

THE REVENUE, BOMBAY, 1842

ACT NO.13 OF 1842

Passed by the Hon'ble the President of the Council of India in Council, on the 28th of October, 1842, with the assent of the Right hon'ble the Governor General of India.

An Act to enable the holders of Revenue which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

I. Whereas it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of Commissions to certain Jageerdars, and others, by virtue of which such persons shall possess increased powers for collecting the Revenue due to them; —

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant any Jageerdar, Surinjamdar, Inamdar, or other person holding Lands or Villages the Revenue of which has been alienated to him by the State, a Commission conferring upon him authority for the collection of such Revenue by the powers hereinafter mentioned, or such of them as shall be specified in the Commission in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such Commission, which shall be drawn out according to the form of the annexed Schedule A, shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more Agents of such holder of alienated Revenue as well as to the holder in person.

III. And it is hereby enacted, that the holder of such Commission shall have authority to demand security for the payment of the Revenue, in respect of the Lands or Villages specified in the Commission, and if the same be not furnished, to take such precaution as the Collector is authorized to make under Section XI, Regulation XVII, of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such Commission shall have authority to send Mohussuls on Defaulters under the Provisions of Clauses 2,3, and 5, Section XII, Regulation XVII of 1827, Bombay Code, provided that one foot Mohussul only be employed in each case, and that the Mohussulee shall cease on the enforcement of any other remedy for the collection of the Revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such Commission shall be authorized to attach the property of persons making default in the payment of such Revenue as aforesaid, making an immediate report to the Collector or his Assistant of the his having done so, and should the demand on account of which the attachment may be made appear to the Collector or his Assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the Provisions of clause VII, Section XII, Regulation XVII, of 1827, Bombay Code, except in cases in which the holder of the Commission by whom the attachment has been made shall be a Jageerdar, Surinjamdar or Inamdar, vested by Regulation XIII, of 1830, with Civil jurisdiction and with power to execute his own decrees or his

Agents, when the sale shall be conducted by him and not by the Collector and his subordinate Revenue Officers.

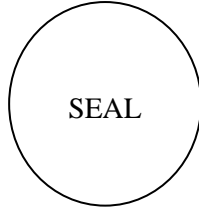
VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the Commission or to the Collector or Assistant Collector of the District, to institute a suit within 15 days in a competent Court for the purpose of trying the demand and to pay the amount which may be decreed against him with costs and interest in such Court, provided that such suits in which any one of the privileged classes established by Regulation XXIX, of 1827, Sections III, and IV, and by Regulation VII, of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, any thing in Regulations I, and XVI, of 1831, notwithstanding. And any holder of any such Commission as aforesaid by himself or his Agents proceeding with any compulsory process under this Act after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the Revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the Revenue or rent payable to a Jageerdar or other holder of Government alienated lands or villages shall have been fixed by a Government Officer before the grant of the Land in free tenure, or if the rent or Revenue tendered by any Ryut or other person be at the usual rate payable according to the custom of the Village and Purgunna as declared by the Koolkurnee and other Local Officers of Revenue, the enforcement of a demand by any holder of a Commission under this Act of an excess of rent or Revenue beyond the amount due as above provided shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain upon any judgement being passed after regular or summary trial three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated Lands or Villages from instituting a suit in any court of competent jurisdiction for the purpose of establishing his claim to re-assess the Lands or re-settle the Revenue of any Ryut or other who may be paying less than the full Juma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power the demand made by him under such decree, shall, if conformable thereto be deemed a legal demand for arrears, and shall be leviable by the same process as is above arrears.

VIII. And it is hereby enacted, that the power conferred by such Commission shall extend to the enforcement of the payment of the Revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE A.

Form of Commission to be used to a holder of alienated Revenue or his Agent for enabling him to recover such Revenue



The Governor in Council of Bombay by virtue of the powers vested in him by Act XIII, of 1842, is pleased to confer on you ----- (Jageerdar, & c., or Agent, & c., as the case may be) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission in the manner prescribed in (or in Sections -----of) this Act.

The Villages and Lands over which the power thus conferred upon you extends are as follows:

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the re-call of the said Governor in Council.
