

INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1823

7 of 1823

[30th October, 1823]

CONTENTS

1. Preamble
2. Civil Servants prohibited from borrowing money from officers under their authority, etc.; and from other persons officially accountable to them
3. Certain officers prohibited from incurring debt to zamindars and others residing, or having property, within their districts
4. Penalty for lending money to Civil Servants
5. Report by officers in debt
6. Penalty for officers receiving new appointments, if indebted to individuals contrary to above rules omitting to report
7. Penalty on Natives knowingly taking office in contravention of above rules
8. Suits for recovery of penalties

INDIAN CIVIL SERVICE (BENGAL) LOANS PROHIBITION REGULATION, 1823

7 of 1823

[30th October, 1823]

1. Preamble :-

Whereas by the existing Regulations all covenanted Civil Servants ¹
** *, 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 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.

1. Words "of the Company" om. by the Adaptation of Laws Order 1950.

2. Civil Servants prohibited from borrowing money from officers under their authority, etc.; and from other persons officially accountable to them :-

First. All covenanted Civil Servants, in whatever department of the public service they may be employed, are henceforward ¹* * 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 ¹* * officer, or from or to any person of whom such ¹* * 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 officers of Government, being covenanted Civil Servants, are henceforward 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 known surety, agent, relation, connection or dependant of such person.

Third. Rules applied to commercial officers. Rep. by Act 16 of 1874.

1. Word "Native" om. by the Adaptation of Laws Order, 1950.

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

¹ [A11 Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioners, being members of the Indian Civil Service], are prohibited, under pain of dismissal from .office, from borrowing money from, or in any way incurring debt to, any zamindar, talukdar, 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.

1. Words subs. by Act 5 of 1897.

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 ¹[the 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 the prohibition shall forfeit to ² [the Government] a sum equal to the amount for which

he shall have so illegally become creditor.

1. Word "Native" om. by the Adaptation of Laws Order, 1950.

2. Words "the Crown" first subs. for the word "Government" by the Government of India (Adaptation of Indian Laws), Order. 1937, and then the word "Government" subs. for the word "Crown" by the Adaptation of Laws Order, 1950.

5. Report by officers in debt :-

Rep. by Act 16 of 1874.

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

1* * if any covenanted servant who may be hereinafter 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 a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the **2** [State Government]; 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.

1. Words "In like manner," rep. by Act 1 of 1903.

2. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and then the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

7. Penalty on Natives knowingly taking office in contravention of above rules :-

Rep. by Act 1 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 **1**[State Government], and shall be conducted by the Superintendent and Remembrancer of Legal Affairs, or by such other officer as **2**[the State Government] may nominate for that purpose. Such suits shall be instituted in the **3*** * 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 judgments passed in such cases, in like manner as from other judgments passed in original suits **4*** *; and the judgments shall be enforced under the provisions **5** * * for the execution of other decrees of the Civil Courts.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and then the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. Words "the Local Government" first subs. for the word "Government" by Act 5 of 1897, then the words "Provincial Government" subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937. Finally the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.
3. Word "Provincial" rep. by Act 16 of 1874.
4. Words "by the Provincial Courts" rep. by Act 16 of 1874.
5. Words "of the Regulations" rep. by Act 16 of 1874.