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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September 1871, and was referred to a Select Committee with instructions to make their report thereon in four weeks:—

Bill No. 21 of 1871.

THE PANJA'B LAWS BILL, 1871.

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A Bill for declaring what law is in force in the Panjáb, and for other purposes.

Whereas it is expedient to declare what is the law in force in the Panjáb; It is hereby enacted as follows:—

Preamble.

- 1. This Act may be called "The Panjáb Laws Act, 1871."

Short title.

2. It extends to the territories now under the administration of the Lieutenant-Governor of the Panjáb, but not so as to alter the effect of any regulations made for any parts of the said territories under 33 Vic., c. 3, s. 1;

and it shall come into force on the passing thereof.

3. The law to be administered by the Courts of the Panjáb shall be as follows:—

(1) all Acts of Parliament generally applicable to British India:

(2) all Acts of the Governor General in Council which apply to the whole of British India, or which expressly refer or have been extended to the Panjáb:

(3) all regulations sanctioned by the Governor General in Council under the provisions of 33 Vic., c. 3, s. 1:

(4) the Bengal Regulations specified in Schedule A:

(5) in questions regarding inheritance, special property of females, marriage, adoption, dower, guardianship, minority, dower, bastardy, family relations, wills, legacies, gifts, partition or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been superseded by established custom, or has by legislative enactment been altered or abolished, or is opposed to the subsequent provisions of this Act:

(6) in cases not otherwise specially provided for, the Judges shall decide according to justice, equity, and good conscience.

4. All local customs and mercantile usages shall be regarded as valid unless they are contrary to justice, equity, or good conscience, or have before the passing of this Act been declared to be void by any person having authority to make any such rule, order, or regulation as is referred to in section twenty-five of the Indian Councils' Act.

5. The Regulations, Acts, rules, and orders mentioned in Schedule B hereto annexed, are repealed to the extent mentioned in the third column of the said Schedule.

PART I.

MODIFICATIONS OF HINDU AND MUHAMMADAN LAWS.

Disabilities under Hindú and Muhammadan Laws.

6. No disability declared by Hindú or Muhammadan law as arising from ceremonial defect, or physical defect, shall be allowed by the Courts to operate as a ground of exclusion from inheritance.

Descent of Jâghîrs.

7. In all cases in which Government has declared any rule of descent to prevail in any family or families of land-revenue, such rule of descent shall be held to prevail, and to have prevailed, amongst them from the time when the declaration was made, and Government shall have the power to interpret the rule where it may think proper to do so.

Law of Minority.

8. The period of legal minority of all tribes and classes and of both sexes shall be the age of eighteen years, according to the British calendar.

9. A father or guardian is legally entitled to the custody of a child or ward. Any child or ward in state of pupillage who may desert its home, can be compelled by order of the Court to return. But such order will be withheld by the Court, if it should appear that the child had been subjected to any cruelty or gross maltreatment.

10. If it shall appear to the Court that the child, although a minor, is nevertheless of mature and competent understanding, he may determine for himself as to his place of abode, mode of life or religious persuasion, notwithstanding opposition on the part of the parent or guardian. And the Court will disallow the claim of such parent or guardian to custody: Provided always that the course contemplated by the child is not contrary to morality, policy, or law.

The provisions of this section do not apply to girls who have been married.

11. Parental authority, whether in regard to the person or property of the child, ceases after the term of legal minority.

Gambling with Minors.

12. Any person of full age, who shall gamble with a minor, shall be liable to a fine of fifty rupees, or, in default of payment, to imprisonment for any period not exceeding two months.

Law of Betrothal.

13. No suit shall be brought for the recovery of any money or other valuable thing promised to a father in consideration of betrothal of his daughter.

If any such money or valuable thing has been paid or delivered, the person paying it shall not be entitled to recover it if the contract of marriage or betrothal is broken.

14. A contract of betrothal shall be terminated by the death of either of the betrothed parties.

15. If a man, betrothed to a woman, before his marriage with her, marries another woman, the contract of betrothal becomes voidable at the option of the betrothed woman, or of any person entitled by law to dispose of her in marriage.

16. If a contract of betrothal, legally entered into by a parent on behalf of a child is broken by such child on arriving at years of discretion, a suit for damages will lie against such parent or child.

If a marriage has been solemnized during the infancy of the parties, and has not been actually consummated, and if either of the parties, on coming of age, refuse to acknowledge the marriage, or contracts another marriage, a suit will lie against both the child who violates the contract and the parent who made it. In either case the action may be brought either by the aggrieved party, or by his or her parents, or jointly by both. Parents and guardians shall have a right to make such contracts.

17. In any case it is competent for a defendant to adduce reasons for non-fulfilment of the contract of betrothal or of marriage, such as immorality or misconduct on the part of the plaintiff, physical defect or incapacity and the like, and the Court shall decide whether these reasons are sufficient, either for mitigation of damages, or for the dismissal of the suit. In no case can the Court compel either party to complete the marriage against his or her will.

18. In the case of adults, breach of promise of marriage is actionable, and damages may be decreed, but any of the grounds specified in the preceding section may be urged in defence of such breach.

Seduction.

19. Any person who seduces an unmarried female, residing with her parent or guardian, may be sued in the Civil Court by the parent or guardian.

Dower among Muhammadans.

20. Where the amount of dower stipulated for in any contract of dower by a Muhammadan is excessive with reference to the means of the husband, the entire sum provided in the contract shall not be recoverable, but the amount of the dower to be allowed shall be reasonable with reference to the means of the husband.

21. The rule shall be applicable whether the suit for enforcement of the contract be brought in the husband's lifetime, or after his death.

PART II.

LAWS RELATING TO LAND AND THE RESPONSIBILITIES OF LANDHOLDERS.

Law of Pre-emption.

22. The right of pre-emption shall be presumed to exist, whether recorded in the list of customs at the settlement or not in all village communities however constituted in the absence of any custom or contract to the contrary. Whenever a landholder in a village desires to sell or permanently transfer his share, he must offer it first to the community at large, or to individual co-partners, and then, if there are any tenants with a right of occupancy in such village, to such tenants. If

neither the community, nor any member thereof, nor any such tenant be willing to accept the terms *bonâ fide* offered by the intending seller, he may sell the property on the same or higher terms to any other person. But if he have effected a sale without offering an opportunity of pre-emption, then the community, or any member of it, or any such tenant, may bring a suit for rescinding the sale. The same rules will pertain to the foreclosure of mortgages, and to sales in execution of decrees. But the principle of pre-emption is not applicable to mortgages or other temporary transfers.

23. A suit may be brought by any person claiming a right of pre-emption, to contest the *bonâ fides* of the offer made by an intending seller; and if the Court decide that such offer was not made *bonâ fide*, and that the plaintiff has a right of pre-emption, it shall decree such a right to the plaintiff on payment of such sum as appears to be the fair market value of the property.

24. In villages, the site and ground occupied by any sharer in the estate shall be subject to the right of pre-emption as above described: if the intending seller be a non-proprietary resident, the pre-emption pertains to the landholding community.

25. If a sharer in any joint undivided property, other than land, be desirous of permanently transferring his share, the right of pre-emption shall pertain to the co-sharers.

26. If in any town or city, or any sub-division thereof, the custom of pre-emption is shown to prevail, it may be enforced in the Civil Court. The Court shall determine the preferential right between contending claimants with reference to vicinity, relationship, or any other ground on which the right of pre-emption may be legally claimed.

27. No person who has been a party to a sale, may, after such sale, withdraw the property so sold and enforce a right of pre-emption as to other property sold at such sale.

28. When property is *bonâ fide* transferred by way of gift, no right of pre-emption arises.

29. The observance of any special procedure as regards rights of pre-emption, other than that herein prescribed, is in no case necessary.

30. In decrees for pre-emption, the decree shall state within what time the decree-holder shall pay the purchase-money for the property, and shall direct that, in default of such payment, the decree shall be void.

31. Where a right of pre-emption has been decreed, the vendor may not refuse to sell at the price fixed by the Court.

32. In villages in which the *chukdâri* tenure prevails, the co-sharers in a well have a right of pre-emption as to shares in

such well in preference to a general proprietor in a village having no share in the well, but merely receiving a *huk zemindaree* from the "*chukdârs*."

Responsibility of Landholders and others.

33. Every village headman, village watchman, owner or occupier of land, and every Native landholder and others bound to report certain matters, officer employed in the collection of revenue or

rent of land on the part of Government or the Court of Wards, is bound forthwith to communicate to the nearest Magistrate, or to the officer in charge of the nearest police station, any information which he may obtain respecting—

(a) the residence of any notorious receiver or vendor of stolen property at the village of which he is headman, or watchman, or in which he owns or occupies land, or collects rent or revenue, as the case may be;

(b) the resort to any place within the limits of such village of any person or persons known or reasonably suspected of belonging to a band of robbers;

(c) the commission or intention to commit suttee or other non-bailable offence at or near such village.

34. Every owner or occupier of land is responsible for the value of property stolen or plundered in any robbery or theft committed on the land which he owns or occupies:

Provided that no owner or occupier of land shall be so responsible in respect of a robbery or theft committed by night in any open road or wood, unless it be shown that he had such knowledge of the circumstances as might have been reasonably expected to enable him to prevent such theft or robbery, or that such theft or robbery was committed with his connivance.

In any case in which an owner or occupier is responsible for the value of property stolen or plundered in a robbery or theft, it shall be lawful for the person, whose property has been stolen or plundered, to sue such owner or occupier in the Civil Court for the recovery of the value of such property.

35. On the occurrence of a murder, or of any offence specified in section one hundred and thirty-eight of the Code of Criminal Procedure, the Village Watchmen of the village in which such offence has occurred shall, to the utmost of their ability, pursue and endeavour to apprehend the offender, and shall call on the headmen and owners or occupiers of land in the village, to oppose and seize such offender, or to pursue him if he has fled.

36. It shall be the duty of all such headmen, owners or occupiers of land, and of the Headmen, Village Watchmen, owners or occupiers of

land in any village through which the pursuit of such offender lies, to offer all the assistance in their power when called on to do so towards the arrest of such offender.

Any Village Watchman, Headman, owner or occupier of land, who fails to comply with the requirements of this section, shall be deemed to have committed an offence under the second part of

section one hundred and eighty-seven of the Indian Penal Code.

37. When an offence is committed and the tracks of the offenders are followed to a spot within the immediate vicinity of a village, the person following such tracks may call upon any Headman or Village Watchman in such village to assist in carrying on the tracks.

38. If such Headman or Watchman do not forthwith give such assistance, or if the inhabitants of such village do not afford full opportunity for search in their houses for the offenders, or if, from the circumstances of the case, there shall appear good reason to believe that the inhabitants of such village, or any of them, were conniving at the offence or at the escape of the offenders, and such offenders cannot be traced beyond the village, it shall be lawful for the Magistrate of the district to inflict a fine not exceeding rupees five hundred upon such village, to be recovered in the same manner as if it were arrears of land-revenue.

39. An appeal against all convictions under this section shall lie to the Chief Court, and they shall be reported to the Local Government.

The Magistrate may direct that the fine or any part thereof inflicted under this section may be awarded to any persons injured by such offence in compensation for such injury.

PART III.

ADMINISTRATION OF JUSTICE. *Criminal Law.*

40. The provisions of the Indian Penal Code shall be applicable to all offences (except offences under section one hundred and twenty-four A) committed before first January 1862 :

Provided that nothing shall affect any privilege conferred on certain Chiefs in the Panjáb by the Governor General in Council, or by the Board of Administration for affairs of the Panjáb.

Court of Wards.

41. The Commissioners of Divisions shall be Courts of Wards within their respective divisions.

42. The Court of Wards shall have jurisdiction over all females, minors under the age of eighteen, and idiots or lunatics, who may inherit any beneficial interest in any estate for which a settlement was made with their ancestor, or in respect of which they would have been entitled to be settled with, if they had been competent to make an agreement for the payment of revenue, or who are entitled by inheritance to any assignment of land-revenue.

Provided that no person shall be subject to the jurisdiction of the Court of Wards in respect of any beneficiary interest

Sharer in village community not subject to
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Court of Wards in certain cases. in any share in a village community, or in respect of any such estate as is above-mentioned, in which any other person or persons has a joint undivided interest, unless all such persons are disqualified.

43. It shall be in the discretion of the Court of Wards to assume or to decline jurisdiction over any such person as is mentioned in the last section.

44. The Deputy Commissioner may make an inquiry into the fact of incapacity. inquiry into the minority, lunacy or idiocy of any person, who, he has reason to believe, would, if found to be a minor, lunatic or idiot, be subject to the jurisdiction of the Court of Wards, and into the circumstances and property of any such person, and may make an order declaring such person to be subject to the jurisdiction of the Court of Wards.

45. Any such person may appeal against such order on the ground that he is not, or has ceased to be, a minor, or that he is not, or has ceased to be, a lunatic, to the principal Civil Court of the district, and the decision of such Court shall be certified to the Court of Wards, and shall be final.

46. The jurisdiction of the Court of Wards shall extend to the care of the person and to the management of property of the persons subject thereto, and the Local Government shall make rules as to the manner in which, and the agents by whom, it shall be exercised.

Forest Rules.

47. The rules for conservancy of forests and jungles in the hill districts of the Panjáb territories contained in letter of Secretary to Government of India, to Chief Commissioner, Panjáb, No. 1789, of 21st May 1855, shall be deemed to have the force of law; and the subsidiary rules issued thereunder by Commissioners, shall continue to be acted upon till otherwise directed by the Local Government.

Decrees concerning Land.

48. Every Judge of a Civil Court in which a decree affecting land is passed, shall cause a certified copy of such decree to be forwarded to the Collector of the district within a month from the making of such decree.

Insolvency.

49. Any Court which the Local Government shall invest with insolvency jurisdiction, is authorized, at the instance of the debtor or debtors, or of the creditor or one or more of the creditors, to call upon a debtor to make a statement on oath of his assets and liabilities; to register all claims of creditors; to invite, by proclamation or other notification, the appearance of claimants by a certain date to be named by the Court; to detain the debtor on such security as to the Court may seem reasonable, or, in default thereof, in custody; to attach all his property, moveable or immovable; and to exempt his person and property from further legal process, pending inquiry and the final orders of the Court.

50. After a full inquiry into the origin, nature, and circumstances of the debts, and the conduct of the debtor in relation thereto, and after the completion of arrangements for the disposal or administration of his property for the benefit of the creditors, the insolvent shall be discharged by the Court, on his signing an agreement to liquidate his unpaid debts from any property he may subsequently acquire: Provided that if the insolvent be shown to have been guilty of concealment, fraud, recklessness or other gross misconduct in reference to the debts, and if his discharge, for that reason, is opposed by any of the creditors, the Court may, at its discretion, award a term of imprisonment in the civil jail not exceeding one year.

51. The property of the insolvent shall be sold or administered, under the direction of the Court, either through the agency of its own officer, or of assignees to be appointed by the Court, in the manner most conducive to the interest of the creditors, and the proceeds shall be divided rateably amongst them. The Court shall also give effect to any composition or arrangement agreed upon between the debtors and the majority of the creditors: Provided that no injustice or injury shall appear to be inflicted on any of the parties concerned, and that no fraud nor collusion is suspected. If any individual among the creditors objects to such arrangement, the Court shall decide as to the validity or otherwise of the objection.

52. If it appear that the debtor, after becoming insolvent, or in expectation of becoming so, have transferred his property, or any part thereof, with a view to defrauding his creditors, or to giving one or more creditors a fraudulent preference over the others, the Court shall annul such transfer, and treat the property transferred in the manner described in the preceding section.

53. An insolvent once released or discharged shall not subsequently be liable to arrest or imprisonment on account of any debt registered up to the date of the discharge, unless he shall be proved to have been guilty of fraud or concealment. But any property he may afterwards acquire, or be found in possession of, will be liable to seizure for liquidation of those debts.

54. In the event of the insolvency of a partnership, the Court shall cause the joint and the private property of each partner to be collected, and having, in the same manner collected his joint and his private debts, shall cause the one to be discharged by the other, distributing rateably to each creditor.

55. Nothing in the preceding sections shall apply to persons who may have been admitted to the benefit of any insolvency law at a presidency town.

56. The Chief Court of the Panjáb may, with the sanction of the Local Government, from time to time, frame and issue rules conformable to the provisions hereinbefore con-

tained for the better administration of insolvent estates, and may in like manner alter any such rules.

57. The Local Government may at any time, with the previous sanction of the Governor General in Council, exclude any particular class or race from the operation of these rules.

58. No proceedings of any Court in the exercise of insolvency jurisdiction before the passing of this Act, shall be held to have been invalid solely on the ground that such Court did not possess such jurisdiction.

PART IV.

POWER OF LOCAL GOVERNMENT TO MAKE RULES.

59. The Local Government shall have power to issue rules as to the matters hereinafter enumerated, and to alter and amend any such rules from time to time:

Provided that—

- (1) such rules be not inconsistent with the provisions of this or any Act or law for the time being in force;
 - (2) that, previous to notification, they be sanctioned by the Governor General in Council;
 - (3) that they be notified in the local Gazette.
- Existing rules upon the subjects hereinafter mentioned which are retained by the Local Government shall be deemed to have been issued under, and in conformity to, this section:
- (a) Investigation, grant, resumption and forfeiture of revenue-free lands and pensions. Interpretation of terms of grants, pensions to families of deceased grantees.
 - (b) Regulation of the executive powers of the Financial Commissioner.
 - (c) Tracking of criminals, and responsibility of villages to which the tracks are carried for stolen property.
 - (d) Slaughter of kine and regulation of the sale of beef.
 - (e) Rules supplementary to the Arms Act, and not opposed to its provisions (stamp for licenses to carry and possess arms).
 - (f) Possession, sale, or transfer of arms by Native soldiers.
 - (g) Manufacture of military accoutrements.
 - (h) Exclusion and deportation of bands of foreign vagrants.
 - (i) Admission of armed parties into cities.
 - (j) Conferring police powers on men of local influence.
 - (k) Permission to villages to dispense with chaukidárs (village watchmen) on certain terms.
 - (l) Regulation of the use or possession of buoys for crossing rivers.
 - (m) Forfeiture of jágírs for crime and liability for debt.
 - (n) Grazing tax, sájjí, and other jungle products.
 - (o) Regulation of salt works in the Gurgaan District.
 - (p) The manufacture of saltpetre.
 - (q) The regulation of the growth, sale, and possession of opium.
- Penalties not exceeding six months' imprisonment and rupees five hundred fine may be imposed in respect of the breach of any such rule.

SCHEDULE A.

Enactments declared to be in force.

Number and year.	Title.	Extent to which the Enactment is in force.
I. of 1798.....	A Regulation to prevent Fraud and Injustice in conditional sales of land under Deeds of Bye-bil-wuffa, or other Deeds of the same nature.	The whole, except such parts as relate to interest.
X. of 1804.....	A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the state by the sentence of Courts Martial.	The whole, so far as it is not modified by Act V. of 1841.
XVII. of 1806.....	A Regulation for extending to the Province of Benares the rates of interest on future Loans and Provisions relative thereto, contained in Regulation XV., 1793; also for a general extension of the period fixed by Regulation I. 1798, and XXXIV. 1803, for the redemption of Mortgages and conditional sales of land under Deeds of Bye-bil-wuffa, Kutcubaleh or other similar designation.	Sections VII. and VIII.
V. of 1817	A Regulation for declaring the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	The whole.
III. of 1818	A Regulation for the confinement of State-prisoners.	The whole.
XI. of 1825	A Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by dereliction of a river or the sea.	The whole.
XX. „ „	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing regulations in conformity thereto.	Sections two and four.

SCHEDULE B.

Regulations and Acts repealed.

No. of Act.	Title of Act.	Extent of repeal.
	All Bengal Regulations now in force in the Panjáb, except those specified in Schedule A, and, except when expressly provided otherwise in this Act, all rules, laws, and regulations made for the Panjáb and its Dependencies or for any part thereof, which have acquired the force of law under the Indian Councils' Act.	The whole.
Act VI. of 1846	An Act for the more convenient administration of the country called the Bhattee Territory.	The whole.
Act III. of 1870.....	An Act to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.	So far as it is unrepealed.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to clear away the doubts which at present exist as to the legal force of the Panjáb Civil Code, the Bengal Regulations, various Administrative rules and orders, which are believed to have acquired the force of law under the Indian Councils' Act. This is done by distinctly laying down which of the Acts of the Governor General are in force in the Province, and by re-enacting in more precise and unambiguous language those portions of the Panjáb Civil Code, the Regulations, or the orders of Government it is considered desirable to preserve.

(Signed) J. F. STEPHEN.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General
for making Laws and Regulations.*

Simla, The 5th September 1871.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 5th September 1871, and was referred to a Select Committee with instructions to make their report thereon in four weeks:—

Bill No. 22 of 1871.

**THE PANJA'B LAND-REVENUE
BILL, 1871.**

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28. If settlement made with village community, joint and several liability.
29. Settlement Officer to give notice of terms to village headman.
30. If headman accepts, village community is bound.
31. Persons refusing entitled to an allowance.
32. Land may be held after expiration of existing term upon terms of expired settlement.
33. Waste lands not included within boundaries of estates to be the property of Government.
34. Civil Court not to entertain question of validity of proceedings of Settlement Officer.

CHAPTER V.

**COLLECTION OF LAND-REVENUE BY PROCESSES
OTHER THAN SALE.**

35. Local Government may make rules as to instalments.
36. Duty of person liable to pay on appointed day.
37. Arrear of land-revenue.
38. Remedies of arrear due—
(1) notice to pay,
(2) arrest and detention,
(3) imprisonment in civil gaol,
(4) distraint and sale of moveables.
39. When Civil Court may interfere.
40. Payment under protest.
41. Attachment and direct management.
42. Notice to cancel settlement.
43. Cancelling settlement and letting to farm.
44. Persons dispossessed to have allowance.
45. Person whose land is let to farm not liable to revenue.
46. Transfer of share of defaulter to solvent co-sharers.
47. When transfer of share is to become absolute.
48. Who may tender payment.
49. Processes not to affect joint and several liability of community.
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SALES OF LAND FOR ARREARS OF LAND-REVENUE.

52. Sale by auction.
53. Land to be sold free or subject to incumbrances.
54. Procedure on sale.
55. Attachment till sale.
56. Notification.
57. Who may deposit arrear.
58. Effect of deposit.
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61. Offer for sale.
62. Adjournment of sale.
63. Sale of share, pre-emption.

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64. Purchaser of share becomes co-sharer.
65. Land not to be sold for less than arrear of revenue.
66. Deposit.
67. Payment of balance.
68. Re-sale.
69. Loss on re-sale an arrear of revenue.
70. On forfeiture of deposit defaulter may tender arrear.
71. Appeal against sale.
72. When sale becomes final.
73. Grounds on which sale may not be set aside.
74. Civil Court may not annul sale.
75. Certificate of title.
76. Notification of transfer.
77. Application of purchase-money.
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79. Purchaser's liability.
80. Refund of purchase-money.
81. Revenue Officers to execute decrees of Court.
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CHAPTER VII.

POWER TO LOCAL GOVERNMENT TO MAKE RULES.

83. Local Government to make rules.
84. Re-publication of rules.

A Bill to consolidate and define the law relating to the settlement and collection of land-revenue in the Panjáb, and for other purposes.

Whereas the Government of India is by law entitled to a proportion of the produce of the land of the Panjáb to be from time to time fixed by itself; and whereas it is expedient to consolidate and define the law relating to the settlement and collection thereof, and to the duties of Revenue Officers in the Panjáb; It is enacted as follows:—

PRELIMINARY.

1. This Act may be called "The Panjáb Land-Revenue Act, 1871."
- Short title.
- It shall extend to all the territories subject to the Lieutenant-Governor of the Panjáb;
- Local extent.
- Commencement.
- and it shall come into force on the passing thereof.

CHAPTER I.

REVENUE OFFICERS.

2. There shall be in the Panjáb the following grades of Revenue Officers:—

- (1) the Financial Commissioner, who shall be the chief revenue authority in the Panjáb;
- (2) the Commissioners, each of whom shall be the chief controlling authority within a division;
- (3) the Deputy Commissioners, each of whom shall be the chief executive authority in a district;
- (4) Assistant Commissioners;
- (5) Extra Assistant Commissioners;
- (6) Tahsildars;
- (7) Deputy Tahsildárs;
- (8) Subordinate Ministerial Officers;
- (9) Village Headmen;
- (10) Village Accountants.

The Local Government may, from time to time, define and vary the local limits within which these officers are to exercise their authority.

3. The officers of the 1st eight classes shall be appointed and may be removed by the Local Government, but the Local Government may permit officers of the first, second or third class to appoint and remove such of the subordinate ministerial officers as are now usually appointed by them, under such regulations as to the Local Government seem fit.

4. The revenue officers shall discharge such duties as are imposed upon them by this Act, and such other duties not inconsistent therewith as the Local Government may require of them.

5. The Local Government may invest Assistant Commissioners, &c., may be invested with powers of Deputy Commissioner. Extra Assistant Commissioners, either individually or collectively, with all or any of the powers hereinafter conferred upon Deputy Commissioners. Deputy Commissioners may distribute the duties which they are competent to perform amongst the Assistant Commissioners and Extra Assistant Commissioners of their district, as they think proper, and all Assistant Commissioners and Extra Assistant Commissioners shall be held to have been duly authorized to exercise all such powers as they do habitually exercise at the time of the passing of this Act.

6. The Local Government shall make rules as to the appointment, payment, and removal of Village Headmen, Accountants and Watchmen.

It is the duty of the Village Headmen to accept or refuse on behalf of the village community the terms offered to them at the settlement of revenue as hereinafter mentioned;

to collect from the co-sharers and sub-proprietors the shares of revenue for which, as between themselves, they are liable;

to attend revenue officers when required, and afford them information;

to pay village expenses, and to account for the money.

It is the duty of the Village Accountant to assist the headman in his duties, and to keep all village accounts and records.

The Local Government shall make rules as to the manner in which these duties shall be performed, and may prescribe the performance by the said officers of any other duties not inconsistent with them, and until such rules are made, the Local Government shall be deemed to have directed the continuance of all existing practices in respect to the matters aforesaid.

CHAPTER II.

OF SETTLEMENTS.

7. Whenever the amount of revenue to be paid in any particular district is assessed or re-assessed, and whenever the record of rights hereinafter described is either made or

revised under the provisions hereinafter contained, a settlement is said to be made.

8. Whenever any person or persons are permitted to engage with the Government for the payment of revenue due in respect of any land, they are said to be settled with them, or a settlement is said to be made with them in respect of that land.

Four heads of settlements. 9. Settlements may be of the following kinds:

(1) a summary settlement is a settlement in which the revenue is assessed, but no record of rights is made;

(2) a first regular settlement is a settlement in which the revenue is assessed, and a record of rights is formed for the first time;

(3) a re-settlement is a settlement subsequent to a first regular settlement in which the revenue is assessed, and in which a record of rights may or may not be formed or altered according to the provisions hereinafter contained;

(4) a re-settlement without re-assessment is a settlement in which the revenue is not re-assessed, but a record of rights is formed or revised according to the provisions hereinafter contained.

10. A district or other local area in which a settlement of any one of the kinds mentioned in section nine is going on, is said to be under settlement.

11. Records of rights hereafter to be made shall consist of the following documents, the form and contents of which may be prescribed by the Local Government, if and in so far as it thinks it expedient to do so:

(1) maps and measurement papers showing amongst other things the boundaries of the villages or estates in respect of which the settlement is to be made, and the fields into which they are divided:

(2) a statement of the occupiers and owners of the fields specified in the said maps and of the lands occupied and owned by them:

(3) a tender on behalf of the person or persons to be settled with to engage for the payment of the revenue during the term for which the settlement is made:

(4) a statement of the different shares held by the persons settled with and of the amount of revenue for which, as between each other, they are to be responsible, and a statement of persons holding lands free of revenue and of the lands so held:

(5) a statement of the customs of the estate or village in respect of which the settlement is made, and of the terms on which the person or persons settled with offer to pay the amount of revenue assessed:

(6) an abstract of the proceedings at the settlement, which shall contain amongst other things a statement of all judicial decisions passed by the Settlement Officers in the course of the settlement.

12. The Local Government shall prescribe the manner in which the several documents mentioned in section eleven shall be prepared, signed, executed and attested.

13. The Local Government shall, with the previous sanction of the Government of India, give written instructions to the principal Settlement Officer stating the principle on which the amount of revenue is to be assessed. No Court of Justice shall be entitled, under any circumstances, to require the production or shall permit evidence to be given of the contents of such instructions.

14. All judicial decisions passed by Settlement Officers shall be proved in the same manner and shall have, when proved, the same effects as judgments delivered by Civil Courts.

Entries stating the existence of any individual right of property, superior or inferior, or of any right of occupancy, or of any personal liability by contract or otherwise, shall in all cases be presumed to be true, and as against all persons and the representatives in interest of all persons who executed or attested, or who are in any such document mentioned as having had an opportunity of executing or attesting any of the documents hereinbefore mentioned, such entries shall after five years from the date thereof be conclusive proof of that which they state.

15. Whenever a district or other local area is to be put under settlement, the Local Government may, with the previous sanction of the Government of India, issue a notification of settlement which shall contain the following things:—

(1) it shall define the local area within which the settlement is to be made;

(2) it shall mention such of the officers by whom it is to be made as hold appointments, the filling of which is usually notified in the Government Gazette: the officers so named are herein referred to as Settlement Officers;

(3) it shall specify the judicial powers, if any, which are to be conferred upon such officers or any of them under section twenty-one of the Panjáb Courts' Act, 1865;

(4) it shall state whether such officers shall have any, and, if so, what power to take up of their own accord cases which are not brought before them for decision by parties, or to refer matters to arbitration, and what orders they are to have power to pass in such cases;

(5) it shall specify the manner in what, and the Courts before which, individual claims of right recorded by, and not disputed before the Settlement officer, may be disputed within five years of their having been made;

CHAPTER III.

MAINTENANCE OF RECORD OF RIGHTS.

(6) it shall provide means by which notice shall be given to the parties concerned as to the effect of statements of individual right not disputed at the settlement;

(7) it shall declare whether the settlement is to be a summary settlement, a first regular settlement, a re-settlement, or a revision of an existing record of rights;

(8) it shall declare whether surveys and plans are to be made, and whether the boundaries of villages and estates are to be adjusted or re-adjusted or not;

(9) if the settlement to be made is to be a re-settlement, or a revision of an existing record of rights, the notification shall specify the particulars in which the officer in charge of the settlement is to revise the existing record of rights, and every new entry made therein, shall have the effect prescribed in section thirteen according to its nature: Provided that no entry affecting any proprietary or other right shall be altered except by consent of all parties concerned, or after a judicial proceeding.

16. The Local Government may, with the previous sanction of the Government of India, from time to time, alter and vary the contents of the settlement notification, and prescribe the order in which the Settlement Officers shall discharge their duties.

17. The Local Government may remove the Settlement Officers mentioned in the notification, and appoint others to succeed them, or to act for them during their temporary absence.

18. All Settlement Officers named in the notification, and all other officers who, from time to time, hold their offices, shall for the time being be public servants within the meaning of the Indian Penal Code.

19. Such officers shall have the same power to compel the attendance of all persons whom they believe to be able to give them information as to the matters into which they are charged to inquire by the notification, as the Judges of Civil Courts have to procure the attendance of witnesses under the Code of Civil Procedure; and all persons who appear before such officers are legally bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

20. Such officers and the servants and workmen employed by them shall have the powers specified in the Land Acquisition Act (X. of 1870), section four, for the purpose of making such plans and surveys as they are required to make by the notification, and of collecting such information as to the quality and produce of the land as may be necessary to enable them to assess the revenue to be paid thereon.

21. When the record of rights, or the revision of the record of rights, as the case may be, is completed, the Settlement Officers shall make over charge of the said record, or of the papers containing the revision of it, to the Deputy Commissioner of the district.

22. The Deputy Commissioner shall cause such alterations to be made from time to time in the record of rights as shall be rendered necessary by any assignment or remission of land-revenue, by alluvion or diluvion, or any other natural cause, by the death of persons named therein, by decrees or orders of Courts of Law, or by the consent of the parties to any transaction by which any right mentioned in the record of rights is affected, and such entries shall have the same effect as though they were made in the course of a settlement by a Settlement Officer.

23. The Local Government shall make rules as to the nature of such alterations, the manner in which the persons by whom, and the occasions on which they are to be made, and as to the fees which are to be paid in respect of them.

24. The Local Government shall from time to time issue standing orders as to the mode of proceeding for making or modifying settlements of resumed lands, lands affected by alluvion and diluvion, and other isolated portions of land. Such standing orders may provide for any matters which in the case of a notification of settlement might be provided for for the local area therein specified, and the Officers empowered by such orders to act as Settlement Officers shall have all the powers hereinbefore given to Settlement Officers.

CHAPTER IV.

ENGAGEMENTS FOR PAYMENT OF LAND-REVENUE.

25. When the land in respect of which the settlement is to be made is owned by one person, the settlement shall be made with that person.

When it is owned by several persons holding in shares, divided or undivided, it shall be made with the proprietors through their representatives.

When there are two kinds of proprietors, superior and inferior, the settlement may be made with either at the discretion of the principal Settlement Officer.

26. When the Officer in charge of the settlement has satisfied himself as to the amount at which any land should be assessed, he shall inform the person or persons with whom the settlement is to be made, that they are at liberty to make an offer to the Government to pay that amount of revenue

in respect of the land for the term for which, and on the conditions on which, the settlement is to be made.

27. If the persons with whom the settlement is to be made agree to make such offer, they shall become liable, from the date of such agreement, to the payment of the amount of revenue mentioned in the said offer; but the Local Government may refuse to be bound by the offer made by the officer in charge of the settlement, and may require any officer whom they may appoint for that purpose, to offer the land to the persons with whom the settlement is to be made, at any other rate of revenue:

Provided that no such fresh offer shall be retrospective of the amount of the assessment raised.

28. If the settlement is made with a village community, all the members thereof shall be jointly and severally liable for the payment of the whole amount of revenue which the community engages to pay, and to all the processes hereinafter prescribed for the collection of arrears of revenue.

29. If the settlement is to be made with a village community, the officer in charge of the settlement shall give public notice, in such manner as to him seems fit, that he is about to inform the community of the terms on which the settlement may be made with them, and such terms shall be publicly communicated to the Village Headmen.

30. If the Village Headmen agree to make the offer, the village community shall be bound by such agreement.

31. Any person who, or any village community which, refuses to make such an offer as is mentioned in section twenty-seven, shall be entitled to an allowance the amount of which is to be fixed by the Financial Commissioner, but which is not to be less than five per cent., and not more than ten per cent., on the net amount realized by Government from the land.

32. If the term for which any settlement has been made expires before a new settlement is made, all persons who continue to occupy the land after the expiration of such term shall hold it upon the terms of the expired settlement until a new one is made.

33. If the principal Settlement Officer is authorized by the terms of the notification of settlement to fix the boundaries of estates or villages, and if he finds that any waste land is not included within the boundaries of any estate or village, he may declare such waste land to be the property of Government.

34. No Civil Court shall entertain in any form the question whether the proceedings of any Settlement Officer are valid, except in the case of appeals from judicial decisions passed by such officers.

Civil Court not to entertain question of validity of proceedings of Settlement Officer.

CHAPTER V.

COLLECTION OF LAND-REVENUE BY PROCESSES OTHER THAN SALE.

35. The Local Government may, from time to time, make rules as to the instalments by which, and the places at which, the revenue shall be paid, and, unless and until the Local Government shall otherwise direct, it shall be deemed to have directed that the practice now observed shall continue to be observed.

36. It is the duty of every person who has engaged to pay any portion of revenue, and, in the case of a village community, it is the duty of the headmen, to pay the same at the place, and during office hours, on the day appointed by the Local Government in that behalf.

37. Any sum not so paid thereupon becomes an arrear of land-revenue.

38. When an arrear of land-revenue has become due the Deputy Commissioner may issue a notice to pay the amount within a time stated in the notice;

or if the arrear has remained unpaid for ten days after it became due, whether any notice has been issued or not, may order any such person or his surety to be arrested and conveyed to the Deputy Commissioner's head quarters, there to be kept under personal restraint in the land-revenue office of the district for ten days from the time of his arrival;

or issue a warrant directing the Revenue Sheriff to arrest and convey him to the gaol of the district, and directing the gaoler of such gaol to confine him therein as a civil prisoner until the arrear is paid, or until the expiration of such period, not exceeding one year from the date of the warrant, as the Deputy Commissioner thinks fit, and such person shall be confined according to the exigency of such warrant;

or order the distraint and sale of the moveable property of any such person, with the exception of instruments of husbandry, cattle actually employed in agriculture, and the tools of artisans.

Every such sale shall be conducted according to the law in force for the time being for the sale of moveable property under the decree of a Civil Court;

or take any two or more of these processes which are not inconsistent.

39. No such proceeding shall be liable to be contested in any Civil Court, unless the person aggrieved thereby denies that the amount of revenue claimed was due, and tenders security for any arrear which he may admit to be due, or to be likely to become due, before the termination of the suit, and for costs, in which case the court shall issue a precept to the Deputy Commissioner to discharge the prisoner from custody; but the Court shall not interfere with any such distress and sale of moveable property as aforesaid.

When Civil Court may interfere. Court, unless the person aggrieved thereby denies

that the amount of revenue claimed was due, and tenders security for any arrear which he may admit to be due, or to be likely to become due, before the termination of the suit, and for costs, in which case the court shall issue a precept to the Deputy Commissioner to discharge the prisoner from custody; but the Court shall not interfere with any such distress and sale of moveable property as aforesaid.

40. If any such process as is mentioned in section thirty-eight is taken against any person, such person may pay the amount claimed or any part thereof under protest, and, upon such payment, such process shall be withdrawn, and the party against whom it was issued may sue the Government in any Civil Court for the amount so claimed.

Payment under protest. section thirty-eight is taken against any person,

such person may pay the amount claimed or any part thereof under protest, and, upon such payment, such process shall be withdrawn, and the party against whom it was issued may sue the Government in any Civil Court for the amount so claimed.

41. When an arrear of land-revenue has become due, the Deputy Commissioner of the District may in addition to the processes specified in section thirty-eight, or any two or more of them, cause the land in respect of which the arrear has become due to be attached and taken under the direct management of any agent whom he may appoint for that purpose. The agent so appointed shall stand for all purposes in the position of the person on account of whose default the land was attached, and shall be bound by all the engagements or other relations which existed between him and any subordinate proprietors or tenants with rights of occupancy, and shall be entitled to manage the land to the exclusion of the person whose interest therein has been attached, until the arrears of land-revenue due therefrom have been satisfied, or until the Deputy Commissioner of the district directs him to restore the person whose interest has been attached to the management thereof.

Attachment and direct management. due, the Deputy Commissioner of the District may in addition to the processes specified in section thirty-eight, or any two or more of them, cause the land in respect of which the arrear has become due to be attached and taken under the direct management of any agent whom he may appoint for that purpose. The agent so appointed shall stand for all purposes in the position of the person on account of whose default the land was attached, and shall be bound by all the engagements or other relations which existed between him and any subordinate proprietors or tenants with rights of occupancy, and shall be entitled to manage the land to the exclusion of the person whose interest therein has been attached, until the arrears of land-revenue due therefrom have been satisfied, or until the Deputy Commissioner of the district directs him to restore the person whose interest has been attached to the management thereof.

42. When any arrear of land-revenue has accrued and remains unpaid for more than one month, the Deputy Commissioner of the district may, with the previous consent of the Financial Commissioner, cause to be published, within the village or upon the land in respect of which such arrear is due, a notification that, unless the arrear is paid within fifteen days from the date of the notice, the settlement made in respect of the land will be cancelled, and all contracts made between any superior proprietor and any subordinate proprietor thereof, and all occupancy rights of all tenants thereof, however they may have accrued, will be suspended for a term to be specified in the notification, not exceeding fifteen years.

Notice to cancel settlement. paid for more than one month, the Deputy Commissioner of the district may, with the previous consent of the Financial Commissioner, cause to be published, within the village or upon the land in respect of which such arrear is due, a notification that, unless the arrear is paid within fifteen days from the date of the notice, the settlement made in respect of the land will be cancelled, and all contracts made between any superior proprietor and any subordinate proprietor thereof, and all occupancy rights of all tenants thereof, however they may have accrued, will be suspended for a term to be specified in the notification, not exceeding fifteen years.

43. If the arrear of land-revenue due in respect of the land is not paid within fifteen days from the date of the notification, the settlement therein mentioned shall be cancelled, and the contracts between the superior and subordinate proprietors, and the rights of the subordinate proprietors, shall be suspended for the term mentioned in the notification; and the Deputy Commissioner, with the previous consent of the Financial Commissioner, may either appoint

Cancelling settlement and letting to farm. of the land is not paid within fifteen days from the date of the notification, the settlement therein mentioned shall be cancelled, and the contracts between the superior and subordinate proprietors, and the rights of the subordinate proprietors, shall be suspended for the term mentioned in the notification; and the Deputy Commissioner, with the previous consent of the Financial Commissioner, may either appoint

an agent to manage the land or may let the land in farm to any person who may be willing to accept the same, and upon any terms which he may think fit, and the agent or farmer thereof may, during the terms specified in the notification, either occupy the land himself or sub-let the same to the persons who before the expiration of the fifteen days' notice, had occupancy rights therein, or who held the same as tenants-at-will, or to such other persons, on such terms as he may think proper.

an agent to manage the land or may let the land in farm to any person who may be willing to accept the same, and upon any terms which he may think fit, and the agent or farmer thereof may, during the terms specified in the notification, either occupy the land himself or sub-let the same to the persons who before the expiration of the fifteen days' notice, had occupancy rights therein, or who held the same as tenants-at-will, or to such other persons, on such terms as he may think proper.

44. Whenever any person is dispossessed of any beneficial interest in any land under section forty-one or section forty-three, he shall be entitled to an allowance in respect thereof such as is provided in section thirty-one.

Persons dispossessed to have allowance. any land under section forty-one or section forty-three, he shall be entitled to an allowance in respect thereof such as is provided in section thirty-one.

45. If the share of any member of a village community is let to farm under the provisions hereinbefore contained to any person other than a member of the village community, such person shall not, during the term of his farm, be liable for the land-revenue due in respect of the other shares in the village community, and if such person is a member of the village community, he may, if the Financial Commissioner so directs, be freed in respect of such share from his joint and several liability.

46. If an arrear of land-revenue has accrued in respect of the share of any member of a village community, the Deputy Commissioner may call upon the other co-sharers to pay the arrear and to accept a transfer of the share of the defaulting co-sharer, either permanently or for a term of years not exceeding fifteen, or until the arrear is repaid.

Transfer of share of defaulter to solvent co-sharers. in respect of the share of any member of a village community, the Deputy Commissioner may call upon the other co-sharers to pay the arrear and to accept a transfer of the share of the defaulting co-sharer, either permanently or for a term of years not exceeding fifteen, or until the arrear is repaid.

47. If the share is transferred until the arrear is repaid, and if the arrear is not repaid within twelve years, the members of the village community, to whom the share is transferred, may apply to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, the transfer will become absolute, and the Deputy Commissioner shall publish such notification accordingly; and, if the arrear is not paid before the expiration of one year from the date of the notification, the transfer shall become absolute accordingly.

When transfer of share is to become absolute. is repaid, and if the arrear is not repaid within twelve years, the members of the village community, to whom the share is transferred, may apply to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, the transfer will become absolute, and the Deputy Commissioner shall publish such notification accordingly; and, if the arrear is not paid before the expiration of one year from the date of the notification, the transfer shall become absolute accordingly.

48. Any member of a village community, in respect of one of the shares in which an arrear of revenue accrues, may tender payment of such arrear or may offer to pay such arrear by instalments, and, if such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner shall transfer the share of the defaulting co-sharers to such other co-sharer in either of the manners specified in section forty-three, and subject to the provision of section forty-four. If more co-sharers than one make such tender or offer, the one who is most nearly related to the defaulter, or who, in case of sale, would have a right of pre-emption, shall be preferred.

Who may tender payment. of revenue accrues, may tender payment of such arrear or may offer to pay such arrear by instalments, and, if such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner shall transfer the share of the defaulting co-sharers to such other co-sharer in either of the manners specified in section forty-three, and subject to the provision of section forty-four. If more co-sharers than one make such tender or offer, the one who is most nearly related to the defaulter, or who, in case of sale, would have a right of pre-emption, shall be preferred.

49. The procedure prescribed in sections forty-three, forty-four and forty-five shall not affect the joint and several liability of the members of the village community, or prevent the issue against them, of any of the other processes hereinbefore prescribed for the recovery of arrears of land-revenue which have accrued due from them or any of them.

50. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described against the person or moveable property of the defaulter, or against the land in respect of which the arrear has accrued, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, order the attachment under section forty-one, of any beneficial interest which the person liable for the arrear may be entitled to in any other land, and may keep such land under attachment till the arrear is satisfied.

51. No attachment or letting to farm under this Act shall, as against the Government, be called in question in any Civil Court whatever.

CHAPTER VI.

SALES OF LAND FOR ARREARS OF LAND-REVENUE.

52. If the Deputy Commissioner is of opinion that an arrear of land-revenue cannot be recovered by any of the means hereinbefore mentioned, he may, with the previous sanction of the Financial Commissioner, sell by auction

any land in respect of which such arrear has accrued, or

any share in land in respect of which share any such arrear has accrued, or

any beneficial interest whatever in land other than that in respect of which such arrear has accrued, to which interest the person settled with for the land on which the arrear has accrued, is entitled, or

any houses with their out-buildings, gardens, and land occupied therewith, or

any assignments of land-revenue, to which such person is entitled;

but no land shall be liable to be sold by auction in respect of an arrear of land-revenue,

if the land is subject to the Court of Wards, or if the Court of Wards has jurisdiction over it, and the arrear has accrued during the period of its being subject to the said Court or under its jurisdiction, or

if the land is under attachment, and the arrear has accrued during such attachment, or

if the land is held in farm by a person who is not a member of the village community within which the land is situated, and the arrear has accrued during the term for which it is let in farm.

53. The Financial Commissioner shall direct either that the land shall be sold free from incumbrances, or that it shall be sold subject to incumbrances:

(1) if the land is to be sold free from incumbrances, all beneficial interests in the land which may have been created by the defaulter, or those through whom he claims since the date of the last settlement, and all contracts between him or them and the occupiers of the land, except beneficial leases granted in consideration of the erection of substantial improvements to be executed by the lessee on the property leased, shall become void as against the purchaser at the sale by auction:

(2) if the land is to be sold subject to incumbrances, the purchaser at the sale by auction shall purchase only the interests which belonged to the person liable to the arrear, and shall be bound by all transactions in respect of the creation of subordinate beneficial interests in the land, and by all leases by which that person would have been bound:

(3) if the land is to be sold subject to incumbrances, and if the sale does not produce an amount equal to the arrear due at the time of sale, or if it shall appear necessary to the Financial Commissioner, in order to secure the payment of the arrears of revenue due, the Financial Commissioner may direct the sale to be set aside and the land to be sold free from incumbrances at any time before the sale becomes final, as hereinafter mentioned.

54. The procedure hereinafter described shall be observed when it is determined to sell any land by auction for an arrear of land-revenue, and when the sanction of the Financial Commissioner to such sale has been obtained.

55. The Deputy Commissioner may direct the land to be attached until the sale.

56. The Deputy Commissioner shall publish a notification specifying the nature and amount of the arrear in respect of which the land is to be sold, and declaring that it will be sold accordingly, unless such arrear is paid within fifteen days from the date of the notice.

57. Any person may deposit the amount of the arrear with the Deputy Commissioner at any time before sunset on the last day appointed in the notice for payment, and thereupon the sale shall be stayed, and the arrear shall be considered at sunset to have been paid by such person, unless before sunset the defaulter pays the arrear, in which case the sum deposited shall be repaid to the person who deposited it.

58. Any Civil Court in which a suit is pending for the possession of the land, or of any portion of the land, in respect of which the arrear is due, may order the person making such deposit to be placed in temporary possession of the land subject to the provisions of the Code of Civil Procedure for giving security, pending the determination of an appeal; and if the person who made the deposit proves that the deposit was made to protect interests which would have been endangered or damaged by the sale of the land, the Court shall give a decree in his favour against the proprietor for the amount deposited.

59. If the arrear is not paid according to the first notification, the Deputy Commissioner shall

issue a second notification specifying the interests which are to be sold, and the day on which the sale is to commence, which day must be not less than fifteen nor more than thirty days from the date of the notification, and warning all subordinate holders of or lessees of the land to pay no more rent to the defaulter.

No person who pays any such rent after the date of such notification shall be entitled to credit therefor as against the purchaser at the sale by auction.

60. If the land has not been attached previously to the notification mentioned in section fifty-nine, it shall be attached upon the issue of such notification.

61. Upon the day fixed in the second notification, the land shall be offered for sale by the Commissioner of the district or by a Deputy Commissioner in the land-revenue office at the head quarters of the district, unless the Financial Commissioner directs the sale to be held elsewhere.

62. The officer who is to conduct the sale may adjourn it, if from any unavoidable cause he is unable either to commence or to complete it.

63. If the land to be sold is a share in land held by co-sharers whether members of a village community or not, and if the purchaser is not a co-sharer, any co-sharer may, on the day of sale, and before the officer conducting the sale has left the place of sale, and if he is ready to comply with the provisions as to deposit and payment hereafter contained, demand the share at the price bid for it by the purchaser.

64. If the purchaser is not a co-sharer, he shall, by the act of purchase, become a co-sharer, and shall be subject to all the liabilities and customs to which the defaulting proprietor was subject.

65. Land shall not be sold to any person, other than a co-sharer, for any amount less than the arrear of revenue due thereon, and if no bid to that amount is made, the land may be withdrawn from sale, or it may be bought on behalf of Government at the price of one rupee: Provided that no share in land shall be purchased on account of Government.

66. The purchaser at any such sale shall deposit immediately in cash, notes or State securities, duly endorsed, twenty-five per cent. on the amount bid by him. If he fails to do so, the land shall be exposed to sale again, and he shall be considered to have committed a contempt within the meaning of Chapter X. of the Code of Criminal Procedure, and the officer conducting the sale shall have power to proceed against him in the manner prescribed in the Code of Criminal Procedure.

67. The remainder of the purchase-money shall be paid before sunset on the thirtieth day from the day on which the sale took place, or, if the thirtieth day be a holiday, then on the first office day after that day, and, in default of such

payment, the deposit shall be forfeited, and the sale shall become void, and the land shall be re-sold.

68. Before such re-sale, a notification, similar to the one mentioned in section fifty-nine, shall be issued, but it shall not issue till three clear days after the default.

69. If, upon re-sale of the land, the price ultimately received is less than the price offered by the defaulting bidder, the difference shall be regarded as an arrear of land-revenue due from him, and may be recovered as such; and if more bidders than one make default, they shall be jointly and severally liable to the extent of their respective bids for such difference, and the amount ultimately recovered shall be credited to the person in respect of whose default the land was sold.

70. Whenever a deposit is forfeited, the defaulting proprietor of the land may pay or tender payment of the arrear for which the land was exposed to sale, and such payment or tender shall prevent any re-sale.

71. Any person whose interest in land has been sold by auction may, within fifteen days from the sale, appeal to the Commissioner of the Division in which the sale is held, and the Commissioner may, if he considers that the sale has been illegally conducted, annul the sale, or, if he thinks that the sale ought to be annulled on any other ground, recommend the Local Government to annul it, and the Local Government may do so if it thinks proper. If the sale is annulled, the deposit shall be returned to the purchaser with interest at the rate of five per cent. per annum from the time when the deposit was made.

72. If the purchase-money has been paid, and if no appeal has been made, or if an appeal has been brought and dismissed, the sale shall become final on the thirtieth day from the date thereof. If an appeal against the sale is pending on that day, the sale shall not become final till the day on which the appeal is dismissed.

73. No sale shall be set aside on any of the following grounds:—

(1) that a tender of the arrear was made after office hours on the last day specified in the second notification;

(2) that the defaulter had any claim against the Government;

(3) that the revenue due from the defaulter had been remitted, unless the Local Government admits it;

(4) that money belonging to the defaulter and sufficient to satisfy the whole or any part of the arrear was in any Government treasury, unless the defaulter had an exclusive and undisputed property therein, and unless, after application by the defaulter within the time specified in the notification that such money shall be applied to the satisfaction of the arrear, the Deputy Commissioner neglected or refused upon insufficient grounds so to apply it;

(5) that the land sold does not belong to the defaulter.

74. No such sale as aforesaid shall be set aside or annulled by any Civil Court, except on the ground that the land sold was not the land on which the arrear of revenue in respect of which it was sold was due, or on account of a breach of the rules hereinbefore contained; but any person aggrieved by any act or omission of any public officer in reference to any such sale, may sue such officer or the Government therefor.

75. When the sale becomes final, the Deputy Commissioner of the district shall give the purchaser a certificate of title in the following form:—
 "I certify that A. B. has purchased at public auction under the Panjáb Land-Revenue Act, 1871, and that his purchase took effect on the day of " (being the date of the day after that fixed for the last day of payment.)—Signed by the Deputy Commissioner of the district.

The said certificate may be produced in any Court of civil judicature as evidence of the matters stated therein, and the Court shall presume the genuineness of every document purporting to be such a certificate.

76. The Deputy Commissioner of the district shall publish a notification of the transfer of the property of the said land to the purchaser.

77. The purchase-money shall be applied as follows:—

- (1) to the payment of the arrear due on the latest day of payment;
- (2) to the payment of any other arrear of land revenue due by the same person;
- (3) the surplus shall be paid to the late proprietor, or, if the land were held in shares, then to the co-sharers collectively or according to the amount of their respective interests at the discretion of the Deputy Commissioner.

78. The surplus shall not be payable to any creditor of the late proprietor on his demand, and shall not be retained in the land-revenue treasury, except under precept of a Court of civil judicature, and in satisfaction of a decree of such Court; and, whenever the surplus of purchase-money has been in any such case paid to the creditors of the proprietor under a precept of a Court of civil judicature, and a decree annulling the sale is afterwards passed, the proprietor shall not be restored to possession, until the amount so paid be returned by him with interest.

No Court shall entertain any suit to oust the certified purchaser on the ground that the purchase was made on behalf of any person other than the certified purchaser, though by agreement the name of the certified purchaser was used.

79. The person named in the certificate of title as purchaser shall be liable for all instalments of land-revenue which may fall due subsequently to the latest date of payment aforesaid.

80. When a sale is reversed by a decree of a Civil Court of judicature, the purchase-money shall be refunded with interest at five per cent. per annum.

81. When any Court by a precept issued in that behalf directs any Revenue Officer to execute decrees of Court. Revenue Officer to issue against any land for the satisfaction of any judgment or decree any of the processes hereinbefore specified for the collection of arrears of land-revenue, such Revenue Officer shall issue such process accordingly, according to the exigency of such precept, and shall report the execution thereof to such Court.

82. Commissioners may exercise all the powers hereinbefore mentioned for the recovery of land-revenue and for the recovery of any other revenue due from any person to the Government.

CHAPTER VII.

POWER TO LOCAL GOVERNMENT TO MAKE RULES.

83. The Local Government may from time to time, make rules not inconsistent with this Act, for the purpose of carrying it into effect, and such rules, as well as rules on the matters hereinbefore specially referred to, shall have the force of law if the following conditions are fulfilled, but not otherwise:—

- (1) if the previous sanction of the Governor General in Council is obtained to such rules;
- (2) if they are published in the Gazette as rules having the force of law.

The Local Government may at any time alter or cancel any such rules.

84. All rules having the force of law made under this Act shall, with the previous sanction of the Government of India, be re-published every year in the month of June, and upon such re-publication, all such rules shall be arranged in the order of their subject-matter, and all such alterations or amendments as may have been made in the course of the preceding year, or may have become necessary or advisable, shall be embodied therewith, and upon such re-publication all previous rules shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to express in a single enactment and in unambiguous language the various rules and orders having the force of law by which the proceedings of Revenue and Settlement Officials in the Panjáb are at present governed; to prescribe with distinctness the course of procedure which is to be followed in the assessment of revenue, and in the compilation and correction of the record of rights; and to define precisely the effects of the decisions passed and facts recorded by officers in the course of a settlement.

No express law on these subjects has ever been passed for the Panjáb, and the Regulations by which Settlement Officers were originally instructed to guide their proceedings are couched in language which is in some cases inappropriate to the peculiar circumstances of land tenure in the Province, in others vague, obsolete, or otherwise inappropriate.

(Signed) J. F. STEPHEN.
Simla, the 5th September 1871.

H. S. CUNNINGHAM,
Officiating Secretary to the Council of the Governor General for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September 1871, and was referred to a Select Committee with instructions to make their report thereon in four weeks :—

Bill No. 23 of 1871.

THE INDIAN WEIGHTS AND MEASURES OF CAPACITY BILL, 1871.

CONTENTS.

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SECTION.

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Local extent.

II.—Standards.

2. Standard of Weight.
3. Units of Weights and Measures of Capacity.
4. Special Weights and Measures of Capacity to be authorized.
5. Districts how defined.
Sub-districts how defined.
6. Primary standards to be provided.
7. Local standards to be provided.

III.—Use of new Weights and Measures of Capacity.

8. Use of new Weights and Measures of Capacity in Government Offices, &c.
9. Contracts by Weight or Measure of Capacity.

IV.—Wardens.

10. Appointment of Wardens.
11. Power to make rules.
12. Publication of rules.
Commencement of rules.
13. Periodical verification of Weights, Measures of Capacity, and Balances.
14. Refusal to verify or correct things unfit.
15. Exercise of any of Warden's powers.
16. Counterfeiting Warden's marks.
17. Tables of equivalents.

A Bill to regulate the Weights and Measures of Capacity of British India.

Whereas it is expedient to provide for the ultimate adoption of a uniform system of Weights and Measures of Capacity throughout British India; it is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Weights and Measures of Capacity Act, 1871," and extends to the whole of British India.
Short title.
Local extent.

II.—Standards.

2. The primary Standard of Weight shall be called a Ser, and shall be a Weight of metal in the possession of the Government of India, equal, when weighed in a vacuum, to the weight known in France as the Kilogramme des archives.
Standard of Weight.

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3. The Units of Weight and of Measures of Capacity shall be—

for Weights, the said Ser;
for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum.

4. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures of Capacity, other than the said units, to be authorized under this Act:

Provided that every such Weight or Measure of Capacity shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures of Capacity shall be expressed in decimal parts.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

6. The Governor General in Council may provide, for such districts as he thinks fit, proper primary standards and sets of the said authorized Weights and Measures of Capacity.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

7. The Local Government may provide, for such sub-districts as it thinks fit, copies of such of the said authorized Weights and Measures of Capacity as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—Use of new Weights and Measures of Capacity.

8. Whenever the Governor General in Council considers that proper standard Weights and Measures of Capacity have been made available for the verification of the Weights and Measures of Capacity to be used by any Government Office or Municipal Body or Railway Company, the Governor General in Council may, by notification in the *Gazette of India*, direct that after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorized as aforesaid shall be used in dealings and contracts by such Office, Body or Company; and may, in like manner, from time to time, alter or revoke such direction.

9. After the date fixed in any notification under section eight, all dealings and contracts had and made by the Officers, Bodies, or Companies mentioned in such notification, for any work to be done or goods to be sold or delivered by Weight or Measure of Capacity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights or Measures of Capacity directed in such notification to be used by such Officers, Bodies or Companies.

IV.—Wardens.

10. The Governor General in Council and the Local Government, respectively, shall appoint Warden's for the custody of the primary and local standards and sets of authorized Weights and Measures of Capacity, hereinbefore mentioned.

The Governor General in Council, or the Local Government, respectively, may, at any time, suspend or remove any such Warden and appoint another.

11. The Governor General in Council may, from time to time, make rules consistent with this Act for regulating the following matters:—

- (a)—The appointment of Wardens;
- (b)—The guidance of Wardens in all matters connected with the performance of their duties;
- (c)—The provision, replacement, custody and use of the standards;
- (d)—The method of verifying local standards and Weights, Weighing Machines and Measures of Capacity authorized under this Act, and Balances, and of certifying such verification; provided that such verification shall not be required to be made oftener than once in two years;
- (e)—The errors which may be tolerated in Weights, Weighing Machines and Measures of Capacity authorized under this Act, and in Balances;
- (f)—The shapes, proportions and dimensions to be given to Weights, Weighing Machines and Measures of Capacity authorized under this Act, and to Balances, and the materials of which they may be made;
- (g)—Marking Weights and Measures of Capacity authorized under this Act with their several denominations;
- (h)—The conditions under which Government Officers, Municipal Bodies and Railway Companies, shall be subject to inspection and verification of the Weights, Weighing Machines and Measures of Capacity authorized under this Act, and of the Balances used by them;
- (i)—The fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines and Measures of Capacity authorized under this Act, and of Balances.

12. Such rules shall be published in the *Gazette of India*.

And the Governor General in Council may, by notification in the *Gazette of India*, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body or Railway Company, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

13. All officers of Government, municipal officers, officers and servants of Railway Companies, shall comply with such rules so far as they concern them, and pay such fees as the said rules shall prescribe.

14. The Warden may deface, or render incapable of use, or refuse to verify, correct, or mark, anything so brought, which appears to him unfit for verification or correction.

15. Any of the powers and duties conferred and imposed by this Act on a Warden may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

16. Whoever knowingly counterfeits any mark used by a Warden on a section fourteen, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

17. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures of Capacity other than those authorized under this Act, in terms of the Weights and Measures of Capacity, so authorized, and the equivalents so stated, after notification in the local official Gazette, shall be deemed the true equivalents.

STATEMENT OF OBJECTS AND REASONS.

The Indian Weights and Measures Act, 1870, having been disallowed, it is now proposed to re-enact such portions of that Act as were not objected to by the Secretary of State. The present Bill is, therefore, practically a re-enactment of Act XI. of 1870, with the omission of the provisions which referred to measures of length and area, or authorized Government to compel the adoption of the new weights in particular cases.

(Signed) J. F. STEPHEN.

Simla, The 5th September 1871.

H. S. CUNNINGHAM,

Officiating Secretary to the Council of the Governor General for making Laws and Regulations.