

INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1793

36 LOANS PROHIBITION [1793: Ben. Reg. 38. Preamble. BENGAL REGULATION 38 OF 1793 THE INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1793 (1st May, 1793) A Regulation for re-enacting, with modifications, such part of the Rule passed on the 27th June, 1787, as prohibits covenanted Civil Servants of the [Government] employed in the administration of justice or the collection of the public revenue lending money to zamindars, independent Talukdars or other actual proprietors of lands or dependent Talukdars or farmers of land holding farms immediately of Government, or the under-farmers or raiyats of the several descriptions of proprietors and farmers of land above mentioned, or their respective sureties. I. At an early period after the establishment of the British Government in this country the servants of the Company employed in the administration of justice and the collection of revenue were prohibited from lending money to the landholders and farmers, the collection or payment of the rents, and others concerned in SHORT TITLE.—This short title was given by the Amending Act, 1897 (V of 1897), since repealed. LOCAL EXTENSION.—ss. 1 and 2 of Regulation have been declared by notification under the Scheduled Districts Act, 1874 (XIV of 1874), section 3, to be in force in Assam (except the North Lushai Hills). The regulation is not in force in the Lushai Hills, see notification under Regulation 11 of 1880. Substituted for "Company" by the A. O., 1937 and A. O. 1950 to read as above. The remainder of the title, which was repealed by the Amending Act, 1891 (XII of 1891), is omitted. 1793: Ben. Reg. 38.] INHERITANCE 35.—ss. 1 and 2. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly. If any one or more of such sharers shall apply to Shares held have the separate possession of his or their share or shares, the separate proportion of the public jama charged upon the whole estate how assessed which is to be assessed upon such share or shares is to be adjusted according to the rules prescribed in section 10, Regulation I, 1793. If the estate is held khas or let in farm, the provisions contained in section 11, Regulation I, 1793, regarding estates so circumstanced which may be divided, will be applicable to it

5. Nothing contained in this Regulation is to be construed Saving of () prohibit any actual proprietor of land bequeathing or bequeathing and transfers, transferring by Will, or by a declaration in writing, or verbally, either prior or subsequent to the 1st July, 1794, his or her landed estate entire to his or her eldest son or next heir, or other son or heir in exclusion of all other sons or heirs, or to any person or persons, or two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner, which such proprietor may think proper : Provided that the bequest or transfer be not repugnant to nor contrary to the Hindu law (laws for the time being in force), or Muhammadan law; and that the bequest or transfer, whether made by a will or other writing, or verbally, be authenticated by or made before, such witnesses, and in such manner, as those respectively do or may require. The to Reg. V of 1793, in which was repealed by the Repealing Act, 1874 (XVI of 1874), is omitted. The Bengal Permanent Settlement Regulation, 1793, is printed as it is. Portions of ss. 5 and 6, which were repealed by the Repealing Act, 1874 (XVI of 1874), with the effect of running the two sections into one have been omitted. Substituted by the A.O. 1937 for the words "Regulations that have been or may be passed by the Governor General in Council". The words "and Regulations" rep. by A. 1937. 38. 1. Its of strident and land, or de- land 'ish in place of the 1897 Land Revenue Act, 1793: Ben. Reg. 38. 1 LOANS PROHIBITIONS 37 revenue, in order to guard against the abuses that the powers with which they were invested would have enabled them to practise had they been permitted to engage in such transactions with individuals subject to [their] control and authority. This rule was incorporated with the judicial Regulations passed on the 5th July, 1781, and has since continued in force. The Regulation (see above-mentioned) is hereby re-enacted with modifications. 2 "The Judges and Magistrates of the Zila Courts Covenanted * and their Assistants, or other officers, being covenanted servants prohibited lending money to the Government land collectors" of the land and their Assistants, and prohibited lending money, directly or indirectly, to any owner of land, or dependent talukdars, or etc. and under-Carrier of raiyat, or their principles, all such loans of land may be hereafter made" are declared not recoverable in any Court of Judicature, 3-6 [Europeans Possessing land liable to be dispossessed; mortgages not to have possession land; land held by

/Europeans to measure anna! statements of] • and held "v Europeans to be sent to Board Revenue. J Rep by the Repealing Act *IGOU (I) of 1868). Portion of s. 1 which was repealed by the Amending Act. 1891 (XII of 1891), is omitted. • the words "and City" which were repealed by the Repealing Act, (XVI of 1891) are omitted. The words Judges of the Provincial Courts of Appeal and the Courts of Circuit and the Registrars to their respective • "Is" which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted. • The word "company" • was substituted by the word "own" by A. O. 1937, and again has been substituted by the word "Government" by A.O.

1950. In Assam, 'Viv: Deputy Commissioner.* In the words "have been made" in opposition to the repeated prohibitions of Government or which h. • which were led by the Amending Act, 1903 (1 of 1903) is omitted.

