THE PARTITION OF REVENUE-PAYING ESTATES ACT, 1863

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THE PARTITION OF REVENUE-PAYING ESTATES ACT, 1863

ACT NO. XIX OF 1863.

As affected by Acts No. XIV of 1870, No. XIX of 1873, and No. XVIII of 1876.

PASSED BY THE GOVERNER GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 10th March, 1863*.)

An Act to Consolidate and amend the Law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal[1].

Preamble.—WHEREAS it is expedient to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal[1] ; It is enacted as follows :—

I. [*Repealed by Act No. XIV of 1870.*]

II. Future partitions to be made under provisions of Act.—All partitions of estates which shall be ordered to be made by the officers of Government after the passing of this Act, shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

III. What parties entitled to partition.—Every recorded proprietor of a joint undivided estate paving Revenue to Government, or of any portion thereof, whether such estate is held in common tenancy or otherwise, is entitled to claim partition under this Act.

IV. Parties desirous of partition to apply to Collector in writing.—When any one or more of the recorded proprietors of an estate, as described in the last preceding section, shall desire to have his or their shares of the estate separated, in order that he or they may hold the same as a separate property, or as separate properties, such proprietor or proprietors shall make a written application for the purpose to the Collector of the District.

Any two or more proprietors may apply to have their shares separated, and to hold the same as a joint estate.

V. Application to be signed, and certain particular specified.—The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided.

The names of all the co-sharers in the estate, the nature and extent of their respective shares so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired, shall also be stated.

Otherwise may be rejected.—If the application does not contain the particulars above-mentioned, the Collector may reject it.

VI. Procedure of Collector or on receipt of application.—The Collector, on the receipt of an application for partition, shall, if the application be in order, and not open to objection on the face of it, publish a notification of the same at his office, and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application, and who may object to the partition applied for, to appear before him either in person or

1. Repealed, so far as it relates to the North-Western Provinces, by Act XIX of 1873, and, so far as it relates to Oudh, by Act XVIII of 1876.

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by a duly constituted agent, on a day to be specified in the notification, not being less than fifteen, or more than thirty days from the date of the notification, and state his objection.

Notice to proprietors who have not joined therein.—If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the district for serving notices of the revenue officers, on such of the recorded proprietors of the estate as shall not have joined in the application.

Proclamation in case of service of notice being impracticable.—Provided that, if from any cause such service cannot take place, a proclamation notifying such application shall be published, by affixing it at the Mal - kachahri of such estate, or other conspicuous place thereon, or at the village Chauri, Chaupal, or other conspicuous place in each village in such estate.

VII. In case of valid objection being made within time allowed, application may be refused.—If any objection be made to the partition, by any party in possession, within the time allowed, and the Collector, on a consideration of such objection, be of opinion that there is any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

VIII. **Procedure if question of title, or of proprietary right, be raised.**—If the objection raise any question of title, or of proprietary right, which shall not appear to have been already determined by a Court of competent Jurisdiction, the Collector may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to inquire into the merits of the objection.

In the latter case the Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be affected thereby.

Reference to arbitrators.—The procedure to be observed by the Collector in trying such cases shall be that laid down in Act XIV of 1882 (*to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature*) for the trial of original suits, and the Collector shall have power to refer any question that may arise in such case to arbitration, and the provisions of Chapter XXXVII (reference to arbitration) of the Code of Civil Procedure shall apply to so cases referred by a Collector.

IX. Decision of Collector equivalent to decision of civil Court, and open to appeal.—All orders and decisions passed by the Collector under the last preceding Section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sadr Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts.

Appellate Court may, on appeal, stay partition.—Upon such appeal being made, the District or Sadr Court, as the case may be, may issue a precept to the Collector, desiring him to stay the partition pending the decision of the appeal.

X. Special Appeal to Sadr Court.—From every decision passed under the last preceding section by a District Court, a special appeal shall lie to the Sadr Court, under the rules for the time being in force relating to special appeals to that Court.

XI. Civil Court to entertain suits only on appeal from decision of Collector.—It shall not be competent to the civil Court to entertain a suit, or application for the partition of an estate, except on appeal from the decision of the Collector as herein before provided, anything contained in Section 265 Act XIV of 1882 (*to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature*) to the contrary notwithstanding.

XII. Notification on partition being ordered.—When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be published in his own Office, in the District Court, and at some conspicuous place on

the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the notification.

XIII. Partition by whom carried out.—The partition shall be made by the Collector in whose district the estate is situate, or, if the estate be situate in two or more districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division, to superintend the partition.

If the estate be situated in two or more divisions, the partition shall be made by such Collector as the Board of Revenue shall order.

XIV. Assessment and levy of costs incurred in making partition.—The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector.

The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the Local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. Partition may be stayed, and proceedings quashed, by Commissioner.—At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason not inconsistent with the provisions of this Act exists, why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed.

Decision not open to revision, by civil Court.—The decision of the Revenue authorities under this Section shall not be open to revision by the civil Court.

XVI. Procedure after lapse of period mentioned in notification under section XII.—After the expiration of the period mentioned in the Notification referred to in Section XII of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared.

The village-papers which are required to be prepared and periodically deposited in the office of the Collector, under the provisions of sections XI[1]and XII[1], Regulation IX, 1833 (*to modify certain portions of Regulation VII, 1822, and Regulation IV, 1828; to provide for the more speedy and satisfactory decision of Judicial Questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native Agency in the Revenue Department; and to declare the intent of Section V, Regulation VII, 1822, touching claims to Malikana*), may be used for the purposes of this Act.

Provided that any of the proprietors shall be permitted to file a rent-roll of the estate, which shall be accepted if acknowledged to be correct by all the proprietors.

XVII. Examination of parties and their papers.—The Collector may examine the parties on solemn affirmation in regard to the papers produced before him, whether by the officer appointed to make the partition, the proprietors, or otherwise.

He shall also allow any shareholder to examine the papers so produced, and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers.

The Collector may direct any Deputy Collector or other officer subordinate to him to examine the papers produced before him, and to make a report upon the same.

XVIII. Option of settlement by private agreement. procedure in case of refusal or default.—The Collector, on the completion of the enquiry allowed by the last preceding section, shall

1. Repealed, so far as they relate to the North-Western Provinces, by Act XIX of 1873.

allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves, within such time as he may fix, or, if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate, and the apportionment of the public revenue, to an arbitrator or arbitrators to be appointed by them.

The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration.

The partition and allotment of the public revenue made by the parties, or by arbitrators appointed by them, shall be subject to the confirmation of the Collector, and the orders of the superior Revenue-authorities.

XIX. If Parties cannot agree as to arbitrators, later may be appointed by Collector.—If the parties consent to refer the partition of the estate, and the allotment of the public Revenue, or any point arising in the course of the partition, to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case.

In case of equality of votes, Collector to act as umpire.—If the arbitrators are equally divided in opinion, the Collector shall act as umpire, and the partition made by the arbitrator or arbitrators with whom the Collector shall concur, shall be the partition in the case.

The same rule shall apply in respect of any point arising in the course of a partition, which shall be referred to arbitration.

XX. Appointment in place of arbitrator refusing, or being unable, to act.—If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

XXI. Powers of Collector with regard to arbitrators.—After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance, and the due completion of their award, which he is competent to exercise towards witnesses summoned before him when acting judicially, for the purpose of compelling them to attend and give evidence.

The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shown, the Collector may extend such period.

XXII. Particulars to be specified in partition paper.—The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estate shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public Revenue to be assessed on each of such estates.

XXIII. Remuneration of arbitrators.—The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

XXIV. In default of award by first arbitrators, partition may be referred to others.— If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators, to be chosen in the same manner and subject to the same rules as the first.

XXV. In default of private agreement, or settlement by arbitration, Officer may be appointed to make partition.—If the partition of the estate cannot be made by the parties themselves, or by arbitration, under the foregoing rules, the Collector shall appoint an Officer to make

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the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate, and to make the partition within a time to be fixed by the Collector.

XXVI. Who shall summon proprietors by proclamation to attend proceedings.—The Officer appointed to make the partition shall issue a proclamation at the Mal-kachahari of the estate, or other conspicuous place thereon, or at the village Chaunri, or Chaupal, requiring the several proprietors of the estate to attend upon him in person, or by agent, during the time that the partition is being made.

XXVII. Estate may be attached and brought under khas management under superintendence of Officer.—At the commencement of the Revenue year current in the District, the Collector may direct the Officer appointed to make the partition, or some other person, to attach the estate, and to bring it under khas management under the personal superintendence of such Officer.

The collections of the estate, after defraying the expenses of management, and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government Revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares, at such periods as the Collector may see fit.

XXVIII. Procedure in case of arrears of revenue accruing during course of partition of estate.—If an arrear of public Revenue shall accrue on an estate ordered to be divided, while the partition of the estate is being made, any one or more of the proprietors may tender to the Collector his or their quota of the balance, and the Collector shall receive the same, and credit the amount to the share or shares of such proprietor or proprietors.

If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed, in the same manner as if no arrear of public Revenue had accrued.

The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which, under the partition, would have been allotted to the defaulting proprietor or proprietors.

Provided always that, in all cases of a partition, the entire estate shall be considered responsible for the public Revenue assessed upon it, until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided, according as the same may be allotted to them.

XXIX. Powers of Officer charged with partition, in respect of measurement, &c.—If the Officer appointed to make the partition shall consider it necessary, to assist him in making the same, to cause a detailed measurement to be made of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and map as are vested in the Collector by any law for the time being in force.

XXX. Division of lands held in common.—When some of the lands forming the estate are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act.

The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates.

Proviso.—Provided that it shall be in the discretion of the Collector to cause any transfer of lands, agreed to by the parties, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

XXXI. Collector may refuse to separate lands in certain cases.—The Collector may refuse to declare any lands held in severalty, and not liable to re-distribution according to special village custom, a separate mehal, if the lands be so intermixed with other properties as to render the

formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

XXXII. Where no lands held in common, lands in severalty may be declared a separate estate.—Where there may be no lands held in common, the lands in severalty, held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate.

Proviso as to transfer.—Provided that it shall be in the discretion of the Collector to cause any transfer of lands, agreed to, or directed by his order, as provided in section XXX, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

XXXIII. Sharer failing to attend after proclamation, liable to forfeit right of objection.—If any sharer, after the issue of the proclamation mentioned in Section XXVI of this Act, shall fail to attend the Officer appointed to make the partition during the time the partition is being made, no objection taken by such sharer to the partition shall be heard, unless such sharer can show that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

XXXIV. Partition may be stayed if parties so desire.—If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector, with the sanction of the Commissioner, to stop the partition, and to strike the case off the file,

Recovery of costs.—recovering from the sharers all costs and expenses incurred up to that time.

XXXV. Estates formed in course of partition to be as compact as possible.—It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages.

Provided that, if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

XXXVI. Revenue to be assessed on each divided estate.—The public Revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

XXXVII. Circumstances to be considered in making partitions.—In selecting the villages or lands to be included in each separate estate,

the advantages or disadvantages arising from situation;

the vicinity of roads, railways, navigable rivers, or canals;

the nature and quality of the soil and produce;

the quantity of culturable and unculturable waste land;

the depth at which water may be procurable;

the number of tanks and wells;

the state of the embankments and water-courses; and

any other local circumstances affecting the present, or likely to influence the future, value of the lands, shall be duly considered:

and the villages or lands to be included in each estate shall be fairly and impartially selected.

So far as may be practicable, and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

XXXVIII. Rule when dwelling-house belonging to one sharer, is situate on ground to be allotted to another sharer.—If a dwelling-house belonging to one sharer shall be situate on any land, or in any village, which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds, immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground.

The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

XXXIX. Rule as to tanks, wells, water-courses, and embankments.—Tanks, wells, water-courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made.

In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

XL. Rule as to places of worship.—Places of worship, which shall have been held in common previous to the partition of an estate, shall continue to be so held, unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

XLI. Particulars to be contained in the paper of partition to be submitted by Officer making same.—When the Officer appointed to make the partition shall have completed the partition, and allotted the public Revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition, showing how he proposes to divide the estate, and to apportion the public Revenue.

This paper shall specify

the names of the Mehals or villages included in each separate estate;

the gross produce of each Mehal and village for the three years immediately preceding the year in which the partition is ordered to be made;

the names of the parties to whom the several estates are allotted, and the proportion of the public Revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts upon which the apportionment of the public Revenue assessed thereon shall have been based, as may be necessary for the information of the Collector.

The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in the preceding Sections.

Map to be also submitted.—The Officer appointed to make the partition shall also submit a map, showing the several estates into which the estate is proposed to be divided.

XLII. Procedure of Collector thereupon.—The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and, after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition, and allotment of public Revenue, as proposed by such Officer, he shall submit a report to the Commissioner, together with such of the papers of the case as shall appear to him essential.

He shall also forward a list of the papers not sent.

The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case, he shall state the nature of the modification which, in his opinion, should be made.

XLIII. Commissioner may confirm or modify partition, subject to appeal to Board of Revenue;—The Commissioner shall either uphold the partition proposed by the Collector, or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue.

The Commissioner, before coming to a decision, may call for any additional papers, or direct any further inquiry that he shall consider necessary.

And may direct division by lot under certain circumstances.—He may also, if he think proper, direct that, when two or more of the estates into which it is proposed to divide the estate shall consist of the same proportions of the entire estate, the parties entitled thereto shall draw lots for the same before the Collector.

XLIV. Procedure by Collector on receipt of order of Commissioner, or of Board of Revenue on appeal.—On the receipt of the order of the Commissioner or if an appeal be preferred to the Board of Revenue, then, of the order passed on the appeal, the Collector shall cause the same to be published in his Office, and in some conspicuous place in each of the estates separately constituted by such order.

The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the Register of Estates paying Revenue to Government.

The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

XLV. Government may order new allotment of public Revenue among estates formed by partition, in case of fraud or error in original allotment being proved.—In order to prevent collusion or error in the distribution of the public Revenue assessed upon an estate which may ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government, within twelve years from and after the date of confirmation of the partition, that the public Revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power to order a new allotment of the public Revenue upon the several estates into which such estate may have been divided, conformably to the principles prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best evidence and information which may be procurable respecting the same.

Such order shall not be liable to be contested in the Civil Court.

The parties whose estates may be declared to have been under-assessed shall be-required to pay to the proprietors of the estates which shall have been over-assessed, the sum in which they shall be found to have been over-assessed, and in default of payment, the amount shall be leviable by the process prescribed for the recovery of arrears of rent or Revenue.

XLVI. Consequence to party having interest in any estate, if he neglect to affirm or establish such interest while the estate is under attachment with a view to partition.—If, during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim, by a suit, any right or title he may then have to the ownership or occupancy, at a fixed rent, of any land situated in such estate, or any other interest therein, such, neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for his neglect or omission to institute the suit at or before such time.

Provided that this Section shall not bar any action for arrears of rent, or the enhancement or alteration of rent.

XLVII. Holder of decree of Civil Court, awarding right to portion of an estate, may apply for partition, and Collector may proceed thereon under Act.—Whenever any Court of Civil Judicature shall pass a decree, awarding to any person the proprietary right in a portion of an estate paying Revenue to Government, whether the portion so awarded shall consist of a fractional share in

the whole, or a part, of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate;

and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

XLVIII. Union in certain cases of severed portions of estates originally undivided.—If two or more estates, which may have originally formed portions of the same estate, shall come into the possession of one person, such person shall be entitled to have such estates united, and to hold them as a single estate;

or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united, and to hold them as one estate.

XLIX. Application for such union how to be made, and how to be dealt with.—The applications for the union of the estates, or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the District in which the estates, or shares of the estate, are situate, and the Collector (provided he see no objection) shall comply with the application, and cause the necessary entries to be made in the records of his Office, reporting the case to the superior Revenue Authorities.

L. [Repealed by Act No. XIV of 1870.]

LI. Provisions of Act applied to partition of estates held free from payment of Revenue.—The provisions of this Act may, in so far as the same are applicable be applied, by order of the Local Government to the partition of any estate held free from the payment of Government Revenue.

LII. Control of Collector's proceedings under Act.—In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner of the Division, and the Board of Revenue.

LIII. Orders of Collector, except in certain cases, open to revision by superior Revenue Authorities.— All orders passed by a Collector under this Act, unless otherwise provided, not being orders or decisions within the meaning of Section IX, shall be open to revision by the superior Revenue Authorities.

LIV. What other Officers may exercise powers vested in Collector by this Act.—The powers vested in a Collector by this Act may be exercised by a Deputy Collector, or other Officer, vested with the full powers of a Collector, subject to the control of the Collector of the District.

LV. Powers to be exercised by Collector, or Officer appointed to make partition.—In carrying out the provisions of this Act, the Collector shall exercise the powers described in Regulation II, 1819, Regulation VII, 1822, and Regulations IX and XIV, 1825.

Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

LVI. Powers of Officers exercising jurisdiction under Act, with regard to false evidence.—If, in any case in which a Collector or other Officer shall exercise Jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence, and of the person charged with, committing the same, as are vested by the Code of Criminal Procedure in a Civil Court, when any such offence is committed before or against such Court, or when a document charged to be a forgery is given in evidence in any proceedings in such Court.

LVII. Board of Revenue to be guided by instructions of Local Government.—In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the Local Government, to whom they shall apply in all cases which shall appear to the Board not to have been provided for by the existing law.

LVIII. Interpretation.—Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and

words importing the masculine gender shall include females.

LIX. Territorial scope of Act.—This Act shall extend only to such parts of the North-Western Provinces of the Presidency of Fort William in Bengal as are subject to the general Regulations of that Presidency; but the Act may be extended, by order of the Local Government, either wholly or in part, to any Non-Regulation Province under such Government.

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