

# The United Province Revenue Officers Regulation, 1803

UTTAR PRADESH

India

## The United Province Revenue Officers Regulation, 1803

### Act 38 of 1803

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The United Province Revenue Officers Regulation, 1803 (Bengal Regulation No. 38 of 1803) Short title given by Act 1 of 1903, Section 2. [Passed by the Governor-General-in-Council on the 24th March, 1803] A Regulation for preventing the embezzlement of Public Money and the withholding of Public Papers by [\* \* \*] Officers of Government in the [Provinces] [The word 'Provinces' shall stand unmodified vide A.L.O. 1950.] ceded by the Nawab Wazir to the Honourable the English East India Company.

#### 1. Preamble.

- It being necessary that the Collectors should possess the means of recovering the public dues and papers from [tahsildar] [The word 'tahsildar' repealed by Act XII of 1876, but re-inserted for the word 'Oudh' by Act XVIII of 1876, Section 3 (e).], sazawals, amins and other \* \* \* officers withholding the public money, or omitting to attend the Collectors to adjust their accounts, or retaining papers which came into their possession in their official capacity the Governor-General-in-Council has/passed the following rules.

#### 2.

First : Collectors to take security for personal appearance of certain officers. - The Collectors are to take security for the personal appearance of [tahsildars] [The word 'tehsildars' repealed by Act XII of 1876.] sazawals, amins, diwans, sarrishtadars, munshis, muharrirs, and all [\* \* \*] [The word 'Native' omitted by the A.L.O. 1950.] officers entrusted with the receipt or payment of public money or the charge of public accounts, who now are, or may be hereafter, employed under them in their capacity of Collectors of the Revenue. The surety is to bind himself to produce the officer for whom he may become security before the Collector, whenever his attendance may be required until he shall be discharged from the public service, and shall have received a writing from the Collector

signifying that he has no demand upon him on the part of [Government] [Substituted by the A.L.O. 1950 for 'the Crown'.] either for money, papers or account belonging to the public, that may have been committed to him or come into his possession in his official capacity and further, that in the event of his not producing such officer, he will be responsible for all demands that the Collector may have upon him for public money, papers or accounts, and be liable to be proceeded against in every respect in the same manner as the officer himself had he been forthcoming. When any such officer is removed or resigns, the Collector is to grant him an acquittal to the above effect, after he shall have delivered up all public papers, accounts or money that may have been committed to his charge. The Collectors may require such officers to give new sureties, in cases in which they may have ground to believe that the former sureties whether admitted by themselves or their predecessors, are not responsible. Second : The responsibility of the sureties of tahsildars extends to the several cases provided for in this Regulation.]

### **3. Collectors how to proceed to recover public money or accounts in possession of officers.**

- If a Collector shall have a claim on the part of [Government] [Substituted by the A.L.O. 1950 for 'the Crown'.], on any of the [\* \* \*] [[Repealed by Act XII of 1876. The original second clause read as follows: 'Second. The security which the tahsildars appointed under Reg. XXVII of 1803. are required to give by clause seventh, Section II of that Reg., preclude the necessity or demanding any further security from tahsildars of the above description under the present Reg. The responsibility of the sureties of such tahsildars is accordingly declared to extend to the several cases provided for in this Reg.']] officers described in the preceding section, for a balance of accounts, or money or papers belonging to [Government] [Substituted by the A.L.O. 1950 for 'the Crown'.] as he is to require the payment of the money or the delivery of the papers, by a writing under his official seal and signature, and the signature of his Diwan or other head [\* \* \*] [[Repealed by Act XII of 1876. The original second clause read as follows: 'Second. The security which the tahsildars appointed under Reg. XXVII of 1803. are required to give by clause seventh, Section II of that Reg., preclude the necessity or demanding any further security from tahsildars of the above description under the present Reg. The responsibility of the sureties of such tahsildars is accordingly declared to extend to the several cases provided for in this Reg.']] officer of his daftar for the time being, specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the officer shall not discharge the money or deliver up the papers by the limited time, the Collector is empowered to apprehend him, and convey him to the gaol of the [Divani Adalat of the Zila, the Judge of which Court shall detain him] [In Oudh, read District, where he shall be detained, please see Act XVII of 1876, Section 3(e).] in confinement until the sum demanded of him shall be discharged, or shall have delivered up the papers. The Collector is authorized, likewise, to attach such part of the [real or personal] [In oudh, read 'moveable or immoveable', please see Act X VIII of 1876; see 3 (e).] property belonging to the officer as may be sufficient to make good the sum which may be due from him. If his property shall be in another zila, he is to apply to the Collector of that Zila, who shall cause it to be attached. If the property shall be situated within any other jurisdiction, the Collector is to apply to the Judge of the zila, through the vakil of [Government] [Substituted by the A.L.O., 1950 for 'the Crown' which had been Substituted by the A.L.O. 1987 for 'Government'.], to make application to the Judge of such jurisdiction to attach

and deliver it into the charge of the nearest Collector.[The [(State Government)] [The words 'The Local Government' is Substituted for the Board of Revenue by U.P. Act XII of 1927 Section 2 & Scheduled.] is] empowered to order the property to be sold under the rules by which the lands of proprietors are directed to be disposed of for the discharge of arrears of revenue. In the event of the death of any such officer, the surety is to be exonerated from all responsibility, and the Collector is to proceed against his heirs by a regular suit in the Court to which they may be amenable, for any claims which [Government] [Substituted by the A.L.O., 1950 for 'the Crown' which had been Substituted by the A.L.O. 1987 for 'Government'.] may have upon the deceased.[The suit is to be carried on by the vakil of [Government] [Bengal Reg. XVII of 1803 as was unrepealed at the time of N.W.P. Land Revenue Act, 1873 (Act XIX of 1873), was passed was repealed by Section 2 of that Act in the Provinces of Agra.] and at the public expense, [and the rules in Regulation XXVII, 1803] [The words 'The Local Government' is Substituted for the Board of Revenue by U.P. Act XII of 1927 Section 2 & Scheduled.], regarding suits so carried on by the Collectors, are to be held applicable to it].

#### **4. Procedure where officers abscond or are not forthcoming.**

- If any such [\* \* \*] [The word 'Native' omitted by the A.L.O. 1950.] officers who may have retained public money or papers in his possession shall abscond or not be forthcoming, the Collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zila; or if he shall have taken refuge in any other zila, and the Collector shall deem it necessary to require his personal attendance that he may proceed against him instead of his surety, the Collector is to apply to the Judge of the zila to request the Judge within whose jurisdiction the officer may be or reside, to cause him to be apprehended. The Judge to whom the application may be made is to convey the officer in safe custody to the gaol of the zila from which he may have absconded.

#### **5. Procedure where officer absconds without having adjusted his accounts, or refuse to attend for that purpose.**

- If a Collector shall have occasion to require any such officer to attend to adjust his accounts, that the sum due from him may be ascertained, and he shall not attend upon being required by writing to that effect, under the official seal and signature of the Collector, to be fixed up in his kachahri and at the place in the zila at which the officer may have last resided, the Collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety, upon his engagement, for the balance or papers in the same manner as if the accounts had been adjusted, and the list of the papers prepared in the presence of the officer, or he may cause the officer to be apprehended by his own authority under section 3, if he be within the limits of the zila, or, if he shall have taken up his abode in any other zila or jurisdiction, by application to the Judge, in the manner directed in section 4. If it should afterwards appear, upon inquiry before the Court that no part, or a portion only, of the sum demanded was due from him or that the papers required were not in his possession, the Collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or inquiry shall be paid by the officer.

## **6. Officers or sureties confined for demand of money when to be released.**

- If any such officer or his surety shall be confined on account of a claim for public money, and previous to the sale of his property, or, supposing the Collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole or any part of the demand made upon him by the Collector, and find some responsible person who will become surety that he will institute a suit in the Court in fifteen days against the Collector to try the demand, and to pay the sum that may be awarded against him with costs and interest at the rate of twelve per cent from the date on which the sum may be demanded of him to the date of decree, the Court is to discharge the officer or surety and proceed to the trial of the suit; and, if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded, and the property restored to the owner.

## **7. Officers or their sureties may sue Collector whilst in confinement.**

- If any such [\* \* \*] [Omitted by the A.L.O. 1950.] officer or his surety shall be committed to custody by the Collector, and shall not obtain his release in the mode specified in section 6, he shall nevertheless be at liberty, whilst in confinement, to sue the Collector by whom he may have been confined, should he deem the demand upon him unjust. [8. Collectors to appoint authorized vakils to defend suits. - The Collectors are to appoint one of the authorized vakils of the Courts to defend any suits which may be instituted against them by any such [\* \* \*] [In Oudh, Section 8 is repealed, See Act XVIII of 1876.] officers or their heirs or sureties, under this Regulation; and all the rules in [Regulation XXVII, 1803] [Repealed by Section 2 of that Act in the Agra Province.], regarding suit instituted against the Collector for sums demanded or received by him on behalf of [Government] [Substituted by the A.L.O., 1950 for 'the Crown' which has been Substituted by the A.L.O., 1937 for 'Government'.] are to be considered applicable to such suit.]