

BENGAL REGULATION II OF 1806

(THE BENGAL TROOPS TRANSPORT AND TRAVELLERS' ASSISTANCE  
REGULATION, 1806)<sup>1</sup>

3rd July, 1806

A Regulation for facilitating the progress of detachments of troops through the Company's territories, for affording any requisite assistance to persons travelling through those territories

Preamble

I. WHEREAS it is expedient to enact into a Regulation, for general information and observance, the rules which have been established by Government at different times (with such amendments as have been deemed necessary) for facilitating the progress of military detachments through the Company's Provinces, for ascertaining and defraying any necessary expense incurred for that purpose, and for providing compensation when any material damage may be sustained in the cultivation of the country from the march or encampment of troops;

and whereas it has also been judged proper to empower the local officers of police to afford such reasonable assistance as may be required by travellers \* \* \* \*<sup>3</sup> proceeding through their respective jurisdictions in procuring the means of prosecuting their journeys;

Notice to be given to Collectors and Magistrates, by officers commanding detachments.

the following rule have been enacted, to be in force throughout the whole of the Provinces subject to the immediate government of the Presidency of Fort William (according as such rules may be applicable to the said Provinces respectively) from the date of their promulgation.

2. Whenever a detachment of troops, or a single corps, shall be ordered to proceed, by land or water, through any part of the Company's territories the commanding officer of such detachment

**SHORT TITLE.**—This short title was given by the Amending Act, 1897 (V of 1897), since repealed.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), section 3 to be in force in Assam (except the North Lushai). It is not in force in the Lushai Hills; see notification under Regulation II of 1880, in Manual of Local Rules and Orders, Volume III.

**REPEAL AS TO COOLIES.**—Such part of this regulation as authorizes the Collectors and their native officers, or the Magistrates and their police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of Civil and Military officers or other individuals travelling through the country, either on the public service or on their private affairs, was repealed by Ben. Reg. III of 1820.

**FURTHER ENACTMENT.**—For further provisions as to the transport of troops, see the Bengal Troops Transport Regulation, 1825 (VI of 1825), *post*

<sup>2</sup>Portions of the title which were repealed by the Amending Act, 1891 (XII of 1891), are omitted.

<sup>3</sup>The words "(Whether European or Native)" omitted by the A. O. 1950.

<sup>4</sup>Portions of section I which were repealed by the Amending Act, 1891 (XII of 1891), are omitted.

or corps is required to give the earliest practicable notice to the Collectors<sup>1</sup> of the revenue of the zilas through which the troops are to pass of the probable time of their arrival within such districts respectively; together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted.

The Commanding Officer will likewise notify to the Collectors the probable period of the arrival of the troops at the rivers or nalas intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them\*\*\*<sup>2</sup>

3. *First.*—On receiving the notification mentioned in the foregoing section the Collector<sup>1</sup> shall immediately issue the necessary orders<sup>3</sup> to the landholders, farmers, tahsildars or other persons in charge of the lands through which the troops are to pass for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nalas as may intersect their march, without any impediment or delay.

Procedure of Collector on notice.

The Collector<sup>1</sup> shall at the same time depute a creditable \*\*<sup>4</sup> officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies and of facilitating the march of the troops.

It shall also be the duty of such \*\*<sup>4</sup> officer to provide the troops with whatever bearers, coolies,<sup>5</sup> boatmen, carts and bullocks may be indispensably necessary to enable the troops to prosecute their route.

Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest police officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks required.

Police to assist on providing bearers, boatmen, carts and bullocks.

*Second.*—The supplies furnished under the foregoing clause (including earthen pots, firewood and every article of supply) shall be paid for by the persons receiving the same at the current bazar prices of the place at which they may be provided:

Rates for supplies furnished to troops.

and all officers commanding detachments of troops or single corps marching through any part of the Company's territories are

Commanding Officers to inquire into and redress

<sup>1</sup>In Assam, the Deputy Commissioner. As to exercise of functions of Deputy Commissioners, see the Assam Land Revenue Regulation, 1886 (I of 1886), Chapter VII, *post*.

complaints against persons under their command.

<sup>2</sup>The words "The Commanding Officer will at the same time communicate to the Magistrates of the zilas through which the troops are to pass the probable time of the arrival of the troops within their respective jurisdiction," which were repealed by the Amending Act, 1897 (V of 1897), are omitted.

<sup>3</sup>As to fines imposable on landholders and other persons for disobedience to orders issued under this section, see the Bengal Troops Transport Regulation, 1825 (VI of 1825), *post*.

<sup>4</sup>The word 'Native' omitted by A. O., 1950.

<sup>5</sup>This Regulation has been repealed as to coolies—see foot-note on pre-page.

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enjoined to make immediate inquiry into any complaints which may be preferred to them by the persons furnishing such supplies or in their behalf against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by Commanding Officer when troops are provided with boats, etc.

4. *First.*—Whenever a detachment of troops or single corps shall be provided with boats, temporary bridges or other accommodations by any landholder, farmer, tahsildar or other person, conformably to the orders of the Collector of the zila, for the purpose of crossing the troops and their baggage over rivers or nalas, the Commanding Officer of such detachment or corps will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burden of each boat, and how long employed on the public service.

In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the Commanding Officer is to specify generally the dimensions of the bridges and the materials of which they may be composed.

Certificate to be sent to Collector with account.

*Second.*—The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector<sup>1</sup> of the zila by the person receiving it, accompanied by the detailed account of the expense incurred for the purposes therein specified.

Account to be sent by Collector to Commanding Officer. Endorsement by Commanding Officer.

The Collector<sup>1</sup> shall without delay communicate the particulars of the account to the officer commanding the detachment or corps on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Account and vouchers to be sent by Collector with his report to [Central Government].<sup>2</sup>

*Third.*—When the account above-mentioned shall be returned to the Collector he shall certify whether the sums and rate charged in it are in his opinion reasonable and conformable to the usual rates of labour and hire in the zila; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the [Central Government].<sup>2</sup>

After the account shall have undergone the examination and report prescribed for all military contingent charges, the [Central Government]<sup>2</sup> will pass such final order as may appear proper.

Collector may pay charge if reasonable.

In the meantime the Collector<sup>1</sup> is empowered in such cases to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer or other person entitled thereto; inserting the amount so disbursed by him at the foot of his treasury-account, in explanation of his treasury balance in the mode prescribed for similar cases.

<sup>1</sup> In Assam, the Deputy Commissioner. As to exercise of function of Deputy Commissioner, see the Assam Land and Revenue Regulation, 1886 (I of 1886), Chapter VII, *post*.

<sup>2</sup> The words "Local Government" in s. (3) were substituted for the words "Governor General in Council" by the Amending Act, 1897 (V of 1897), (since repealed). "Central Government" was substituted for "Local Government" by the A. O., 1937.

5. *First.*—Whenever a proprietor, farmer, tenant or manager of land, through which any detachment or corps of the Company's troops may march, or on which they may be encamped shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained ; when the commanding officer as required to certify generally thereon whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Procedure for landholders, etc., sustaining injury from march or encampment.

Certificate by commanding officer.

*Second.*—If the proprietor, farmer, tenant or manager after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the commanding officer's certificate thereon, to the Collector<sup>1</sup> of the zila (either in person or by his wakil) within ten days from the date of the certificate ; but no claim of this description shall be received by the Collector<sup>2</sup> after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay.

Certificate with statement of claim to be presented to Collector within ten days.

The Collector<sup>1</sup> on receiving a statement of damage and the commanding officer's certificate thereon within the prescribed period, or afterwards if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded, and shall report his proceedings to the Board of Revenue, accompanied by his opinion on the merits of the claim, for the consideration and orders of [the Central Government].<sup>3</sup>

It is, however, declared that no claim will be received unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed ; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate.

In such cases, if the Collector<sup>1</sup> shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

6. Immediately on receiving the notification mentioned in section 2, the Magistrates shall transmit orders to the several police-darogas or other local officers of the police through whose

Procedure by Magistrates on receiving notice mentioned in section 2.

<sup>1</sup>In Assam, the Deputy Commissioner, As to exercise of functions of Deputy Commissioners, see the Assam Land and Revenue Regulation, 1886 (I of 1886). Chapter VII, *post*.

<sup>2</sup>In Assam, the Chief Commissioner (now the State Government)—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) and Schedule D, Pt. III, s.3, *post* as adapted by the A.O. 1950.

<sup>3</sup>Substituted for "Government" by the A.O., 1937.

jurisdiction the troops are to pass to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions ; and to co-operate, as far as necessary, with the person deputed on the part of the Collector in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

Report to 7. Officers commanding detachments of troops or single  
Commander-in-Chief by corps on their march through any part of the Company's territories are already required, by the general orders issued under date the 1st of February, 1783, to report to the Commander-in-Chief officers commanding troops on in what manner the troops have been supplied in passing through the districts lying in their route.

In like manner, the Collectors<sup>1</sup> are directed to report to the Board of Revenue,<sup>2</sup> any complaints which may be made to them of the misbehaviour of the troops, when such complaints shall appear to be well-founded and of sufficient importance to require communication to [the Central Government].<sup>4</sup>

Police empowered, in cases of necessity to assist travellers in prosecuting their route. 8. Whenever any military officer, not commanding nor proceeding with a corps or detachment of troops, or any other person \* \* \* \*<sup>5</sup> not restricted by Government from passing through the country, may be proceeding within any part of the Company's Provinces, either on the Public service or on his private affairs, and shall be in need of assistance during his route to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police to aid him in providing any requisite bearers, coolies,<sup>6</sup> boatmen, carts or bullocks, or any necessary supplies of provisions or other articles.

Assistance how afforded.

On receiving an application of the above nature of the police officer to whom it may be made shall furnish the aid required or cause it to be furnished by the proper person or persons ; provided that a sufficient number of persons who have been accustomed to act as bearers, coolies<sup>6</sup> or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction.

<sup>1</sup>In Assam, the Deputy Commissioner. As to exercise of functions of Deputy Commissioner, see the Assam Land and Revenue Regulation, 1886 (I of 1886), Chapter VII, *post*.

<sup>2</sup>In Assam, the Chief Commissioner (now the State Government)—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3 and Schedule D, Pt. III, *post*, as adapted by the A.O. 1950.

<sup>3</sup>The words "and the Magistrates to report to the Nizamat Adalat, for the information of the Governor General in Council," which were repealed by the Amending Act, 1897 (V of 1897), are omitted.

<sup>4</sup>Substituted for "Government" by the A. O., 1937.

<sup>5</sup>The word "(whether European or Native)" omitted by the A. O., 1950.

<sup>6</sup>This Regulation has been repealed as to coolies—see foot note on page 44 *ante*.

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But all police-officers are strictly forbidden, under pain of Persons and  
dismissal from office \* \* \*<sup>1</sup> on applications of the above carts and  
nature, to compel any persons not accustomed to act as bearers, bullocks not  
*coolies*<sup>2</sup> or boatman, to serve on such occasions, or to furnish a to be em-  
traveller, or cause him to be furnished, with bullocks or carts ployed in  
kept for private use and not for hire, or exclusively appropriated furnishing  
to the purposes of agriculture. assistance.

Persons so employed and the persons in charge of carts and Persons em-  
bullocks so provided, shall be at liberty to return from the first ployed to be  
police-station in the next zila through which the corps or detach- at liberty to  
ment is to march, unless a voluntary engagement to the contrary return from  
may be entered into by such persons. first police  
station.

The police-officers are further enjoined to be careful that a Condition of  
proper compensation for the bearers, *coolies* boatmen, carts or assistance to  
bullocks employed, and a just price for the provisions or other travellers.  
articles provided, be secured to the persons entitled thereto.

For this purpose the police-officers are authorized to adjust  
the rate of hire to be paid for the bearers, *coolies*<sup>2</sup> boatmen, carts  
and bullocks required and the price of any articles provided, as  
well as to demand that the whole or a part, according to the  
circumstances of the case, be paid in advance.

Should any traveller refuse to comply with the adjustment  
or demand so made by a police-officer, he will not be entitled to  
any assistance from the officers of [the Government]<sup>3</sup> under this  
Regulation.

9. [*Prohibition against persons not in the military service, wearing  
military dress.*] Rep. by the Repealing Act, 1874 (16 of 1874).

10. [*Trial of military guards by martial law in certain cases.*]  
Rep. by the Repealing Act, 1876 (12 of 1876).

11, 12. [*Rules for promulgating Regulation.*] Rep. by the Repeal-  
ing Act, 1874 (16 of 1874.)

13-19. [*Rules for supplying military guards or detachment, per-  
manent guards, temporary guards, monthly report of guards, etc., supplied  
application of rules non-applicability in Presidency stations.*] Rep. by the  
Repealing Act, 1876 (12 of 1876.)

20 [*Repeal of cl.(1), S. 22 of Reg. 1 of 1804.*] Rep. by Ben  
Reg. 2 of 1811.

<sup>1</sup> The words and figures "under the rules prescribed by Regulation V,  
1804," which were repealed by the Amending Act, 1891 (XII of 1891), are  
omitted.

<sup>2</sup> This Regulation has been repealed as to coolies—see foot note on page 44 anti  
<sup>3</sup> Substituted for "Crown" by the A. O. 1950 which word was substituted  
or "Government" by the A. O. 1937.