

The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823

JHARKHAND

India

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Act 38 of 1823

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The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823(Bengal Regulation 38 of 1823)[Dated 30 October, 1823]A Regulation for prohibiting loans by covenanted Civil Servants from persons subject to their official authority and influence.

1. Preamble.

- [Whereas by the existing Regulations all covenanted Civil Servants [* *] [This includes the present States of Bihar and Jharkhand.], employed in the judicial and revenue departments of the service, are prohibited from lending money, directly or indirectly, to pay proprietor or farmer of land, dependant talukdar, under farmer or raiyat, or their sureties; and whereas it is equally necessary to prohibit the public officers from borrowing money from persons subject to their official authority and influence, the following rules have been enacted by the Governor-General-in-Council, and are to be in force from the date of their promulgation throughout the provinces immediately subject to this Presidency.]

2. Civil Servants prohibited from borrowing money from officers under their authority, etc. and from other persons officially accountable to them.

- First. - All covenanted Civil Servants, in whatever department of the public service they may be employed, are henceforward, prohibited under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any [* *] ['Native' repealed by the A.L.O.] officer under their authority, or under the authority of any of their subordinate functionaries or from or to the known surety, agent, relation, connection or dependant of any such Native Officer, or from or to any person of whom such Native Officer may be known to be or to have been the servant, agent, surety or dependant. Second. - In like manner, and under the like penalty, all officers of Government, being

covenanted Civil Servants, are henceforward prohibited from borrowing money from or in any way incurring debt to, any manager, guardian, executor, amin, sazawal, gumasta, farmer, mutawalli or other person, who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection or dependant of such person. Third. - [xxx] [Repealed by Act 16 of 1874.]

3. Certain officers prohibited from incurring debt to zamindars and others residing, or having property, within their districts.

- [All Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioner being members of the Indian Civil Service] [Substituted by Act 5 of 1897.], are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any zamindar, talukdar, raiyat or other person possessing real property, or residing in, or having a commercial establishment within, the city, district or division to which their authority may extend.

4. Penalty for lending money to Civil Servants.

- All persons are prohibited from lending money, or otherwise becoming in any way creditor, to any officer of [the Government] [Substituted by the A.L.O.], being a covenanted Civil Servant, in contravention of the above rules: and any person lending money, or in any way becoming creditor, to any such public officer in breach of this prohibition shall forfeit to [the Government] [Substituted by the A.L.O.] a sum equal to the amount for which he shall have so illegally become creditor.

5.

[x x x] [Repealed by Act 16 of 1874.]

6. Penalty for officers receiving new appointments, if indebted to individuals contrary to above rules, omitting to report.

- [x x x] [Words 'In like manner,' repealed by Act 1 of 1903.] If any covenanted servant who may be hereafter appointed to any office, shall at the time of such appointment be indebted to any person with whom it would be illegal for him to contract a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the [State] [Substituted by the A.L.O.] Government; and, failing to do so, he shall be subject to the same penalty as if the debt had been contracted subsequently to his being appointed to the said office.

7.

[x x x] [Repealed by Act 1 of 1903.]

8. Suits for recovery of penalties.

- Suits for the recovery of penalties incurred under this Regulation shall and may be instituted under the special instruction of the [State] [Substituted by the A.L.O.] Government, and shall be conducted by the Superintendent and Remembrancer of Legal Affairs, or by such other officer as [the [State] [Words 'The Local Government' subs, by Act 5 of 1897, and words 'Provincial Government' subs, for 'Local Government' by the A.O.] Government] may nominate for that purpose. Such suits shall be instituted in the [* *] [Word 'Provincial' repealed by Act 16 of 1874.] Court of the division within which the transaction may have taken place, or the lender may reside or may possess real or personal property. An appeal shall lie from judgements passed in such cases in like manner as from other judgements passed in original suits [* *] [Words 'by the Provincial Courts' repealed by Act 16 of 1874.]; and the judgements shall be enforced under the provisions [* *] [Words 'of the Regulations' repealed by Act 16 of 1874.- see now the Code of Civil Procedure (Act 5 of 1908).] for the execution of other decrees of the Civil Courts.