

INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1823

1823 : Ben. Reg. 7.] LOANS PROHIBITION REGULATION 7 OF 1823 75 [THE INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1823. i] [30th October 1823.] A Regulation for prohibiting loans by covenanted Civil Servants from persons subject to their official authority and influence

1. WHEREAS by the existing Regulations, all covenanted **preamble.** * J, employed in the judicial and revenue Civil Servants * new departments of the service are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, dependent 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. covenanted Civil Servants, in whatever department of the public service they may be employed, are henceforth prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any money from * officer under their authority, or under the authority of officers under their authority of their subordinate functionaries, or from or to the known surety, agent, relation, connection or dependant of any such * officer, or from or to any person of whom such 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 and from other persons officers of Government, being covenanted Civil Servants, are officially henceforward prohibited from borrowing money from, or in any accountable way incurring debt to, any manager, guardian, executor, amin, to them. sazwal, gurnastha, farmer, mutawali 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. applied to commercial Officers. Rep. by the Repealing Act, 1874 (16 of 1874). SHORT title was given by the Amending Act, 1897 (V of 1897), since repealed. LOCAL EXTENT.—This Regulation has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 3, to be in force in Assam (except the North Lushai Hills) See Vol. I of Manual of Local Rules and Orders. The application Of the Regulation is barred in the Lushai Hills by notification under the Assam Frontier Tracts Regulation, 1880 (11 of 1880), See the Manual of Local Rules and Orders, Vol. III. *See now the Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793 (xxxviii of 1793), ante, p. 36. 3 The words 'of the Company' omitted by A. C). , 1950. • the word 'Native' omitted by A. O.. 1950, LOANS PROHIBITIONS [1823 : Ben. Reg. 7. Certificate in 3. 1 [All Commissioners, District and Sessions Judges, Deputy-officers prohibited Commissioners and Assistant Commissioners, being members of the Indian Civil Service I, are prohibited, under pain of dismissal incurring from office, from borrowing money from, or in any way incurring debt to zemindars debt to, any zemindar, talukdar, raiyat or other person possessing and others real property, or residing in, or having a commercial establishment, or resident within the city, district or division to which their authority having property, within may extend. their districts

4. All persons are prohibited from lending money, or other. Penalty for lending wise becoming in any way creditor, to any officer of [the Government money to them] being a covenanted Civil Servant, in contravention of the Civil Service above rules; and any person lending money, or in any way wants. becoming creditor, any such public officer in breach of this prohibition shall forfeit to [the Government] a sum equal to the amount for which he shall have so illegally become creditor. 5. (Report by officers in debt.) Rep. by the Repealing Act, 1874 (16 of 1874). Penalty for 6 * * 2 if any covenanted servant, who may be herein-officer • after appointed to any office, shall at the time of such appointment receiving new appointments must be indebted to any person with whom it would be illegal if indebted to for him to contract a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the contrary to office, to make known the circumstance to the " [State Government above rules omitting to mention]; and failing to do so, he shall be subject to the same penalty as if the debt had been contracted subsequently to his report. being appointed to the said office. 7. [Penalty on Natives knowingly taking office in contravention of above rules.] Rep. by the Amending Act, 1903 [I 1903]. Suits for recovery_ 8. Suits for the recovery of penalties • incurred under this very of penal-Regulation shall and may be instituted

under the special instructions of the 3 [State Government], and shall be conducted by the Superintendent and Remembrancer of Legal Affairs, 5 or by such other officer as [the State Government] may nominate for that purpose. These words in square brackets were substituted for the original words by the Amending Act, 1897 (V of 1897), since repealed. 2 The words "In like manner", which were repealed by the Amending Act, 1903 (I of 1903), are omitted. 3 The words "Local Government" were substituted for the words "Governor General in Council" by the Amending Act, 1897 (V of 1897), since repealed. "Provincial Government" substituted for "Local Government" by A. O., 1937; the word "Provincial" again has been substituted by the word "State" vide A. O., 1950. "SGovernment" was substituted by the word "the Crown" by A.O., 1937, ("rown again has been substituted by 'Government' by A. O. , 1950. 'See the Bengal, Bihar and Orissa and Assam Acts, 1912 (VII of 1912), ss. 3, 4 (b) and Schedule D, Part III, cl. 24. 'The words "the Local Government" were substituted for the word "Government" by the Amending Act, 1897 (V of 1897). Provincial Government" substituted by the A. O., 1937. Or "Local Government" And the word 'Provincial' again has been substituted by the word 'State' vide A. O. of 1950. of 1823 : Ben. Reg.7.] -LOANS PROHIBITION Such suits shall be instituted in the * * 1 Court 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 judgments passed in such cases, in like manner as from other judgments passed in original suits * 2 and the judgments shall be enforced under the provisions * for the execution of other decrees of the Civil Courts. The word "Provincial", which was repealed by the Repealing Act, 1874 (XVI of 1874), is omitted. 2 The words "by the Provincial Courts" which were repealed by the same Act, are omitted. The words "of the Regulations," which were repealed by the same Act, are omitted.

