

ACT No. XVI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd July 1869.)

An Act to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Dvárs, and for other purposes.

WHEREAS it is expedient to exclude the ordinary Civil Courts from the cognizance of suits relating to immoveable property, revenue and rent in the territory ceded by the Government of Bhután to the British Government in the year 1866 and commonly known as the Bhután Dvárs; and whereas certain rules relating to immoveable property, revenue and rent in the said territory, and contained in the schedule to this Act, have been made by the Lieutenant Governor of Bengal, and it is expedient that such rules should have the force of law; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bhután Dvárs Act, 1869."

2. The jurisdiction which the ordinary Civil Courts of Judicature have hitherto had and exercised in respect of suits (whether instituted before or after the passing of this Act) and other matters connected with immoveable property, revenue and rent in the said territory shall cease.

Abolition of Civil Courts' jurisdiction as to immoveables in the Dvárs.

Jurisdiction by whom exerciseable.

3. Such jurisdiction shall be exercised by such officers and within such local limits as the Lieutenant Governor of Bengal shall from time to time appoint in this behalf.

4. All original suits and appeals relating to immoveable property, revenue or rent in the said territory, now pending in the said Civil Courts, shall be transferred to and disposed of by such of the officers appointed under section three as the said Lieutenant Governor shall direct in this behalf.

Pending suits and appeals.

All

All suits and appeals so transferred shall be disposed of by the officer to whom they shall have been so transferred as if they had been originally instituted in or presented to his Court.

And all appeals hereafter presented from decrees or orders in original suits relating to such property, revenue or rent heretofore instituted shall (subject to the rules of limitation which would have been applicable thereto if this Act had not been passed) lie to such of the said officers as the said Lieutenant Governor shall direct in this behalf.

Validation of rules. **5.** The rules contained in the schedule to this Act shall be deemed to have the force of law.

6. The said Lieutenant Governor may from time to time make additional rules consistent with this Act and the schedule hereto for the guidance of officers in matters connected with the enforcement of this Act and the rules contained in the said schedule.

Such additional rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

SCHEDULE.

Rules relating to immoveable property, rent and revenue, in the Bhután Dvárs.

I. At a reasonable time, before any officer appointed under section 3 of the Bhután Dvárs Act, 1869, shall commence his enquiries in any Revenue Survey Circuit or other convenient tract of country, a notice shall be published in such tract calling on all interested in the suits and matters mentioned in section 2 of the said Act, to come forward and advance their claims and protect their interests before the said officer.

II. In the investigation of such suits and matters, the said officer shall be guided by the provisions of Regulation VII of 1822, and shall exercise all the powers conferred upon a Collector making a settlement of land revenue by that Regulation and all other Regulations and Acts amending the same, in addition to the powers vested in him by these rules.

III. The said officer shall make a record in such form as the Lieutenant Governor may direct, of all rights, interests and other matters which he is empowered by these rules to investigate, ascertain, and determine.

IV. The said officer shall ascertain the position as to rights and interests connected with the soil which each person *boná fide* occupied before the state of things was affected by the

Bhután

Bhután war, and, subject to due regard for considerations of public policy, confirm him in that position: he shall take cognizance of, and decide, all disputes, conflicting claims, and doubtful questions which then existed: Provided that he shall not take cognizance of any right or interest which, being capable of exercise or assertion within twelve years before the date on which the Bhután Dvárs were transferred to the British Government, had not been exercised or asserted during the period.

V. As soon as the record of rights for any tract as mentioned in Rule III is completed, the said officer shall cause it to be published in the tract, and a second copy shall be open for inspection at his office, of which fact due notice shall be given.

VI. Within one month of such publication, any person who is dissatisfied with any entry in the record, which has not been adjudicated upon by the said officer, may present a petition to such officer, who shall thereupon proceed to try the questions in dispute.

VII. Any person aggrieved by any decision or order of the said officer may appeal by petition to the Commissioner of the Division, or to any other officer specially appointed by the Lieutenant Governor to be a Commissioner in that behalf: Provided that such appeal be presented within three months of the date of the decision or order appealed against, unless sufficient cause for longer delay be shown to the satisfaction of the Commissioner.

VIII. The said officer may, within one month of the passing of any decision or order by him, admit to review any such decision or order, and eventually amend, vary, or correct the same: Provided that no appeal have been preferred against such order or decision to the appellate authority as defined in Rule VII,

IX. The appellate authority may, within one month of the passing of any decision or order by such appellate authority on appeal, admit to review any such decision or order.

X. No appeal shall lie as of right to any authority against any order passed by the appellate authority under these rules, but, notwithstanding anything to the contrary in these rules, the Lieutenant Governor of Bengal may, if he think fit, alter, vary or annul any decision or order which may have been passed under these rules: Provided that an application in that behalf shall have been made before or within one month after the issue of the notification of confirmation of the record under Rule XI.

XI. When the record of any circuit or other tract, as mentioned in Rule III, shall have been finally revised and amended in accordance with all orders passed by the said officer or the Commissioner of the Division under these rules, the record shall be confirmed by an order of the Commissioner of the Division to be published in the *Calcutta Gazette*,

XII. From the date of the publication of such confirmation, the said record shall not be varied or altered otherwise than by an order of the Lieutenant Governor under Rule X, and such record shall be conclusive evidence as to any right, interest, or other matter which may be entered on it in accordance with the provisions of these rules.