

The Bengal Land-Holders' Attendance Act, 1848

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Act 20 of 1848

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The Bengal Land-Holders' Attendance Act, 1848(Act 20 of 1848)[Dated 23rd September, 1848]An Act for better enforcing the attendance of proprietors and farmers of land before Collectors of land-revenue in the Lower Provinces of the Bengal Presidency.Preamble. - Whereas, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine by the Board of Revenue or other authority exercising the powers of that Board on any proprietor or farmer of land, subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his officer or agent to attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue;And Whereas in many cases, by the delay thus occasioned the whole burden of the penalty is greatly increased beyond what would be necessary if summary power were given to the officer by whom the requisition is made to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority;It is enacted as follows :-

1. Penalty on land-holders not attending when summoned by Collector - Levy of fine.

- If any proprietor or farmer of land shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the Collector, in any cause specified in any of said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of fifty rupees; and the amount of such fine, accruing due from time to time, may be levied without further confirmation by the same [process] [See B. and O. Act IV of 1914.] as is prescribed for the recovery of arrears of revenue.

2. Report of imposition and levy of fine.

- The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the [State] [Substituted by A.L.O.] Government.

3. Appeals from Collector's orders.

- Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

4. Special report of levy exceeding five hundred rupees.

- Whenever the amount levied under any such order issued for any default by authority of a Collector under the Act shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of Revenue, and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

5. Saving of powers to fine.

- Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines and of levying the fines so imposed in the manner prescribed by the said several Regulations.

6. "Collector" defined.

- The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

7. Extent of Act.

- This Act shall not extend to the North-West Province of the Presidency of Bengal.