

PAUPER SUITS, BENGAL ACT, 1839  
ACT NO. IX. OF 1839

[15th April, 1839.]

*Passed by the Hon'ble the President of the Council of India in Council, on the 15th April, 1839.*

I. IT is hereby enacted, in addition to the Rules already in force for instituting suits *in forma pauperis*, that no person shall be hereafter entitled to institute any suit *in forma pauperis*, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses, (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath,) that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted *in forma pauperis* the pleading on the part of the defendant as well as all papers filed on his part on which a stamp is required by Schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper; and the defendant shall not be required to deposit Vakeel's fees; provided always that on the conclusion of the suit the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted *in forma pauperis*, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted *in forma pauperis*, in any of Her Majesty's Courts of Justice.

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