

Bengal Indigo Contracts Act, 1836

10 of 1836

[11 April 1836]

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Amended by Act No. VIII of 1968. Amended by Act No. XIV of 1870. Amended by Act No. XVI of 1874, Amended by Act I of 1903. 1. Short title given by Section 2 and Schedule I of Act I of 1903. The Act was declared by the Laws Local Extent Act, 1874 (Act XV of 1874), Section 7, page 250 to be in force in the whole of the Province of Agra then the North Western Provinces) except as regards the Scheduled Districts. It has been declared, by Notification under the Scheduled Districts Act, 1874 (Act XIV of 1874) to be in force in the Scheduled portion of the Mirzapur District and in Jaunsar-Bawar; See Notifications Nos. 634 and 638, dated May 30, 1879, in Gazette, 1879, pp. 774 and 775, respectively.

1. Section 1 :-

Repeal of clause 3 of Section 5 of Bengal Regulation VI of 1823.]-
Repealed by Act XIV of 1870.

2. Security To Be Given By Person Desiring To Remove

Indigo Plant Ordered To Be Delivered To Him :-

1[* * *] Whenever the right to indigo plant may be contested and order shall be passed, under the provisions of clause ninth, Section 3, Regulation VI, 1823, of the Bengal Code, for the delivery of indigo-plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the indigo-plant until he shall have given sufficient security to the satisfaction of the Court trying the case to make good any claim that shall be ultimately established to such indigo-plant, whether arising from a prior right to the produce of the land or from an arrear of rent due on account of the specific parcel of land from which the plant may have been produced. 1. The words "and it is hereby enacted that" Repealed by Act XVI of 1874.

3. Right Of Suit Of Person Making Advances For Cultivation Or Delivery Of Indigo-Plant When Breach Of Contract Is Induced By Third Person :-

When a lawful contract shall have been made between a raiyat and another party, by which contract the raiyat shall have bound himself to cultivate indigo-plant for the other party, or to deliver indigo-plants to the other party, and when the party shall have advanced money to the raiyat for the purposes of enabling the raiyat to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the raiyat to break such contract, the party who made the advance shall have so prevailed on the raiyat, as well as against the raiyat, and to recover, and to recover from him or them, jointly or severally damages to the extent of the injury sustained, together with costs of suit: Bar of suit for act done to recover debt or secure performance of lawful contract.-- Provided always that nothing in this section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

4. Power To Examine Both Plaintiff And Defendant In Suit, And To Award Compensation To Successful Defendant :-

The Court trying suit instituted under the provisions of Regulation VI, 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice and, if the award be in favour of the defendant, to assign to the defendant, sum which may be a compensation to him

for the expense and loss of time occasioned by the proceeding.

5. Power To Refer Certain Suits To A Principal Sadar Amin Or Sadar Amin :-

Repealed by Act VIII of 1868.