

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

UTTAR PRADESH

India

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Act 7 of 1823

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The Indian Civil Service (Bengal Loans Prohibition) Regulation, 1823(Bengal Regulation No. 7 of 1823)[Passed by the Governor General in Council on the 30th October, 1823].Short title given by Act V of 1897.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 [* * *] [The words 'of the company' omitted by the A.L.O. 1950.] employed in the judicial and revenue departments of the service, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, dependent taluqdar, 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.

First : Civil servant prohibited from borrowing money from officers under their authority, etc. - All covenanted civil servants in whatever department of the 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 [* * *] [The word 'Native' omitted by the A.L.O. 1950.] 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 dependent of any such [* * *] [The word 'Native' omitted by the A.L.O. 1950.] officer, or from or to any person of whom such [* * *] [The word 'Native' omitted by

the A.L.O. 1950.] may be known to be or to have been, the servant, agent, surety or dependent. Second : and from other persons officially accountable to them. - In like manner, and under the like penalty, all officers of Government, being covenanted civil servants are hereto forward prohibited from borrowing money from, or in any way incurring debt to, any manager, guardian, executor, amin, sazawal, gumashta, farmer, mutawalli or other person who may in any way be officially accountable to them, or from and to the know surety, agent, relation, connection and dependent of such person. Third : [Rules applied to commercial officers.] - Repealed by Act XVI of 1874.

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

- [All Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioners, being members of the Indian Civil Service] [Substituted for the words 'All Judges of Zila Courts, all Magistrates Joint Magistrates, Registrars and Assistant to Magistrates, all Collectors and Deputy Collectors of the land revenue, all Assistants to such Collectors other officers exercising the powers of such Collectors', by Act V of 1897.] are prohibited under pain of dismissal from office, from borrowing money from or in any way incurring debt to, any zamindar, taluqdar, 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 [Government] [Substituted by the A.L.O 1950 for 'the Crown' which had been Substituted by the A.L.O 1937 for 'Government'.], 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 [Government] [Substituted by the A.L.O 1950 for 'the Crown' which had been Substituted by the A.L.O 1937 for 'Government'.] a sum equal to the amount for which he shall have so illegally become creditor.

5.

[Report by officers in debt.] - Repealed by Act XVI of 1874.

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

- [* * *] [The words 'in like manner' repealed by Act I 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 to loan while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstances to the [State Government] [Substituted by the A.L.O. 1950 for 'Provincial

Government' which had been Substituted by the A.L.O. 1937 for 'Local Government' which was Substituted for 'Governor-General in Council' by Act V of 1897.] 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.

[Penalty on Natives knowingly taking office in contravention of above rules.] - Repealed by Act I 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 instructions of the [State Government] [Substituted by the A.L.O. 1950 for 'Provincial Government' which had been substituted by the A.L.O. 1937 for 'Local Government' which was substituted for 'Governor-General in Council' by Act V of 1897.] and shall be conducted by the Superintendent and Remembrancer of Legal Affairs, or by such other officer as the [State Government] [Substituted by the A.L.O. 1950 for 'Provincial Government' which had been Substituted by the A.L.O. 1937 for 'Local Government' which was Substituted for 'Governor-General in Council' by Act V of 1897.] may nominate for that purpose: such suits shall be instituted in the [* *] [The word 'Provincial' repealed by Act XVI 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 judgment passed in such cases, in like manner as from other judgments passed in original suits, [* *] [The words 'by the Provincial Courts' and the words 'of the Regs.' repealed *ibid.*] and the judgments shall be enforced under the provisions [* *] [The words 'by the Provincial Courts' and the words 'of the Regs.' repealed *ibid.*] for the execution of other decrees of the civil courts.