

THE BENGAL LAND HOLDER' ATTENDANCE ACT, 1848

ACT No. XX OF 1848

Passed by the Governor General of India in Council on the 23d September 1848.

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

WHEREAS by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the power of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to attend, or to furnish the accounts or documents required, and shall not shew sufficient cause for such omission ; and it is further provided that the fine, when confirmed by Government, is to be levied by same process as is prescribed for the recovery of arrears of revenue ; and whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority, It is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not shew sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life or the defaulter, not exceeding in any case the daily fine of fifty Rupees: and the amount of such fine, accruing due from time to time may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority ; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded five hundred Rupees, the Collector shall report the case specially to the Commissioner of Revenue ; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.