to entertain and admit such claim within the further period of nine Calendar months from the mentioned period of three months.

And cause copies of such Notice to be exhibited at the Cutcheries and other places.

Any debt or liability not duly notified to be barred.

Upon proof given of inability of Claimant to have complied with these provisions.

Claim may be admitted within further period of 9 months.

X. The said Officer or Officers shall as early as possible prepare and submit to the Governor in Council a scheme for the settlement of the Talookdar's debts and liabilities for approval of the Governor in Council.

The Governor in Council shall be carried into effect. The amount of any debt or liability as fixed in such approved scheme shall not be liable to increase. Any debt or liability disallowed by such Officer or Officers shall if such disallowance be approved by Government be and it is hereby declared to be for ever barred.

XI. It shall be lawful for the Governor in Council to empower the Officer or Officers aforesaid to raise a Fund to be applied to the settlement of the debts and liabilities of the Talookdar by assigning the whole or a

empower the Officer or Officers to raise a Fund for the settlement of the debts and liabilities of the Talookdar.

portion of his Landed Estates of any description of tenure to be held and enjoyed for a period or periods not exceeding 20 years from the publication of the declaration aforesaid by any fit person or persons who may advance money on the security thereof or by the sale of such outlying portion or portions of the said Estates as may appear expedient but in case of such sale the consent of the Talookdar and of his next heir if the latter be of age shall first be obtained.

XII. Any debt or liability, except as herein

Any debt or liability &c. incurred during such management not enforceable against the said Landed Estates.

before excepted which may be incurred by the Talookdar either personally or in respect to his said Landed Estates or any part thereof during the period of such management as aforesaid shall not be enforceable in any manner whatever either during or subsequently to such period of management against his said Landed Estates or any part thereof.

And Talookdar not competent during such period to charge sell or alienate his said Landed Estates.

And it shall not be competent for the Talookdar during the said period of management to charge encumber sell or alienate his said Landed Estates or any part thereof and such charge encumbrance sale or alienation shall be null and void.

XIII. It shall be lawful for every Officer

Civil Courts to give up writs decrees papers &c. when required.

and require the production of any writs decrees judgments records deeds documents exhibits pleadings books accounts letters petitions papers or writings filed in any of the Suits mentioned in the 2nd Section of this Act or relating to the debts or liabilities of any Talookdar whose Landed Estates are brought under such management as aforesaid in the custody or control of any Civil Court or in the custody or control of any Judges Judge Assistant Judge Officer or Person connected with such Court and upon notice being given in writing by such Officer or Officers to such Civil Court or to any Judges Judge Assistant Judge Officer or Person connected therewith such writs decrees judgments records deeds documents exhibits pleadings books accounts letters petitions papers or writings in the said Notice mentioned shall be immediately given up to the said Officer or Officers appointed under this Act in the manner directed by the said Notice any act usage or custom to the contrary in anywise notwithstanding.

XIV. It shall be lawful for any Officer or

Officers appointed under this Act to summon Witnesses and to take evidence upon oath or solemn affirmation and to administer oaths or solemn affirmations to persons whom he or they may admit to give evidence and any such Witness wilfully giving false evidence shall be subject to be proceeded against in like manner and to suffer if convicted the same punishment as if he or she had committed wilful and corrupt perjury and it shall also be lawful for the said Officer or Officers to compel the production of books accounts papers deeds or other docu-

ments and to inflict a fine not exceeding Rupees one hundred for disobedience to any Sunnud or order made under this Section.

XV. The Officer or Officers appointed for

The Officer or Officers to have for the purpose of realizing the rents and profits of such Estates the powers of a Collector.

the management of the landed Estates of any Talookdar under this Act shall have for the purpose of the realization and recovery of the rents

profits and income of such Landed Estates the same powers as a Collector possesses under the Regulations or Acts now or hereafter in force for the realization and recovery of Land Revenue due to Government.

XVI. The management of the Landed Estates

Management not to extend beyond twenty years and at expiration of management all claims &c. to be considered as settled.

of any Talookdar by such Officer or Officers as aforesaid shall not extend beyond the period of twenty years to be calculated from the first publication of such declaration as aforesaid in the

Bombay Government Gazette and at the expiration of such management whether before or at the end of such period of twenty years all debts and liabilities (except as hereinbefore excepted) existing at the time of such declaration and comprised in such approved scheme as aforesaid shall be deemed to be for all intents and purposes whatsoever fully discharged and satisfied and neither the Talookdar nor his heirs nor representatives nor his heir or their Estates whether moveable or immovable or any part thereof shall be subject in any manner whatsoever to such debts or liabilities (except as hereinbefore excepted) or any part thereof.

XVII. It shall be lawful for the Governor in

Governor in Council may appoint new Officers.

Council from time to time to appoint new Officers to carry this Act into effect

and all such Officers shall have the same powers as the Officer or Officers first appointed.

XVIII. Officers appointed under this Act

Officers to have powers for enforcing payment of Fines given to Courts by Section 61 Act XXV. of 1861.

shall have the same powers for enforcing the payment of Fines imposed under this Act as are given to Courts by Section 61 Act XXV. of 1861.

XIX. Notwithstanding anything to the contrary

Civil Courts may entertain Suits relating to succession rights of coparcenary or rights of persons claiming maintenance out of Landed Estates brought under the operation of this Act.

in this Act it shall be lawful for the Civil Courts to entertain and dispose of Suits relating to the succession to or rights of coparcenary in or rights of persons claiming maintenance out of any Landed Estates or

Estate brought under the operation of this Act Provided always that

Crown Government or Officer or Officers not liable to Suit for acts done in good faith by such Officer or Officers.

neither the Crown nor Government nor any Officer or Officers appointed under this Act shall be liable to any suit for or in respect of any act or acts done in good faith

by such Officer or Officers.

XX. From and after the expiration of the period of management of the Estate of any Talookdar whether such period extend to or be less than twenty years the Talookdar shall be the absolute Proprietor of his said Landed Estates as regards succession to and possession management and transfer of the same subject to such Land Tax as the Governor in Council may be pleased to reserve and all usual remedies for the recovery thereof.

XXI. The following words and expressions in this Act shall have the meanings hereby assigned

to them unless there be something in the subject or context repugnant to such construction (that is to say)

(1) The term "Civil Court" shall mean and include every Court of Civil Judicature in the Presidency of Bombay whether established by Royal Charter or not.

(2) Words importing the masculine gender shall include the feminine.

(3) Words importing the singular number shall include the plural number and words importing the plural number shall include the singular number.