

The Bengal Troops Transport Regulation, 1825

UTTAR PRADESH

India

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Act 6 of 1825

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The Bengal Troops Transport Regulation, 1825(Bengal Regulation No. 6 of 1825)Short title given by Act V of 1897.[Passed by the Governor-General-in-Council on the 4th April, 1825]A Regulation for rendering more effectual the Rules in force relative to supplies and preparations for Troops [* * *] [The words 'proceeding through the British Territories' omitted by the A.L.O. 1950.]

1. Preamble.

- Whereas it is enacted in the first clause of Section 3, Regulation XI of 1806, that, on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the Collector of the district immediately issue the necessary orders to the land-holder, farmers, tahsildars or other persons in charge of the land through which the troops are to pass, for providing the supplies required, and for making any requisite preparation of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nalas a may intersect their march without impediment or delay; it being at the same time further directed, in the second clause of the section referred to, that the supplies so furnished shall be paid for by the persons receiving the same at the current bazar-prices of the place at which they may be provided, and that the expense incurred for crossing the troops and their baggage over rivers or nalas, after being duly ascertained, will be paid by Government;and whereas experience has shown the necessity of enabling the Collectors, or other public officers acting in that capacity, to enforce their orders in the cases above mentioned, by imposing a fine upon any land-holder, tahsildar or other person in the possession or management of land who, after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same; the Governor-General-in-Council has therefore enacted the following rules [to be in force as soon or promulgated in all the [territories] [The words in brackets are repealed in Oudh, by Act XVIII of 1870, Schedule II.] immediately subject to the Presidency of Fort Villiam].

2. Penalty for Zamindars not providing supplies for troops, etc.

- Any land-holder, farmer, tahsildar or other person in the possession or management of land, who may have been duly required by a Collector of the and revenue [or any public officer acting in that capacity] [The words in brackets are repealed in Oudh by Act XVIII of 1870, Schedule II.] [in pursuance of section 3, Regulation XI, 1806], to provide supplies for a body of troops about to proceed by land or water [* * *] [The words 'through any part of the British territories' omitted by the A.L.O. 1950.] or to make preparations of boat, temporary bridges or otherwise, for enabling the troops to cross rivers or nalas intersecting their march, and after the receipt of such requisition shall wilfully disobey or neglect the same, or shall without sufficient cause fail to exert himself for the due execution of the duty so assigned to him, shall, on proof of such failure, neglect or disobedience, to the satisfaction of the Collector (or other officer acting in that capacity) by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case in such amount as the Collector or other officer, with due regard to these considerations, may judge it proper to impose, so that the fine shall not in any case exceed the sum of one thousand [* * *] [The word 'Sikka' repealed by Act I of 1950.] rupees.

3. Collector to make summary inquiry.

- The Collector, or other officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative, if, on being duly summoned, he shall attend in person or by vakil for that purpose; If he shall fail to attend, either in person or by vakil, the summary inquiry shall be conducted ex parte, and the Collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

4. Fine how levied.

- The Collector or other officer who may adjudge a fine under this Regulation shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue; Proviso as to appeal. - Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the [Commissioner] [Substituted for 'Board of Revenue' by U.P. Act XII of 1922.] [* * *] [The words 'in whose jurisdiction the district may be situate' repealed by Act I of 1903.] and sufficient security be tendered for performing the judgment of the [Commissioner] [Substituted for 'Board' by U.P. Act XII of 1922.] upon the appeal, the Collector shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the [Commissioner] [Substituted for 'Board of Revenue' by U.P. Act XII of 1922.].

5. Petition of appeal against fine.

- Appeals from the orders of Collector or other public officers adjudging fines under this Regulation may be preferred [* * *] [The words 'on the stamped paper prescribed for other appeals to the

Revenue Boards repealed by Act XII of 1876.] either immediately to the [* * *] [The word 'Sikka' repealed by Act I of 1950.] [Commissioner] [Substituted for 'Board' by U.P. Act XIII of 1922.] or through the officer by whom the fine may have been adjudged; and, on admission of the appeal, the whole of the proceedings in the case shall be transmitted to the [Commissioner] [Substituted for 'Board of Revenue' by U.P. Act XII of 1922.]. Limitation of appeal. - But no such appeal shall be receivable after the expiration of six weeks from the date of the judgment without proof of sufficient reason for the delay, to the satisfaction of the [Commissioner] [Substituted for 'Board of Revenue' by U.P. Act XII of 1922.] [* * *] [The words 'by whom the case may be cognizable' by *ibid.*]