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Educational (1898) Department.

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[Despatch Abstract.]

The Primary Exam^n.

Postponing to the 1st July 1898 the introduction of —— as a compulsory test for village offices, and empowering Collectors to sanction the appointment of unpassed men to these offices when they are satisfied that Candidates who have passed that Exam^n are not procurable.

I
16/6/98

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1898} of Madras.

EDUCATIONAL.

Recd. } 1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 362, 16th June 1898.

JUNE.

The Primary Examination.

Postponing to the 1st July 1898 the introduction of — as a compulsory test for village offices and empowering Collectors to sanction the appointment of unpassed men to these offices when they are satisfied that candidates who have passed that examination are not procurable.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—again G.O., No. 729, Educational, dated 24th November 1896.

READ—also the following papers:—

G.Os, Nos. 219 and 251, Revenue, dated 23rd April and 4th May 1898, respectively.

ORDER—No. 362, Educational, dated 16th June 1898.

The Government is pleased to postpone to the 1st July 1898 the introduction of the Primary examination as a compulsory test for village offices, and to empower Collectors to sanction the appointment of unpassed men to these offices when they are satisfied that candidates who have passed the Primary examination are not procurable.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Revenue Department.
" Board of Revenue (Land Revenue).
" Commissioner for Government Examinations.

Exd. A. D Xavier.

Educational

2dd C. No. 605

Government {1898} of Madras.

REVENUE.

729/96 & 2 pots
412/96 & 2 pots
395/95
361/94
517/94 Sc

Recd. 7 . 5 } 1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 219, 23rd April 1898.

APRIL.

Village Officers' Special Test Examination.

Considering that the rules prescribed for the — should come into operation from the 1st July 1898; ordering the publication of the necessary notification in the Fort St. George and all District Gazettes; and stating that orders will issue in the Educational Department regarding primary school examination.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Reference from the Board of Revenue (Land Revenue), No. 209, dated 28th February 1898 :—

Read—Endorsement of the Collector of South Canara, Ref. on C. No. 122/Ver. of 1898, dated 24th January 1898, submitting for orders letter from the Head Assistant Collector, South Canara, about empowering Collectors to exempt candidates for village offices from passing village officers' tests.

Reference No. 209, dated 28th February 1898.

In its order No. 4139, Revenue, dated 19th October 1896, the Government was pleased to delegate to Divisional officers the power to exempt individuals from the village officers' tests for a period of three months in each case, and remarked in paragraph 2 of the same order that as the rules under Act III of 1895 could not apply to districts where the hereditary principle did not exist, orders would issue in the Educational Department empowering Collectors in such districts to exempt any person appointed to the office of karnam, headman or monigar from the tests prescribed for those offices. But in its order No. 729, Educational, dated 24th November 1896, the Government resolved to postpone till 1st January 1898 the introduction of the primary examination as a compulsory test for village offices, and in view of this decision it was considered unnecessary to empower Collectors to sanction the appointment of unpassed men.

2. It has now been brought to the notice of the Board that the same difficulty still exists in obtaining passed men to fill the above posts. The revised rules under section 20 of Act III of 1895, submitted to Government with Board's Proceedings, No. 418, dated 29th November 1897, contemplate the further postponement of the Examination rules until 1st July 1898, but, as pointed out by Government, the rules under the Hereditary Village Offices' Act cannot govern districts in which the said offices are not hereditary. The Board therefore resolves to repeat its recommendation to the effect that Collectors of non-hereditary districts should have full power to exempt village officers from passing the primary school examination, as well as the special tests prescribed for karnams and village headmen.

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.

Read—also the following Reference from the Board of Revenue (Land Revenue), No. 247, dated 7th March 1898 :—

Read—again Board's Reference, No. 209, dated 28th February 1898.

Read—also the following letter from MUHAMMAD RAZA KHAN, Esq., Acting Collector of Kurnool, to the Secretary to the Commissioners of Land Revenue, dated 6th February 1898, R.C. No. 236-Genl.

According to the Government notification No. 366, published at page 848 of Part I of the *Fort St. George Gazette* for 1891 and as amended up to date (*vide* Board's Proceedings, No. 243, dated 6th July 1896), none but persons who have passed the village officers' special test can be appointed to the offices of reddi, assistant reddi, karnam or assistant karnam without the Collector's sanction. Vacancies in these posts occur very frequently in this district.

As there are very few passed candidates available in this district, the vacancies cannot be filled up without causing a great loss of time and much inconvenience to work, if every nomination of an unpassed candidate is to be submitted to the Collector for sanction. Besides, this course will immensely multiply the work of the Collector. In the interests of the public service and with a view to prevent the increase of work in the Collector's office, I have the honour respectfully to suggest that, so far as this district is concerned, the power of temporarily exempting unpassed candidates for acting village offices, say, for six months, may be delegated to the Divisional officers.

2. As it is reported that there are several such recommendation rolls now pending with my Divisional officers, the favour of early orders on the subject is solicited.

Read—also the following letter from J. G. D. PARTRIDGE, Esq., Acting Collector of Madura, to the Secretary to the Commissioners of Land Revenue, dated 26th February 1898, R. C. No. 518-Gl.

The primary school examination and the village officers' special tests have been made compulsory tests for appointments to village offices from 1st January 1898 by Government Order, No. 94, Educational, dated 15th February 1897, and No. 264, Revenue, dated 15th June 1896. The number of candidates that have as yet fully qualified themselves for village offices in this district according to the tests prescribed are very few, only 22 in fact, and considerable difficulty is felt in finding fully-qualified men for village offices when vacancies occur. Rule 18 of the draft rules printed in Board's Proceedings, No. 368, dated 29th September 1896, Land Revenue, states that, unless specially exempted by the Collector, persons who have not passed the primary examination and village officers' special tests should not be appointed to offices of karnams or monigars. But, as the rule has not yet come into force, I am unable to exercise the power intended to be conferred by it. I have therefore the honour to request that, until the draft rules are passed into law, Collectors may be generally authorised to grant exemptions in cases in which unqualified or only partially-qualified men are proposed for appointment to village offices in the absence of duly-qualified men.

Reference No. 247, dated 7th March 1898.

Applications from the Collectors of two "hereditary" districts, Kurnool and Madura, for early orders on the question of the exemption of village officers from educational tests are submitted for orders. The draft rules submitted for the approval of Government with Board's Proceedings, No. 418, dated 25th November 1897, provide that Collectors may specially exempt village officers under certain conditions from the educational tests (*vide* Rule 21, page 18 of the appendix to that Board's Proceedings). But the rules will not attain the force of law until they are published after due notice in accordance with section 7 of the Madras General Clauses Act, I of 1891. Moreover the Board has proposed that this rule about educational tests should not have effect until 1st July 1898.

2. Under the circumstances recited in the recent Board's Reference No. 209, dated 28th February 1898, it would seem necessary to empower Collectors in hereditary districts also, to exempt village officers from the educational tests until 1st July 1898. This might be done by an executive order similar to that which the Board has suggested in the case of non-hereditary districts.

3. Neither the Collector of Madura nor the Collector of Kurnool refers to the power * already delegated to Divisional officers to exempt village officers for three months in each case. This delegation has either been overlooked or is considered insufficient. In any case there will be numerous instances in which exemption may be required for a longer period than three months and these have to be provided for.

* Board's Proceedings, No. 408, dated 27th October 1896.

4. The Board therefore requests that Collectors in hereditary districts also may be given power to exempt village officers from the educational tests until 1st July 1898 when the rules proposed for hereditary districts are expected to come into force.

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with two letters in original to be returned.

Order—No. 219, Revenue, dated 23rd April 1898.

Miscellaneous.

The Government considers that the best course will be to postpone the operation of the examination rules till the 1st July 1898. The following notification will accordingly be published in the Fort St. George and all District Gazettes :—

NOTIFICATION.

In further modification of notification No. 366, published at page 848 of Part I of the *Fort St. George Gazette*, dated 18th August 1891, as amended by notifications No. 454, dated 18th August 1893, published at page 1040 of Part I of the *Fort St. George Gazette*, dated 5th September 1893, and No. 325, published at page 824 of Part I of the Gazette, dated 7th July 1896, His Excellency the Governor in Council is pleased to notify that the rule that none but persons who have passed the village officers' special test shall be appointed to the offices specified in paragraph I of the notification, shall take effect from the 1st July 1898.

2. Orders in regard to the postponement of the primary school examination and on the question whether Collectors should be empowered to exempt persons from that examination in view to employment as village officers will issue in the Educational Department.

(True Extract.)

S. J. Roberts

For Ag. Secretary to Government.

To the Board of Revenue (Land Revenue) with enclosures.
„ the Educational Department.
„ the Superintendent, Government Press, for publication of notification.

Exd. C. Parthasarathy.

50 Copies.

Educational Dept. CURRENT No 653.

Government (1898) of Madras.

REVENUE.

Recd. 19 May
Regd. 20th May } 1898.

Enclosures

Spare copies 4.

G.O., No. 251, 4th May 1898.

MAY.

Madras Act III of 1895.

Approving, with remarks, the draft rules under section 20 of — submitted by the Board of Revenue.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 418, dated 29th November 1897 :—

Read—letters and petitions containing suggestions for the amendment of the draft rules under section 20 of Madras Act III of 1895.

Resolution—No. 418, dated 29th November 1897.

The papers read above contain representations from Government officers and others regarding the draft rules under section 20 of Madras Act III of 1895 embodied in Board's Proceedings, No. 368, dated 29th September 1896.

2. The draft rules were duly published in the *Fort St. George Gazette* and in the District Gazettes, together with vernacular translations. The time originally prescribed for the presentation of objections was 1st February 1897. But owing to the delay in getting vernacular translations of the draft rules ready and in publishing them, the date was altered to 15th July—*vide* Board's Proceedings, No. 178, dated 22nd May 1897. Meanwhile, reports had been received from Collectors on the working of the Act and they contained various suggestions for improving it. The Board considered it desirable to defer the final revision of the draft rules until after the above suggestions had been disposed of. These suggestions have since been dealt with in Board's Proceedings, No. 283, dated 17th August 1897.

3. The several objections and suggestions requiring consideration have been arranged in the order of the draft rules to which they relate and are embodied in Appendix I. The rules, the suggestions and the Board's remarks are printed in three parallel columns. The Board has also taken this opportunity to make a few further alterations in the rules, and these are also indicated in the appendix. Appendix II contains the rules as revised with reference to the recommendations in Appendix I. The Board requests that orders may be passed for the issue of the revised rules as early as possible.

4. In November 1896, Mr. A. T. Forbes, Acting Collector of Cuddapah, proposed that provision be made in the rules under clause X of section 20 of the Act for proprietors of whole inam villages being called upon to report to the Tahsildars concerned the appointments made by them to the offices of karnam, headman and talayari. He pointed out that pending the extension of Act II of 1894 to these villages, appointments to the offices above referred to would be governed by section 11 of Act III of 1895, and that it was desirable for Revenue officers to have control over these appointments, especially as in the case of the village headman, the Tahsildar has to address the Divisional officer for the issue of a sunnud of appointment under section 7 of Madras Act I of 1889. The Board promised to remedy the above defect when the draft rules came up for revision. It has since been decided to apply the provisions of Act II of 1894 to whole inam villages with sufficient assets for maintaining at least a triune officer and a talayari, and to group the others with the adjoining Government villages —*vide* Government Orders, No 798, Revenue, dated 20th September 1897, and No. 875, Revenue, dated 14th October 1897. As the three offices referred to by the Collector will thus be brought under the complete control of Revenue officers at no distant date, the Board does not consider that the present rules need be amplified in the direction suggested by Mr. Forbes.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with a file of enclosures to be returned.

APPENDIX I.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon.

Rules.	Objections and suggestions.	Board's Remarks.
1	2	3
Under clause (i)—The division, grouping and amalgamation of villages.—1. Any two or more villages or portions thereof may be grouped or amalgamated so as to form a single new village, when the distance between the village-sites does not exceed a mile and a half and the joint revenue of the united villages does not exceed Rs. 2,000. Provided that if there are outlying hamlets of importance which will be more than one and a half miles from the new head village, the grouping or amalgamation shall not be carried out. 2. Uninhabited villages and those in which the lands are so intermingled that the boundaries cannot well be separated may be grouped, though the distance limit is exceeded and the joint revenue of the amalgamated villages amounts to more than Rs. 2,000. 3. Each new village shall have a headman or monigar and at least one talayari or vetti; but if the importance of any of the minor villages demands it, a separate talayari to reside and keep watch in such minor village may be appointed. 4. Karnams' charges may be formed by grouping several villages, whether amalgamated or not. 5. Any village may be divided into two or more villages whenever it appears that such a course is desirable as a matter of administrative convenience. 6. Proposals for the grouping, amalgamation or division of villages shall, in the first instance, be published by the Collector in the Gazette of the district concerned, together with a notice calling on the persons interested to state in writing, their objections, if any, to the proposals within a period of not less than one month from the publication of such notice. A copy of the notice shall also be affixed in some conspicuous part of the village or villages likely to be affected. On the expiry of the period aforesaid, the Collector shall submit his proposals to the Board of Revenue with an abstract of the objections, if any, received, and his remarks thereon. The Board shall consider such objections and pass on the proposals such order as it may deem fit, which shall thereupon be final. A copy of such order shall be published in the Gazette of the district concerned.	The late Advocate-General (Mr. Spring Branson) suggested the omission of the words "which will be" occurring in the proviso to rule 1.	The Advocate-General's suggestion will be adopted.
Under clause (ii)—The holding of enquiries under sections 6, 7 and 8 and the hearing of appeals under section 23. (*a*) *Enquiries under sections 6, 7 and 8.*	The Collector of Nellore (Mr. E. Scott) considers that these rules will fetter the action of Government in the matter of grouping or dividing villages in the manner best suited according to circumstances, and would have them omitted altogether.	The Board considers that some general rules are necessary for the guidance of officers and for securing uniformity of procedure in the different districts. The rules have been in force from 1885 and have been found by experience to be fairly elastic. The rule that the joint revenue of the united villages should not exceed Rs. 2,000 has, however, been departed from for a long time without practical inconvenience and the portions of the rules referring to the limit of beriz will accordingly be omitted—*vide* clause (*e*) of paragraph 2 of G.O., No. 556, Revenue, dated 12th July 1897. The words "or insignificant" will be inserted after the word "uninhabited" in rule 2 so as to avoid the necessity for providing separate establishments for villages having small beriz and population and situated at a distance of more than one and a half miles from the adjoining villages.
1. *Section* 6.—In selecting persons to fill the new offices created under section 6 (1) or those retained under section 6 (2), the Collector shall be guided by the provisions of section 10 (1),	The Secretary to the Karnams' Association, Coconada, suggests that the order referred to in this rule should be published in the *vernacular* language of the district for the information of the parties affected.	The rule already provides for the publication of the order in the District Gazette, and publications in the District Gazette are, as a rule, made in diglott, that is to say, in English and in the Vernacular of the district—*vide* Standing Order No. 152 (New Edition). No addition to the rules is therefore called for.
	The Collector of Nellore points out that if the Collector is to be guided by the provisions of section 10 (1) of the Act, it may often happen that he cannot make a selection such as he is legally bound to make under section 6 (1), *viz.*, from among the families of the last holders of the offices abolished. He therefore suggests that the rule may be omitted or section 6 (1) altered.	The Board considers that the rule merely explains the expression "best qualified" occurring in section 6 (1), and does not restrict the field of selection any further than the section itself does.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
8. *Sections 7 and* 8.—The charges preferred against the village officer or servant and the pleas urged by him in defence should be distinctly recorded in writing and the evidence adduced should be fully taken down except in trivial cases. The witnesses should be examined in the presence of the accused, including both those in support of the charges and those for his defence, and the accused should be allowed to cross-examine them. All documents produced in evidence should be submitted for the inspection of the accused and his remarks thereon should be recorded.	The late Advocate-General (Mr. Spring Branson) amended Rules 8 and 9 as follows:— 8. "The charges preferred against the village officer or servant, the pleas urged by him in defence, and the statements of the witnesses shall be recorded. All witnesses shall be examined in the presence of the accused, who may cross-examine all witnesses examined in support of the charges. All documents produced in evidence shall be submitted for the inspection of the accused, and his remarks thereon shall be recorded."	The revised rules and the change proposed in rule 10 will be adopted.
9. The Revenue officer or the proprietor, in passing orders on the case, should briefly sum up the evidence on the several charges and record in English or in the Vernacular a distinct order of acquittal or conviction on each, with a concise statement of the grounds on which the order is founded, noting also the amount of fine or other punishment imposed in the circumstances. 10. At the foot of the order, the date on which the time allowed for preferring an appeal expires, should be clearly specified, and a copy of the order should be furnished free of all charge to the village officer or servant concerned.	9. "In passing orders on the case, the Revenue officer or the proprietor, as the case may be, shall briefly sum up the evidence on the several charges, record in English or in the Vernacular, a distinct order of acquittal or conviction on each charge with a concise statement of the reasons therefor and the sentence passed on conviction." The Advocate-General also suggested the substitution of "shall" for the word "should" wherever it occurs in rule 10.	
	The Collector of Nellore presumes that in cases dealt with under section 7 of the Act, the orders can be based on enquiries made by Tahsildars and Deputy Tahsildars. He also suggests the following addition to Rule 8. "An enquiry may be made in the absence of the accused, when the Revenue officer holding the enquiry is satisfied, for reasons to be recorded, that he has intentionally absented himself."	The Collector's presumption is correct. In regard to the addition proposed to Rule 8, it is to be observed that no accused person can be punished without his being heard. If a village officer or servant wilfully absents himself from enquiry, he can be placed under suspension pending enquiry and prosecuted for disobedience of summons.
	The Collectors of Gódávari and South Arcot (Messrs. V. A. Brodie and Castlestuart Stuart) would have the extent up to which fines can be inflicted on village officers by Tahsildars and Deputy Tahsildars specified in the rules with reference to section 7, clause (2) of the Act. Mr. Brodie proposes that taluk officers may be empowered to fine village officers in a sum not exceeding one-fourth of a month's pay at a time and not more than a month's pay in the whole year. He says that taluk officers now fine village officers to the extent of one rupee and that it is time for enlarging their powers as proposed, so that the Divisional-officers may be relieved of unnecessary correspondence that arises with regard to every ordinary mistake that may be committed by village officers.	The Board considers it inexpedient to limit the amount of fines by a rule having the force of law. Under existing orders, Tahsildars and Deputy Tahsildars are competent to fine village officers to the extent of one rupee at a time. As under the system introduced in Board's Proceedings, No. 285, dated 27th July 1896, of making entries in defaulters' books, there should be no necessity for frequent recourse to fines, it is unnecessary to enlarge the powers of fining as proposed.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
	The Jaghirdar of Arni considers that the rules 8 and 9 in so far as they prescribe the procedure to be followed by proprietors are defective in the following respects:— (1) No power is given to the proprietors to summon any person or witness. (2) Proprietors are not empowered to delegate the powers conferred on them by the Act, so as to meet cases in which they may be unwilling or unable to conduct enquiries personally. (3) No provision is made for the recovery of the fines which, under Rule 9, proprietors are competent to impose on village officers. The jaghirdar suggests (1) that the Tahsildar or the Deputy Tahsildar may be asked to procure the presence of persons required by the proprietors, (2) that proprietors may be authorised to delegate their powers to their agents, if they cannot do so without express provision to that effect in the draft rules, and (3) that proprietors may be given powers to recover the fines imposed by them or that the Tahsildar or Deputy Tahsildar may be asked to recover the fines for them.	(1) Under Act III of 1869, it is not competent for Tahsildars and Deputy Tahsildars to issue summonses for the attendance of persons before proprietors. (2) The Act, as it stands, does not permit of the delegation by proprietors of the powers vested in them by section 8. There seems, however, to be no objection to enquiry being held by an agent provided that the final order is passed by the proprietor after giving the village officer or servant concerned a personal hearing. (3) Proprietors have no powers of fining under section 8 of the Act.
	The Collector of Kistna (Mr. J. N. Atkinson) points out that rules 10 and 16 contain provisions similar to those enunciated in paragraph 6 of Standing Order No. 178, making it compulsory to grant free of cost copies of decisions in original suits and appeals under the Act, while Board's Proceedings, No. 313, dated 7th June 1893, has laid down that no such concession is necessary and the Standing Order has been amended accordingly. He recommends that the old procedure be not revived.	The Collector evidently overlooks the fact that rules 10 and 16 refer to departmental orders passed under sections 6, 7 and 8 of the Act and not to suits, or to appeals against decrees in suits, in respect of which rules 42 and 46 provide for the grant of certified copies at the expense of the parties.
Under clause ii (b)—Hearing of appeals under section 23.—11. An appeal from an order passed under sections 6, 7 or 8 shall set forth concisely and under distinct heads, the grounds of objection to the order appealed against without any argument or narrative, and such grounds shall be numbered consecutively. 12. The petition of appeal shall be accompanied by the copy of the order furnished to the petitioner under rule 10 above or by an authenticated copy of such order, and shall be forwarded through the officer or proprietor who passed the order. 13. The officer or proprietor shall, within a month of the receipt of the appeal petition and its accompaniments, forward the same to the appellate authority with the records of the case and with a report dealing with any new allegations that may be made in the petition. He may, for this purpose, make such further enquiry as may be necessary.	The Advocate-General proposes certain verbal amendments in rules 11 and 16 and says that unless there is very good reason for the provision in rule 12 to the effect that the memorandum of appeal should be forwarded through the officer or proprietor who passed the order, it should be omitted, and that if it be omitted, rule 13 is unnecessary. If a further enquiry is necessary in the opinion of the appellate authority, such enquiry may be ordered. If the appellant is not to be allowed to add to his memorandum of appeal or to amend it so as to meet the "report" referred to, he may be prejudiced in his appeal without having an opportunity of being heard upon the allegations or reasons contained in the report.	See remarks below.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
14. The appellate authority shall, on receipt of the appeal petition and connected records, fix a date for the hearing of the appeal, notifying the same to the appellant, and shall, on the date so fixed, hear the appellant in person or his duly authorized agent, and, when the appeal is from an order passed under section 6, also the person whose appointment is objected to or his duly authorized agent. 15. The appellate authority may either take further evidence itself after summoning such witnesses and obtaining such documents as may be required, or direct the officer whose order is appealed against to do so and to submit a report by a specified date. 16. The officer hearing the appeal shall record his decision and the reasons therefor in his own hand in English and furnish a copy of it free of charge to the appellant as well as to the officer or proprietor. 17. Rules 11 to 13, 15 and 16 shall apply to appeals preferred to the Board of Revenue.	The Advocate-General would, in accordance with the above views, substitute the following for rules 14 and 15 :— "*Rule* 14.—When a memorandum of appeal is admitted, the appellate authority shall fix a date for the hearing of the appeal, and shall give due notice thereof to the appellant. "*Rule* 14 (*a*).—When the appeal is from an order passed under section 6, due notice thereof and of the date of hearing shall be served upon the person whose appointment is objected to, who shall be the respondent in the said appeal. Such notice shall declare that if he does not appear on the day so fixed, the appeal will be heard *ex parte*. "*Rule* 14 (*b*).—On the day so fixed, or any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. When the appeal is from an order passed under section 6, the respondent shall also be heard if present. "*Rule* 14 (*c*).—When an appeal is heard *ex parte* in the absence of the respondent and decision be given against him, he may apply to the appellate authority to re-hear the appeal, if he prove that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing. "*Rule* 15.—If the appellate authority consider that further evidence is necessary, it may take such evidence itself or may direct the officer whose order is appealed against to take the additional evidence and to transmit the record thereof to the appellate authority by a specified date. "*Rule* 15 (*a*).—In all cases where additional evidence is directed or allowed to be taken, the appellate authority shall specify the points to which the evidence is to be confined." The Secretary to the Karnam's Association, Cocanada, urges that no impediment should be placed in the way of an aggrieved party directly approaching the appellate authority. He says that the submission of appeals through the officers or proprietors who passed them will deprive village officers of the opportunity of obtaining speedy redress and will otherwise cause hardship. There will be cases in which the appellate authority will be able to pass orders without making any reference, while several difficulties are likely to arise in practice if appeals are forwarded through the proprietors. In certain cases it will be in the power of proprietors to defeat the object of the appeal by delaying submission of the appeal petition. The Collector of Tinnevelly urges that appeals against the orders of proprietors should be allowed to be submitted direct to the appellate authority. He points out that proprietors may not keep a correct record of correspondence, and if appeals be forwarded through them, difficulties may arise in determining whether appeals have been preferred in time. In some cases, proprietors may deny the receipt of petitions which the village officers may assert that they submitted.	The Board considers that the objections raised to the submission of appeals through the officers or the proprietors who passed the orders appealed against are valid as regards appeals to District officers, and would accordingly adopt the revised rules suggested by the Advocate-General as regards those appeals, the rules numbered by him as 14, 14 (*a*), 14 (*b*), 14 (*c*), 15 and 15 (*a*) being re-numbered as 12, 13, 14, 15, 16 and 17, respectively. The following will be adopted as rule No. 18 as suggested by the Collector of Nellore :— "18. Nothing in rules 12 to 17 shall prevent the appellate authority from rejecting an appeal summarily if, on perusal thereof and after hearing the appellant, it considers that there is no sufficient ground for interference." The verbal amendments suggested in rules 11 and 16 will be accepted and rule 11 slightly amplified. The revised rules will be as follows, rule No. 16 being re-numbered as rule No. 19 :— 11. "When an appeal is preferred from an order passed under sections 6, 7 or 8, the memorandum of appeal shall set forth concisely and under distinct heads the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively. The memorandum of appeal shall also be accompanied by the copy of the order furnished to the petitioner under rule 10 above or by an authenticated copy of such order. 19. "The officer hearing the appeal shall record his decision and the reasons therefor in his own hand in English and shall furnish a copy of it free of charge to the appellant as well as to the officer or proprietor." The suggestion made by the Collector of Tinnevelly for the stay of execution of orders as in suits pending disposal of appeals does not commend itself to the Board. With reference to the modifications made above, rule No. 17 will be altered as follows :— 20. "Rules 11, 16, 17 and 19 shall apply to appeals preferred to the Board of Revenue. Appeals to the Board shall be forwarded through the District Collector who shall, as soon as possible, after the receipt of an appeal petition, forward the same to the Board of Revenue with the records of the case and with a report dealing with any new allegations that may be made in the petition. He may, for this purpose, make such further enquiry as may be necessary." With reference to the Advocate-General's observation that an appellant will be prejudiced in his appeal if he is not afforded an opportunity to meet additional points raised in the report, the Board would observe that such opportunity will be afforded by the local authority when fresh enquiries are made by them. When new allegations are made in the reports, the appellants will be given an opportunity of meeting them.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
....	The Collector of Nellore points out that the provision made in Rule 12 for the submission of the memorandum of appeal through the officer or proprietor who passed the order is objectionable and opposed to all practice and that in the case of authorities lower than the Board it would lead to much abuse. He says that the procedure saves little delay except in appeals to the Board. He would accordingly omit the words "and shall be . . . . order", revise Rule 13 and insert another rule after Rule 15 as shown below :— "13 (*a*) Appeals other than appeals to the Board of Revenue shall be presented to the appellate authority. '(*b*) Appeals to the Board of Revenue shall be forwarded through the District Collector, who shall, as soon as possible, after the receipt of an appeal petition, forward the same to the Board of Revenue with the records of the case and with a report dealing with any new allegation that may be made in the petition. He may for this purpose make such further enquiry as may be necessary.' "(*c*). In the case of appeals other than appeals to the Board of Revenue, the appellate authority shall, on receipt of the appeal petition, call for the record of the case and a report on such points as it considers necessary. "15 (*a*) Nothing in Rules 13 to 15 shall prevent the appellate authority from rejecting an appeal summarily, if on perusal, it considers there is no sufficient ground for interfering, provided that no appeal shall be summarily rejected unless the appellant or his duly authorised agent has had a reasonable opportunity of being heard in support of the same." The Collector of Gódávari considers that the provision made in Rule 12 for forwarding the memorandum of appeal through the officer or proprietor who passed the order is a useful one, as the records may be sent along with the appeal petitions and the appeals disposed of without delay. A karnam in the Bapatla taluk, Kistna district, says that it is desirable to provide for the submission of a copy of the appeal petition direct to the appellate authority, while the original is sent through the officer passing the order appealed against. The Collector of Tinnevelly would make provision in rule 15 for ordering the stay of execution of the order pending the disposal of the appeal as in suits—*vide* Rule 47.	....
Under clause (*iii*). *The educational qualifications required of the holders of village offices forming class* (1) *in section* 3.—18. On and after 1st January 1898, every person who is appointed to the office of karnam, headman, or monigar shall, unless specially exempted by the Collector in this behalf, have qualified according to the following educational tests :— **Karnam.** (i) Primary School Examination. (ii) Village Officers' Special Test in— (*a*) Village Manual of Accounts, and (*b*) Powers and duties of village officers. **Monigar or Headman.** (i) Primary School Examination. (ii) Village Officers' Special Test in— (*a*) Powers and duties of village officers, and (*b*) Village sanitation.	The Advocate-General would have rule 18 worded thus : "On and after 1st January 1898, no person shall be appointed to the office of karnam, headman or monigar, who has not qualified according to the following educational tests, unless specially exempted by the Collector for reasons to be recorded by that officer." He would also omit the words "be required to" occurring in the last sentence of this rule.	The amendments suggested by the Advocate-General will be adopted. The date may be postponed for another six months, in order to give time for the publication of the rules. The Board would alter it to 1st July 1898. A similar alteration will be required in Rule 19.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
Candidates for the Karnam office shall also be required to produce certificates denoting the qualification "good" from Superintendents of Survey Schools. 19. The above rule shall not apply to village officers who may be in office on 1st January 1898, or to their heirs who on the 1st January 1896 were of or above the age of eighteen years and whose names have been registered in the Divisional office on or before the 1st January 1895, except in the Anantapur district where such registration has been permitted up to the 1st January 1896.	The Collector of South Arcot thinks that in the absence of candidates with "good" Survey certificates, those producing "fair" Survey certificates may be accepted.	It is open to the Collector to accept fair certificates in the exercise of the general power of exemption vested in him by the rule. . . . .
Under clause (iv).—The procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connection therewith—(a) Suits.—20. Suits under section 13 (1) of the Act shall be instituted by presenting to the Collector a plaint which shall be in English or in the vernacular language of the district, and shall contain the name, description, age and place of abode of the plaintiff, and the educational qualifications he possesses, the name, description and place of abode of the defendant, so far as they can be ascertained, the nature of the plaintiff's claim, the provision of law under which it is made, the date on which the cause of action arose, and the relief prayed for. It should be accompanied by as many copies or concise statements thereof as there are defendants.	The Advocate-General would begin the rule with the words "every suit" instead of "suits." He considers that this rule may with advantage be arranged in a manner similar to section 50 of the Code of Civil Procedure. Presuming that the plaints are to be verified, he states that the following rule should also be added :— "Rule 20 (*a*).—The plaint shall be signed and verified at the foot by the plaintiff". The Collector of Nellore would omit the words "or concise statements thereof" occurring in the last sentence of this rule, as the defendant is entitled to a copy of the plaint in order that he may know exactly on what grounds the claim is based.	The Advocate-General's suggestions will be adopted and the rule revised as follows :— 20. Every suit under section 13 (1) of the Act shall be instituted by presenting to the Collector a plaint which shall be in English or in the vernacular language of the district. (20) (1) The plaint must contain the following particulars :— (*a*) the name of the court in which the suit is brought ; (*b*) the name, description, age and place of residence of the plaintiff and his educational qualifications ; (*c*) the name, description and place of residence of the defendant so far as they can be ascertained ; (*d*) a plain and concise statement of the circumstances constituting the cause of action and when it arose ; (*e*) the nature of the plaintiff's claim and the provision of law under which it is made. and (*f* a demand of the relief which the plaintiff claims. (20) (2). The plaint shall be accompanied by as many copies or concise statements thereof as there are defendants and shall be signed and verified at the foot by the plaintiff. The provision referred to by the Collector of Nellore follows section 58 of the Civil Procedure Code. Concise statements, while relieving plaintiffs of unnecessary labour when the plaint is lengthy and there are a number of defendants, will meet the requirements of defendants.
21. Any documents which the plaintiff wishes to produce in support of his claim shall accompany the plaint, and none shall be received afterwards unless the Collector shall see cause to admit them. 22. Irregular or incomplete plaints may be returned to the party, or the Collector may at his discretion allow them to be amended. 23. If, on a perusal of the plaint, the Collector considers that the plaintiff is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates Village Service Act, 1894, or under sub-section (1) of section 10 or sub-section (1) of section 11 of the Madras Hereditary Village Offices Act, 1895, or that the suit is barred by lapse of time under section 14 of the Act last aforesaid, or that the relief prayed for is a mere declaratory decree, he shall pass an order rejecting the plaint.	The Advocate-General considers that the effect of non-production of documents by the parties, which is adverted to in the latter part of Rule 21, should be dealt with in a general section following Rule 25, that, following the provisions of the Civil Procedure Code, the remainder of the rule should be so amended as to provide for the filing of such documents only as are in the plaintiff's possession or power, and that Rule 21, amended as above, should come after the rules relating to the rejection, return and amendment of plaints. In other words, the amended Rule 21 and Rule 23 should change places. The Advocate-General also considers that Rule 22 requires to be rewritten and that Rule 23 should be made similar in form to section 54 of the Code of Civil Procedure, and suggests some verbal amendments in Rules 24, 25 and 26. The rules, as revised in accordance with the Advocate-General's views, will read as follows :—	The Advocate-General's suggestions will be adopted with the modification suggested by the Collector of Nellore in Rule 25 below and the addition of the following to Rule 24 :— "The plaint shall be dismissed on failure of the plaintiff to pay within a fixed time the process fee for summoning the defendant."

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
24. When the suit is admitted, the Collector shall issue a written summons to the defendant on payment of the necessary process fee by the plaintiff and shall forward therewith a copy of the plaint or a concise statement of the nature of the claim made. 25. The summons shall require the defendant to appear at the Collector's office on the day fixed, bringing with him, subject to all just exceptions, any documents which the plaintiff may desire to inspect, and all documents which the defendant may desire to produce in his defence. The defendant shall not be allowed to produce any documents except at the first hearing of the suit, unless he shall show cause to the Collector's satisfaction for admission afterwards. 26. On the date of first hearing, each party shall produce the witnesses on whose evidence he intends to rely in support of his case. 27. Such of the witnesses required by either party as will not appear without issue of process shall be summoned on payment of the necessary process fee and batta. 28. Summonses to the defendant and witnesses shall be prepared and served in the manner provided in Madras Act III of 1869. 29. If, on the day fixed for the trial of the suit or on any subsequent day to which the hearing of the case may be adjourned, neither of the parties appear in person or by authorised agent, the suit shall be dismissed.	"21. The plaint shall be rejected in the following cases :— "(*a*) If the plaintiff is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates Village Service Act, 1894 ; or under sub-section (1) of section 10 or sub-section (1) of section 11 of the Madras Hereditary Village Offices Act, 1895 ; "(*b*) if the suit appears from the statement in the plaint to be barred under section 14 of the Madras Hereditary Village Offices Act, 1895, or by any positive rule of law ; "(*c*) if the relief prayed for is a mere declaratory decree ; (*d*) if the plaint having been returned for amendment ...in a specified time, is not amended within that time. "When a plaint is rejected by the Collector, he shall record the reason for his order. "22. When the Collector is of opinion that a plaint does not comply with the requirements of Rule 20, he may either return it to the plaintiff, or may permit the plaintiff to amend it. "23. A plaintiff must file with his plaint all documents in his possession or power upon which he relies as evidence in support of his claim. "24. When the plaint is admitted and the necessary process-fee is paid by the plaintiff, the Collector shall issue a summons to each defendant and shall forward therewith a copy of the plaint or a concise statement mentioned in Rule 20. "25. The summons shall require the defendant to appear at the Collector's office on the day fixed and to bring with him, subject to all just exceptions, all documents in his possession or power which the plaintiff may desire to inspect, or upon which the defendant intends to rely in support of his case. "25 (*a*) No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of Rules 23 and 25, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Collector for the non-production thereof. The Collector receiving such evidence shall record his reasons for so doing. "26. On the date of first hearing, each party shall produce the witnesses on whose evidence he intends to rely in support of his case or who are required to produce documents." The Collector of Nellore suggests the following amendments :— *Rule* 24.—The words "or a concise statement of the nature of the claim made" may be omitted with reference to the amendment proposed to Rule 20. *Rule* 25.—The words "at a place therein named" may be substituted for the words "at the Collector's office."	*Vide* remarks against Rule 20. This suggestion has been adopted. *Vide* remarks above.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
	Rule 26.—The words "if so required" may be inserted between "shall" and "produce" as it is often practicable to dispose of suits without taking the evidence of any witness.	This seems hardly necessary. The necessity for examining witnesses cannot be determined before the date of the first hearing and the parties will generally be able to form an opinion on the point before the date of hearing.
	Rules 24 *and* 27.—A new rule may be added as follows:—"The payment of process fees by any party to a suit may be remitted by the Collector when he considers the party to be unable to make the payment owing to poverty."	The proposed concession is hardly necessary. Several concessions in the matter of court-fees have been already sanctioned in connection with suits under the Act. *Vide* Government Order, No. 638, dated 16th November 1896, communicated with Board's Proceedings, No. 458, dated 9th December 1896.
	The Collector of Nellore says that a rule is also required under which a suit can be dismissed on failure of the plaintiff within a fixed time to pay the process fees for summoning the defendant.	This has been adopted. *Vide* remarks above.
	The Advocate-General suggests certain amendments in these rules. The rules so amended read as follows:—	The revised Rule 24 now makes it optional with the Collector to dismiss a suit for failure of plaintiff to pay process fees.
30. If the defendant only appears, the Collector shall pass judgment against the plaintiff by default unless the defendant admits the plaintiff's claim wholly or in part, in which case the Collector shall give judgment on such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.	*Rule* 30.—If the defendant appears and the plaintiff does not appear, the Collector shall dismiss the suit unless the defendant admits the claim or part thereof, in which case the Collector shall give judgment against the defendant on such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.	The suggestion made by the Advocate-General may be adopted.
31. If the plaintiff only appear, the Collector upon proof that the summons was duly served on the defendant, shall proceed to examine the plaintiff and his evidence and may pass judgment *ex parte* for or against the defendant.	*Rule* 31.—If the plaintiff appears and the defendant does not appear, the Collector upon proof that the summons was duly served on the defendant, shall hear the case and may pass judgment *ex parte* against the defendant.	
34. In the hearing of the suit the examination of the parties or their authorized agents and of the witnesses for the plaintiff and the defendant, shall be upon oath or solemn affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses.	The Advocate-General suggests the omission of the words "for the plaintiff and the defendant" in Rule 34.	The suggestion will be adopted.
35. The evidence of the plaintiff, defendant and witnesses, shall be taken down in the form of a narrative in the vernacular language of the district or in English, and shall be signed by the Collector after being read over and being explained, if necessary, to the deponent.	The Collector of Nellore considers that the words "in the form of a narrative" are unnecessary.	The rule follows section 182 of the Code of Civil Procedure.
37. If, on the presentation of a plaint, the defendant be present, the Collector may proceed at once with the investigation of the suit.	The Advocate-General considers that this rule should come in before Rule 30.	Rules 29 to 31, which refer to the proceedings of the day fixed for the trial of the suit, would best go together. The Board considers that Rule 37 may well be incorporated with Rule 24 as modified by the Advocate-General. The revised Rule 24 will be as follows:— "24. When the plaint is admitted and the necessary process fee is paid by the plaintiff, the Collector shall issue a summons to each defendant and shall forward therewith a copy of the plaint or a concise statement mentioned in Rule 20 If, however, the defendant be present at the time of admission of the plaint, the Collector may proceed at once with the investigation of the suit. The plaint may be dismissed on failure of the plaintiff to pay within a fixed time the process fee for summoning the defendant."

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon – *cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
Under Clause IV (*b*)—*Procedure in regard to appeals from decrees or orders passed in suits.*		
43. An appeal from a decree or order passed by a Collector in suits filed under section 13 shall set forth concisely and under distinct heads the grounds of objection to such decree or order without any argument or narrative, and such grounds shall be numbered consecutively.	The Collector of Gódávari observes that from the rules relating to appeals, it is not clear that appeals should not be presented otherwise than in person or by a vakil. He thinks that this should be clearly laid down with reference to the spirit of section 24 of the Act.	The Board considers it desirable to provide that appeals to the District Collector should be presented in person or by duly authorised agent, as such a course will enable the Collector to pass immediate orders where possible. The following addition will accordingly be made to Rule 44. "When the District Collector is the appellate authority, the memorandum shall be presented in person or by a duly authorised agent."
44. The memorandum of appeal shall be accompanied by an authenticated copy of the decree or order appealed against.		
45. The appeal shall be filed and the records of the case shall be called for. When the District Collector is the appellate authority, he may, on a perusal of the records and after hearing the appellant, dismiss the appeal if no ground for interference is disclosed.	The Collector of Nellore says with reference to Rule 45 that he sees no objection to Divisional officers also having power to dismiss appeals summarily.	Divisional officers have no appellate powers in respect of suits. *Vide* section 23 (1) of the Act.
	The Collector of Gódávari points out that, under Rule 45 as it stands, the appellate courts must necessarily call for records and hear the parties, even in cases in which plaints are rejected under Rule 23, and states that the appellate courts may be empowered to summarily reject such appeals as may be found to have been preferred without sufficient grounds.	The suggestion will be adopted and the rule amended as follows: "When the appeal is admitted, it shall be open to the appellate authority to reject it without calling for the records of the case if no ground for interference is disclosed. When the District Collector is the appellate authority, he shall hear the appellant before so dismissing the appeal.
46. The provisions contained in section 16, sub-section 1, and rules 24, 28—36, 38 and 40—42 regarding the trial of suits shall apply *mutatis mutandis* to the trial of appeals.		
47. The appellate authority may either take further evidence itself or may cause it to be taken by the Collector and may direct him to return a finding on such points as may be necessary. It may also issue orders staying the execution of the decree or order appealed against, pending final disposal of the appeal.	The same Collector would have a provision in Rule 45 to the effect that appeals from orders or decrees passed under section 13 of the Act should be sent through the original court as is provided in Rule 12 in regard to appeals from orders passed under sections 6, 7 and 8. Thus the records may be sent along with the appeal petitions and the appeals disposed of without delay. Further, the proposed provision will be of use in getting over difficulties likely to arise, owing to the insufficiency of the interval before execution allowed in Rule 54. *Vide* the Collector's remarks against Rule 54.	The Collector's suggestion does not commend itself to the Board as it is open to the appellate authority to reject appeals without calling for records. *Vide* also remarks against Rule 54.
48. A copy of the decree shall be forwarded to the officer who tried the original suit. It shall be filed by him with the record of that suit and an entry shall be made in the [illegible]		
49. In every second appeal to the Board of Revenue the memorandum of appeal shall be accompanied by authenticated copies of the original and appellate decrees.		
50. The Board of Revenue may call for the records of the case and may cause further evidence to be taken by the Collector and may direct him to return a finding on such points as may be necessary.	The Collector of Tinnevelly points out that a District Collector may pass his decree in the absence of the parties and considers it, therefore, desirable to provide for the issue of copies of the decree to the appellant and to the respondent as in the case of appeals to the Board—*vide* Rule 51.	The words "by the Collector of the district" will be added at the end of Rule 46 so as to make it clear that the Board's appellants will not be heard in person.
51. A copy of the decree shall be forwarded to the appellant and to the respondent and also to the District Collector.	A karnam in the Bapatla taluk, Kistna district, states that full justice can be done to the case only if parties are allowed to appear in person or to be represented by counsel before the Board.	The Board also considers that Rule 47 may be amended as follows after "cause it to be taken by the Collector" *add* "or by such other officer as it may direct." In the case of appeals to the District Collector, the parties are entitled to be heard and can ascertain from the Court the decision which under Rule 40 is to be pronounced in Court. It seems therefore unnecessary to provide for copies being issued to them. In regard to first appeals to the Board, the following addition will be made to Rule 48:— "When the Board is the appellate authority, copies of its decree shall also be forwarded to the appellant and to the respondent." On public grounds the proposal cannot be entertained.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
Under Clause IV (*c*)—*Registers to be maintained in connection with suits and appeals.* 52. Three registers shall be maintained in the forms I to III given in Appendix B, viz., (1) register of suits, (2) register of appeals, and (3) register of summonses.	The Collector of Nellore would have the 2nd column in registers I and II amplified into "Date of presentation of plaint" and "Date of presentation of memorandum" respectively. He would also open a new column in register II to show what officer passed the original decree. The Collector of Tinnevelly suggests that a column may be opened in registers I and II to show the dates to which the suits or appeals are posted or adjourned.	The Board sees no objection to the headings of column 2 of Registers I and II being amplified as proposed. In regard to the opening of a new column in Register No. II, the Board considers it sufficient to amplify the heading of column 5 of the Register as follows :— "Number and year of original suit and the name of the Court which passed the decree or order appealed against." The Board considers that these particulars may be entered in the column of remarks.
Under Clause V.—Execution of decrees and orders passed in original and appeal suits. 53. When the holder of a decree or order desires to execute it, he shall submit to the Collector who passed the decree or order in the first instance an application in writing in the following form :—	The Collector of Nellore would add to Rule 53 the words "with copy of the decree in question." A certified copy of the decree is necessary for securing speedy disposal of the case when the original record happens to be in the appellate court or is not easily procurable for some cause or other.	The Board is not prepared to adopt the suggestion as it will put parties to the expense of obtaining a second certified copy of the decree.
Form of application for execution of decrees or orders passed in original and appeal suits. Number of suit to which the application for execution relates. / Names of the parties to the suit. / Date of the decree or order. / Whether any appeal has been preferred against the decree or order. / Name of person against whom the decree or order is sought to be executed. / Mode in which the assistance of the court is required, whether by delivery of property, recovery of money, &c. / Whether the necessary process fee has been produced with the application, and, if so, the amount thereof.	The Collector of South Arcot would have an additional column provided in the "form of application" to show previous proceedings, if any, taken in execution.	A column headed "Previous Proceedings, if any, taken in execution," will be added to the form of application as proposed.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
54. The application shall, on receipt, be dated, and shall then be entered in the register to be kept for the purpose and also in the remarks column of the register of suits. If the application is not barred by limitation, and if, within 15 days from the expiration of the time allowed for appeal, no orders have been received from the appellate court staying the execution of the decree or order specified in the application, the Collector may proceed to execute such decree or order in the following manner :— (*a*) When any person is declared to be entitled to the possession of immovable property—by issuing a warrant under the hand and seal of the Collector addressed to some person named therein authorizing such person to give possession of the immovable property according to the adjudication, and to remove, if need be, any person bound by the decree or order who refuses to vacate the property. (*b*) When any person is declared to be entitled to the rent or revenue due on immovable property in the possession of a tenant possessing occupancy right,—by issuing a notice in writing under the hand and seal of the Collector prohibiting such tenant from paying the rent or revenue to any one other than the holder of such decree or order specified in the notice. (*c*) When any person is adjudged liable to pay mesne profits or costs or any sum of money,—by proceeding in the manner provided for the recovery of arrears of land revenue. (*d*) In cases when any person is declared to be entitled to the possession of an office,—by a notice in writing under the hand and seal of the Collector prohibiting the person or persons named therein from exercising or pretending to exercise the functions of the office, or performing the duties thereof, or collecting the emoluments attached thereto, if any. In cases where rent or revenue from lands forms the emoluments of the office, notice shall also be given to the person who possesses the occupancy right in such lands directing him to pay the rent or revenue to the decree-holder.	The Collector of Gódávari states that the period of 15 days beyond the appeal time allowed in Rule 54 for the non-execution of decrees is not likely to be sufficient to enable aggrieved parties to obtain copies of decrees and judgments, file appeals and obtain orders for the stay of execution. He considers, however, that the difficulty can be met by the submission of appeals through the original courts as proposed by him under appeals. In this case, the original courts can conveniently wait for 15 days after the submission of the appeals from their offices or from the date of expiry of the period of appeal for orders regarding the stay of execution.	*Vide* remarks against Rule 45. The Board does not apprehend that much practical inconvenience will arise from the rule as it stands, but in view of the Collector's objection, the period will be extended to 30 days.
55. No payment under a decree and no adjustment of it shall be recognized by the Collector, unless it be intimated to him for record in the register of suits.	The Collector of Nellore states that as the use of the term "tenant" in clause (*b*) of Rule 54 may lead to difficulties, he would alter the clause as follows :— "When any person is declared to be entitled to a certain rent or revenue from land—by issuing a notice in writing and under the hand and seal of the Collector to the person who possesses the occupancy right in such land directing him to pay such rent or revenue to the decree-holder."	The Board sees no objection to adopt the proposed amendment.
56. Registers of applications for execution and of warrants or other processes issued in execution of decrees shall be maintained in forms IV and V prescribed in Appendix B.	The Advocate-General suggests the omission of the words "or pretending to exercise" occurring in clause (*d*) of Rule 54. The Collector of Nellore states that the second sentence of Rule 54 clause (*d*) seems unnecessary, being a repetition of clause (*b*).	The words will be omitted accordingly. Clause (*b*) refers to decrees for emoluments and clause (*d*) to decrees for offices. The second sentence of the latter clause provides for the transfer of the emoluments of the office, in addition to the office, to the decree-holder and cannot be omitted as proposed.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
	The Collectors of Nellore and Cuddapah consider that, with a view to secure uniformity of practice, the forms of warrant and notice referred to in clauses (*a*), (*b*) and (*d*) of rule 54 may be prescribed and appended to the rules.	The forms of warrant and notices will be prescribed and added to appendix B and the following addition made to Rule 56 :— "Forms of the warrant and notices referred to in Rule 54 are printed as forms VI, VII, VIII and IX in appendix B."
Under Clause V-B.—Taxation of costs. 57. The costs of all suits or appeals or of execution proceedings shall be calculated with reference to the scale of fees prescribed in Appendix A. No costs shall be awarded as pleader's fees.	The Collector of Gódávari points out that, as a matter of fact, the parties in suits generally employ some one as a pleader, so that the rule that no costs shall be allowed as pleaders' fees practically operates as a fine for so doing. He would fix a maximum fee of Rs. 5 or 3 and make the following rule :— "Pleaders' fees may be awarded as costs, subject to the condition that no more than (Rs. 5 or 3 as the case may be) shall be awarded under this head."	The Board has already considered the question and decided against the award of pleaders' fees in consideration of the petty character of the suits which can usually be easily decided without he intervention of vakils.
Under Clause VI (a).—Salaries and other allowances. 58. Holders of village offices forming class (1) in section 3 of the Act shall be paid fixed monthly salaries according to a scale which will be fixed from time to time by the Board of Revenue, with the sanction of Government. 59. The rules laid down in the Civil Service Regulations as regards pay and acting allowances shall not apply to village officers. 60. When a karnam or a headman discharges the duties of two or more villages he may, with the sanction of the Divisional-officer, be granted the full pay of both or all the offices in question. This concession is only permissible in the case of short vacancies, not exceeding three months in all. 61. Tahsildars and Deputy Tahsildars in independent charge may grant leave to village officers for periods not exceeding one month at a time. In general such leave shall be granted on the condtiion that the duties of the office are discharged by some relative or friend of the officer taking leave on his responsibility. 62. In the case of village officers other than village munsifs and karnams, Tahsildars and Deputy Tahsildars in independent charge may appoint paid substitutes for the absentees. 63. Applications for leave for longer periods than one month shall be disposed of by Divisional-officers. 64. When a substitute is appointed during the absence of the permanent incumbent on leave or on suspension, the whole of the pay of the office shall be disbursed to the substitute, except when he is a village officer of another village in which event Rule 60 above will be observed. 65. Village officers attending courts on summonses shall be held to be on duty. 67. At the beginning of each month, pay abstracts of the village establishment actually employed during the previous month shall be prepared in the prescribed form, printed copies of which will be supplied by Tahsildars, and shall be forwarded to the Taluk office. Any sum which may be due but not billed for by reason of absence on leave, &c., shall be noted in the column of remarks with a brief explanation of the circumstances under which it was not drawn, the entries being referred to when the amount is claimed on subsequent bills.	The Collector of South Arcot would alter the word "munsif" in Rule 62 into "headman" or "monigar." A karnam in the Bapatla taluk, Kistna district, states that leave under Rule 63 may also be granted on the condition that the duties of the office are discharged by some relative or friend of the officer taking leave and on the responsibility of the officer taking leave. The Collector of Nellore considers that Rule 67 should specify the officer who should prepare the pay abstract and accordingly proposes to insert the words "under the signature of the karnam and village munsif" before "and shall be forwarded" occurring at the end of the first sentence. A karnam in the Bapatla taluk, Kistna district, also makes a similar suggestion. He says that both the karnam and the headman should be made responsible for the preparation of the pay abstract and for the disbursement of salaries among village servants. The Collector of Nellore further considers it desirable to prescribe the dates when pay abstracts should be prepared, when they should be submitted to the taluk, and when they should be returned with the order for payment, as experience shows that a great deal of time is wasted in the preparation, &c., of pay abstracts and in the payment of salaries to village officers.	The word "headmen" will be substituted for the word "munsifs." The suggestion cannot be adopted in the interest of the administration. In the case of long leave it is desirable to appoint duly qualified substitutes, and a relative or friend of the officer taking leave may not be so qualified. The words "under the signature of the karnam and the headman" will be inserted after the words "shall be prepared" occurring in the first sentence of the rule. These matters can be provided for when necessary by departmental orders.

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
Under Clause VII-B.—Duties of the holders of village offices forming class (3) in section 3. 76. The holders of village offices forming class (3) in section 3 shall perform the duties and keep the accounts prescribed for the holders of such offices under Act II of 1894.	....	With reference to the remarks in column 3, page 15 of Board's Proceedings, No. 148, dated 7th May 1897, the Board would substitute the following for Rule 76. . . . . :— "76. The holders of the offices of karnam, headman and talayari in proprietary villages to which Madras Act II of 1894 has not been extended, excepting karnams in proprietary estates wherein Madras Regulation XXIX of 1802 remains in force, shall perform the duties and maintain the accounts prescribed for the holders of such offices in the rules framed under section 32 of Madras Act II of 1894. 76-A. Vetties or toties shall execute processes issued for the collection of revenue, collect the rents due to the proprietor, and obey the karnam's orders in the matter of measuring lands and grain, inspecting crops and carrying messages, accounts and returns to the proprietor or his subordinates, to Government officials and to tenants in the village. 76-B. The nirganti acting under the headman's orders shall have charge of the irrigation of the village lands where there is irrigation from tanks and channels. Where there is no nirganti, the work shall be done by the vetties, unless it is usual for the tenants of the village to attend to the work themselves." The Village Officers' Manual and the Manual of Village Accounts referred to in Rule 75 and the rules issued under Madras Act II of 1894 referred to in Rule 76, clearly indicate the accounts, registers, &c., to be maintained by karnams and headmen.
Under Clause VIII.—Custody, production and transfer of accounts and other records kept by village officers. 77. Karnams and monigars shall, when called on to do so, produce the accounts, registers and other records maintained by them or in their custody, for the inspection of the officials authorised by the proprietor or by the Collector to inspect the same. 78. Except when called upon to produce their accounts and other records as hereinbefore mentioned, they shall keep the same intact in their villages, unless otherwise directed in the Village Manual.	A karnam in the Bapatla taluk, Kistna district, suggests that the accounts and registers to be maintained or kept in custody by the karnams and monigars may be specified. The Jaghirdar of Arni considers that provision should be made in the rules to the effect that the accounts kept by the karnams, so far as they relate to the proprietors, should be handed over to the proprietors for safe custody and for reference in the proprietors' offices after the lapse of one or two years, as is now being done. He further states that the karnams should be required to keep with them for reference the accounts of only one or two years and they should be guided in this matter by the orders of the proprietors.	Government has already decided that the accounts should be deposited in the office of the Tahsildar or Deputy Tahsildar when no longer required. With reference to Rule 6, clause 2 of the rules issued under section 32 of Act II of 1894, the following will be added to rule 77. :— "The accounts kept by the karnams in proprietary estates shall at all reasonable times be also open to the inspection of persons owning or cultivating lands in the village." Following the Rule 6 (iii) issued under Madras Act II of 1894 the following addition will be made to Rule 78. "In the case of proprietary estates, the accounts and records when no longer required in villages shall be deposited in the office of the Tahsildar or the Deputy Tahsildar. These matters can be arranged where necessary by means of departmental orders.
79. In the event of suspension or dismissal under section 7 (1) of the Act they shall hand over all the accounts and other records to their duly appointed successors.	The Collector of Nellore would insist upon a charge certificate being sent to the taluk office each time when there is a change of incumbents. He also considers it desirable that every incoming karnam should be made to submit to the taluk office a list showing the records, instruments, &c., handed over to him and those missing.	

Objections and suggestions regarding the draft rules under section 20 of Madras Act III of 1895 and the Board's remarks thereon—*cont.*

Rules.	Objections and suggestions.	Board's remarks.
1	2	3
Under Clause IX.—The publication of administration reports under the Village Cess Act, 1893, the Proprietary Estates Village Service Act, 1894, and this Act. 80. After the close of the official year, the Board of Revenue shall publish in the Fort St. George Gazette and in the District Gazettes a report on the administration of Acts IV of 1893, II of 1894 and III of 1895.	The Secretary to the Karnams' Association, Cocanada, suggests that the administration report referred to in this rule shall be required to be published in each District Gazette in the vernacular language of the district concerned.	*Vide* remarks against Rule 6.
Under Clause X.—Other matters calculated to enhance the efficiency of the village service.	The Collector of Gódávari makes the following suggestions :— (1) The Act and the rules are silent as to the punishment to be imposed on artizan servants forming class 4 in section 3 of the Act, for misconduct, neglect of duty or disobedience of orders. The district practice has been to place the service inam lands under attachment. Some distinct rules may be laid down for dealing with such cases.	The Legislature has deliberately omitted to provide for the punishment of village artizans. *Vide* remarks in column 3 against section 5 of the Act at page 28 of Board's Proceedings, No. 283, dated 17th August 1897.
	(2) Section 10 (*c*) of the Act gives the Collector discretion to set aside a candidate for a village office in ryotwari tracts, when he has been convicted by a Criminal Court. A similar discretion may be advantageously vested in the Collector by the rules in regard to the office of village artizans, though the conviction and sentence which disqualify a man to be karnam or munsif need not necessarily disqualify him for the post of carpenter or barber.	The question raised has been disposed of in Board's Proceedings, No. 99, dated 29th March 1897.
	(3) In Board's Proceedings, No. 469, dated 9th December 1896, it has been ruled that the right of suing survives a deceased plaintiff and that the law as laid down in section 361 of the Code of Civil Procedure must be followed. A rule may now be inserted to this effect.	The following will be inserted as Rule 42 (*a*) :— 42. (*a*) "The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives."
	(4) The standing order under the old regulation provides for consulting the minor's guardian in selecting a deputy. The rules under consideration do not provide for such a consultation in selecting a deputy for a minor under section 10 (5) of the Act. It is preferable not to give any choice whatever to the guardian in this matter, as Tahsildars and Divisional-officers are better judges of the fitness of a man to be an acting village officer.	The standing order will be revised after the issue of the final rules. The appointment of deputies is wholly at the discretion of the Collector, the essential requirement being that the nominees are duly qualified to perform the duties of the office.
	(5) The division of the emoluments of an officer between the incapacitated office-holder's family and the working deputy is objectionable as it leaves insufficient remuneration to the working man who in consequence does his duty badly.	Neither the Act nor the draft rules thereunder provide for a division of emoluments such as is referred to by the Collector. The working incumbent is entitled to the full emoluments of the office.

APPENDIX II.

Rules under section 20 of the Madras Hereditary Village Offices Act III of 1895 as finally revised by the Board.

* * * * *

ORDER—No. 251, Revenue, dated 4th May 1898.

Miscellaneous.

The draft rules to be issued under section 20 of Madras Act III of 1895 submitted by the Board of Revenue are approved subject to the following remarks :—

(*a*) The Government considers that in Rule 8, provision must be made for contumacious refusal to attend, as suggested by the Collector of Nellore, as also for inability to attend from permanent illness or lunacy ; otherwise there may be unnecessary difficulties in the way of removing a man who refuses or is unable to attend, and filling up the post permanently.

(*b*) Tahsildars and Deputy Tahsildars in independent charge may be allowed, as proposed by Mr. Meyer in paragraph 7 of his letter read in Board's Proceedings, No. 385, dated 11th November 1897, to grant leave to village officers for a period not exceeding three months and may appoint paid substitutes for that period.

(*c*) The appointments made under Rule 68 by Tahsildars and Deputy Tahsildars in independent charge should be submitted quarterly in the form of a statement to the Divisional-officers concerned for formal sanction, with reference to the provisions of section 10 of Act III of 1895.

2. The rules revised with reference to the foregoing remarks and with a few verbal alterations will be printed as an appendix to this order.

(True Extract.)

for Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
„ the Educational Department.

APPENDIX.

Rules under section 20 *of the Madras Hereditary Village Offices Act III of* 1895 *as finally Revised by the Board.*

In exercise of the powers conferred by section 20 of the Madras Hereditary Village Offices Act III of 1895, the Board of Revenue has been pleased with the approval of Government to make the following rules and frame the following forms :—

Under clause (*i*)—*The division, grouping and amalgamation of villages.*

1. Any two or more villages or portions thereof may be grouped or amalgamated so as to form a single new village, when the distance between the village-sites does not exceed a mile and a half.

Provided that if there are outlying hamlets of importance more than 1½ miles from the new head village, the grouping or amalgamation shall not be carried out.

2. Uninhabited or insignificant villages and those in which the lands are so intermingled that the boundaries cannot well be separated may be grouped, though the distance limit is exceeded.

3. Each new village shall have a headman or monigar and at least one talayari or vetti ; but if the importance of any of the minor villages demands it, a separate talayari to reside and keep watch in such minor village may be appointed.

4. Karnams' charges may be formed by grouping several villages, whether amalgamated or not.

5. Any village may be divided into two or more villages whenever it appears that such a course is desirable as a matter of administrative convenience.

6. Proposals for the grouping, amalgamation or division of villages shall, in the first instance, be published by the Collector in the Gazette of the District concerned together with a notice calling on the persons interested to state in writing, their objections, if any, to the proposals within a period of not less than one month from the publication of such notice. A copy

of the notice shall also be affixed in some conspicuous part of the village or villages likely to be affected. On the expiry of the period aforesaid, the Collector shall submit his proposals to the Board of Revenue with an abstract of the objections, if any, received, and his remarks thereon. The Board shall consider such objections and pass on the proposals such order as it may deem fit, which shall thereupon be final. A copy of such order shall be published in the Gazette of the District concerned.

Under clause (ii)—The holding of enquiries under sections 6, 7 and 8 and the hearing of appeals under section 23.

(*a*) *Enquiries under sections 6, 7 and 8.*

7. *Section* 6.—In selecting persons to fill the new offices created under section 6 (1) or those retained under section 6 (2), the Collector shall be guided by the provisions of section 10 (1).

8. *Sections 7 and* 8.—The charges preferred against the village officer or servant, the pleas urged by him in defence, and the statements of the witnesses shall be recorded. All witnesses shall be examined in the presence of the accused, who may cross-examine all witnesses examined in support of the charges. All documents produced in evidence shall be submitted for the inspection of the accused and his remarks thereon shall be recorded.

An enquiry may be made in the absence of the accused, when the Revenue officer or proprietor holding the enquiry is satisfied, for reasons to be recorded, that he has intentionally and contumaciously absented himself from the inquiry or that he is incapable, by reason of illness mental or bodily, from attending within a reasonable time, not being less than six months from the date of the order directing him to appear and answer the charges preferred against him. Before, however, proceeding with the inquiry in such case, the Revenue officer or proprietor will issue a fresh notice to the accused intimating the fact that the said Revenue officer or proprietor is satisfied as above and that the inquiry will proceed *exparte* on a specified date.

9. In passing orders on the case, the Revenue officer or the proprietor, as the case may be, shall briefly sum up the evidence on the several charges, record in English or in the Vernacular, a distinct order of acquittal or conviction on each charge with a concise statement of the reason therefor and the sentence passed on conviction.

10. At the foot of the order, the date on which the time allowed for preferring an appeal expires, shall be clearly specified, and a copy of the order shall be furnished free of all charge to the village officer or servant concerned.

(*b*) *Hearing of appeals under section* 23.

11. When an appeal is preferred from an order passed under sections 6 7 or 8, the memorandum of appeal shall set forth concisely and under distinct heads the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively. The memorandum of appeal shall be accompanied by the copy of the order furnished to the petitioner under rule 10 above or by an authenticated copy of such order.

12. When a memorandum of appeal is admitted, the appellate authority shall fix a date for the hearing of the appeal, and shall give due notice thereof to the appellant.

13. When the appeal is from an order passed under section 6, due notice thereof and of the date of hearing shall be served upon the person whose appointment is objected to, who shall be the respondent in the said appeal. Such notice shall declare that if he does not appear on the day so fixed, the appeal will be heard *ex parte*.

14. On the day so fixed, or any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. When the appeal is from an order passed under section 6, the respondent shall also be heard if present.

15. When an appeal is heard *ex parte* in the absence of the respondent and decision be given against him, he may apply to the appellate authority to re-hear the appeal, if he prove that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing.

16. If the appellate authority consider that further evidence is necessary, it may take such evidence itself or may direct the officer whose order is appealed against to take the additional evidence and to transmit the record thereof to the appellate authority by a specified date.

17. In all cases where additional evidence is directed or allowed to be taken, the appellate authority shall specify the points to which the evidence is to be confined.

18. Nothing in rules 12 to 17 shall prevent the appellate authority from rejecting an appeal summarily if, on perusal thereof and after hearing the appellant, it considers that there is no sufficient ground for interference.

19. The officer hearing the appeal shall record his decision and the reasons therefor in his own hand in English and shall furnish a copy of it free of charge to the appellant as well as to the officer or proprietor.

20. Rules 11, 16, 17 and 19 shall apply to appeals preferred to the Board of Revenue. Appeals to the Board shall be forwarded through the District Collector who shall, with no avoidable delay, forward the same to the Board of Revenue with the records of the case and with a report dealing with any new allegations that may be made in the petition. He may, for this purpose, make such further enquiry as may be necessary.

Under clause (iii)—The Educational qualifications required of the holders of village offices forming class (1) *in section* 3.

21. On and after 1st July 1898, no person shall be appointed to the office of karnam, headman or monigar, who has not qualified according to the following educational tests, unless specially exempted by the Collector for reasons to be recorded by that officer:—

Karnam.	Monigar or Headman.
(i) Primary School Examination.	(i) Primary School Examination.
(ii) Village Officers' Special Test in—	(ii) Village Officers' Special Test in—
(*a*) Village Manual of Accounts, and	(*a*) Powers and duties of village officers, and
(*b*) Powers and duties of village officers.	(*b*) Village sanitation.

Candidates for the karnam office shall also produce certificates denoting the qualification "good" from Superintendents of Survey Schools.

22. The above rule shall not apply to village officers who may be in office on 1st July 1898, or to their heirs who on the 1st January 1896 were of or above the age of eighteen years and whose names have been registered in the Divisional office on or before the 1st January 1895, except in the Anantapur district where such registration has been permitted up to the 1st January 1896.

Under clause (iv)—The procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connection therewith.

(*a*) *Suits.*

23. Every suit under section 13 (1) of the Act shall be instituted by presenting to the Collector a plaint which shall be in English or in the Vernacular language of the district.

24. The plaint must contain the following particulars:—

(*a*) the name of the court in which the suit is brought;

(*b*) the name, description, age and place of residence of the plaintiff and his educational qualifications;

(*c*) the name, description and place of residence of the defendant so far as they can be ascertained;

(*d*) a plain and concise statement of the circumstances constituting the cause of action and when it arose;

(*e*) the nature of the plaintiff's claim and the provision of law under which it is made; and

(*f*) a demand of the relief which the plaintiff claims.

25. The plaint shall be accompanied by as many copies or concise statements thereof as there are defendants and shall be signed and verified at the foot by the plaintiff.

26. The plaint shall be rejected in the following cases:—

(*a*) If the plaintiff is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates Village Service Act, 1894; or under sub-section (1) of section 10 or sub-section (1) of section 11 of the Madras Hereditary Village Offices Act, 1895;

(*b*) if the suit appears from the statement in the plaint to be barred under section 14 of the Madras Hereditary Village Offices Act, 1895, or by any positive rule of law;

(*c*) if the relief prayed for is a mere declaratory decree;

(*d*) if the plaint having been returned for amendment within a specified time, is not amended within that time.

When a plaint is rejected by the Collector, he shall record the reason for his order.

27. When the Collector is of opinion that a plaint does not comply with the requirements of Rules 23, 24 and 25, he may either return it to the plaintiff, or may permit the plaintiff to amend it.

28. A plaintiff must file with his plaint all documents in his possession or power upon which he relies as evidence in support of his claim.

29. When the plaint is admitted and the necessary process fee is paid by the plaintiff, the Collector shall issue a summons to each defendant and shall forward therewith a copy of the plaint or a concise statement mentioned in Rule 25. If, however, the defendant be present at the time of admission of the plaint, the Collector may proceed at once with the investigation of the suit.

The plaint shall be dismissed on failure of the plaintiff to pay within a reasonable time to be fixed by the Collector, the process fee for summoning the defendant.

30. The summons shall require the defendant to appear at a place therein named on the day fixed and to bring with him, subject to all just exceptions, all documents in his possession or power which the plaintiff may desire to inspect, or upon which the defendant intends to rely in support of his case.

31. No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of Rules 28 and 30, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Collector for the non-production thereof. The Collector receiving such evidence shall record his reasons for so doing.

32. On the date of first hearing, each party shall produce the witnesses on whose evidence he intends to rely in support of his case or who are required to produce documents.

33. Such of the witnesses required by either party as will not appear without issue of process shall be summoned on payment of the necessary process-fee and batta.

34. Summonses to the defendant and witnesses shall be prepared and served in the manner provided in Madras Act III of 1869.

35. If, on the day fixed for the trial of the suit or on any subsequent day to which the hearing of the case may be adjourned, neither of the parties appears in person or by authorised agent, the suit shall be dismissed.

36. If the defendant appears and the plaintiff does not appear, the Collector shall dismiss the suit unless the defendant admits the claim or part thereof, in which case the Collector shall give judgment against the defendant on such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

37. If the plaintiff appears and the defendant does not appear, the Collector upon proof that the summons was duly served on the defendant, shall hear the case and may pass judgment *ex parte* against the defendant.

38. In the case of a judgment by default or *ex parte*, the Collector, on good and sufficient cause being shown within sixty days from the date of the decree, shall pass an order to set aside the decree and shall appoint a day for proceeding with the suit. Provided that no such decree shall be altered, modified or reversed unless the adverse party has been summoned and heard in support of it if he appear.

39. When the defendant appears, the Collector shall ascertain from him whether he admits the claim made in the plaint, and if he does not, shall require him to state his objections. His statement shall be recorded in writing.

40. In the hearing of the suit the examination of the parties or their authorised agents and of the witnesses shall be upon oath or solemn affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses.

41. The evidence of the plaintiff, defendant and witnesses, shall be taken down in the form of a narrative in the vernacular language of the district or in English, and shall be signed by the Collector after being read over and being explained, if necessary, to the deponent.

42. The Collector may call for any additional evidence or documents and summon any additional witnesses necessary to elucidate the case.

43. The Collector may in any suit grant time to the plaintiff or defendant to proceed in the prosecution or defence of the suit and may also for any sufficient reason to be recorded by him adjourn the hearing in such manner as to him may seem fit.

44. The record of the suit shall comprise the plaint, such summonses as may have been issued or copies of them, the examination of the plaintiff or his authorised agent, the statement taken from the defendant or his authorised agent or any written statement which the defendant may have filed, the evidence of the witnesses and a list of the documents filed. Such documents when retained by the Collector shall be included in the record.

45. On the hearing of the suit being completed, the Collector shall pronounce his decree, which shall be prepared as required in clause (iii), sub-section (1) of section 16 of the Act, and shall be dated and signed by him at the time when it is pronounced.

46. The decree shall state the amount of costs incurred in the suit and by what parties, and in what proportions such costs are to be paid.

47. Certified copies of the decree shall be furnished to the parties on application to the Collector and at their expense.

48. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

(b) Procedure in regard to appeals from decrees or orders passed in suits.

49. An appeal from a decree or order passed by a Collector in suits filed under section 13 shall set forth concisely and under distinct heads the grounds of objection to such decree or order without any argument or narrative, and such grounds shall be numbered consecutively.

50. The memorandum of appeal shall be accompanied by an authenticated copy of the decree or order appealed against. When the District Collector is the appellate authority, the memorandum shall be presented in person or by a duly authorised agent.

51. When the appeal is admitted, it shall be open to the appellate authority to reject it without calling for the records of the case if no ground for interference is disclosed. When the District Collector is the appellate authority, he shall hear the appellant before so dismissing the appeal.

52. The provisions contained in section 16, sub-section 1, and rules 29, 34—42, 43 and 45—48 regarding the trial of suits shall apply *mutatis mutandis* to the trial of appeals, by the Collector of the district.

53. The appellate authority may either take further evidence itself or may cause it to be taken by the Collector or by such other officer as it may direct, and may direct him to return a finding on such points as may be necessary. It may also issue orders staying the execution of the decree or order appealed against, pending final disposal of the appeal.

54. A copy of the decree shall be forwarded to the officer who tried the original suit. It shall be filed by him with the records of that suit and an entry shall be made in the register of suits. When the Board is the appellate authority, copies of its decree shall also be forwarded to the appellant and to the respondent.

55. In a second appeal to the Board of Revenue the memorandum of appeal shall be accompanied by authenticated copies of the original and appellate decrees.

56. The Board of Revenue may call for the records of the case and may cause further evidence to be taken by the Collector and may direct him to return a finding on such points as may be necessary.

57. A copy of the decree shall be forwarded to the appellant and to the respondent and also to the District Collector.

(c) Registers to be maintained in connection with suits and appeals.

58. Three registers shall be maintained in the forms I to III given in Appendix B, viz., (1) register of suits, (2) register of appeals, and (3) register of summonses.

Under clause (v)—The execution of decrees and orders passed in suits and the taxation of costs.

A.—Execution of decrees and orders passed in original and appeal suits.

59. When the holder of a decree or order desires to execute it, he shall submit to the Collector who passed the decree or order in the first instance an application in writing in the following form.

Form of application for execution of decrees or orders passed in original and appeal suits.

Number of suit to which the application for execution relates.	Names of the parties to the suit.	Date of the decree or order.	Whether any appeal has been preferred against the decree or order.	Name of person against whom the decree or order is sought to be executed	Mode in which the assistance of the court is required, whether by delivery of property, recovery of money, &c.	Whether the necessary process fee has been produced with the application, and, if so, the amount thereof.	Previous proceedings, if any, taken in execution

60. The application shall, on receipt, be dated, and shall then be entered in the register to be kept for the purpose and also in the remarks column of the register of suits. If the application is not barred by limitation, and if within 30 days from the expiration of the time allowed for appeal, no orders have been received from the appellate court staying the execution of the decree or order specified in the application, the Collector may proceed to execute such decree or order in the following manner:—

(*a*) When any person is declared to be entitled to the possession of immovable property —by issuing a warrant under the hand and seal of the Collector addressed to some person named therein authorizing such person to give possession of the immovable property according to the adjudication, and to remove, if need be, any person bound by the decree or order who refuses to vacate the property.

(*b*) When any person is declared to be entitled to a certain rent or revenue from land —by issuing a notice in writing and under the hand and seal of the Collector to the person who possesses the occupancy right in such land directing him to pay such rent or revenue to the decree-holder.

(*c*) When any person is adjudged liable to pay mesne profits or costs or any sum of money,—by proceeding in the manner provided for the recovery of arrears of land revenue.

(*d*) In cases when any person is declared to be entitled to the possession of an office,—by a notice in writing under the hand and seal of the Collector prohibiting the person or persons named therein from exercising the functions of the office, or performing the duties thereof, or collecting the emoluments attached thereto, if any. In cases where rent or revenue from lands forms the emoluments of the office, notice shall also be given to the person who possesses the occupancy right in such lands directing him to pay the rent or revenue to the decree-holder.

61. No payment under a decree and no adjustment of it shall be recognized by the Collector, unless it be intimated to him for record in the register of suits.

62. Registers of applications for execution and of warrants or other processes issued in execution of decrees shall be maintained in forms IV and V prescribed in Appendix B. Forms of the warrant and notices referred to in rule 60 are printed as forms VI, VII, VIII and IX in Appendix B.

B.—Taxation of costs.

63. The costs of all suits or appeals or of execution proceedings shall be calculated with reference to the scale of fees prescribed in Appendix A. No costs shall be awarded as pleaders' fees.

Under clause (vi)—The salaries and other allowances to be assigned to the holders of the village offices forming class (1) *in section* 3 *and the method of their payment.*

A.—Salaries and other allowances.

64. Holders of village offices forming class (1) in section 3 of the Act shall be paid fixed monthly salaries according to a scale which will be fixed from time to time by the Board of Revenue, with the sanction of Government.

65. The rules laid down in the Civil Service Regulations as regards pay and acting allowances shall not apply to village officers.

66. When a karnam or a headman discharges the duties of two or more villages he may, with the sanction of the Divisional-officer, be granted the full pay of both or all the offices in question. This concession is only permissible in the case of short vacancies, not exceeding three months in all.

67. Tahsildars and Deputy Tahsildars in independent charge may grant leave to village officers for periods not exceeding three months at a time. In general such leave shall be granted on the condition that the duties of the office are discharged by some relative or friend of the officer taking leave on his responsibility.

68. In the case of village officers other than village headmen and karnams, Tahsildars and Deputy Tahsildars in independent charge may appoint paid substitutes for the absentees for periods not exceeding three months at a time, subject to the provision that a statement of the appointments so made shall be submitted quarterly to the Divisional-officer for formal sanction.

69. Applications for leave for longer periods than three months shall be disposed of by Divisional-officers.

70. When a substitute is appointed during the absence of the permanent incumbent on leave or on suspension, the whole of the pay of the office shall be disbursed to the substitute, except when he is a village officer of another village in which event Rule 66 above will be observed.

71. Village officers attending courts on summonses shall be held to be on duty.

B.—Method of payment of salaries, &c., to Village officers.

72. The holders of village offices forming class (1) in section 3 of the Act shall be paid from the revenue collections of the villages in which they are employed, except when there is a paucity or an absence of collections in the villages, in which case their pay may be drawn from a Government treasury or a Bank.

73. At the beginning of each month, pay abstracts of the village establishment actually employed during the previous month shall be prepared under the signature of the karnam and the headman, in the prescribed form, printed copies of which will be supplied by Tahsildars, and

shall be forwarded to the Taluk office. Any sum which may be due but not billed for by reason of absence on leave, &c., shall be noted in the column of remarks with a brief explanation of the circumstances under which it was not drawn, the entries being referred to when the amount is claimed on subsequent bills.

74. The abstract shall be submitted separately for each revenue village or the charge of a head of the village and not for a group of villages in charge of a karnam.

75. The abstract will be scrutinised in the Taluk office and returned to the villages with an order for payment endorsed on it under the signaturue of the Tahsildar, or, in his absence, of the Taluk Sarishtadar or Head Accountant.

76. The pay abstract, with the acquittances obtained after payment in the column provided therefor, shall be sent to the taluk with the village remittances, the amount disbursed being shown as a deduction from the gross collections in the village cash accounts (Nos. 13 and 15).

77. When the pay is to be drawn from a Government treasury, the pay order will be endorsed on the pay abstract, but when it is to be drawn from a Bank, a printed cheque will be issued. In either case the abstract will be returned to the village to be retransmitted to the Taluk office, after obtaining the acquittances of the payees.

78. Arrear claims shall be billed for on separate abstracts, particulars of the periods on account of which the arrears are due and of the months in which, if at all, they were refunded into the treasury being carefully noted.

79. No pay shall be disbursed to village officers without the special sanction of the Treasury Deputy Collector when it is left undrawn for more than a year.

80. Undisbursed salaries, in cases in which the amounts are drawn by cheques or payment orders on the Bank or treasury, shall be refunded by short drawal in the following month's pay abstract.

Under clause (vii)—The duties of the holders of the village offices forming classes (1) *and* (3) *in section* 3 *and the description and forms of the accounts and registers to be kept by them.*

A.—Duties of the holders of village offices forming class (1) *in section* 3.

81. The holders of the village offices forming class (1) in section 3 shall perform the duties prescribed in the Village Officers' Manual, volumes I and II, and such other duties as they may be required to perform from time to time by competent authority. They shall also maintain the accounts and registers contained in the Manual of Village Accounts and such other accounts as they may, from time to time, be required by competent authority to prepare.

B.—Duties of the holders of village offices forming class (3) *in section* 3.

82. The holders of the offices of karnam, headman and talayari in proprietary villages to which Madras Act II of 1894 has not been extended, excepting karnams in proprietary estates wherein Madras Regulation XXIX of 1802 remains in force, shall perform the duties and maintain the accounts prescribed for the holders of such offices in the rules framed under section 32 of Madras Act II of 1894.

83. Vetties or toties shall execute processes issued for the collection of revenue, collect the rents due to the proprietor, and obey the karnam's orders in the matter of measuring lands and grain, inspecting crops and carrying messages, accounts and returns to the proprietor or his subordinates, to Government officials and to tenants in the village.

84. The nirganti acting under the headman's orders shall have charge of the irrigation of the village lands where there is irrigation from tanks and channels. Where there is no nirganti, the work shall be done by the vetties unless it is usual for the tenants of the village to attend to the work themselves.

Under clause (viii)—*Custody, production and transfer of accounts and other records kept by village officers.*

85. Karnams and monigars shall, when called on to do so, produce the accounts, registers and other records maintained by them or in their custody, for the inspection of the officials authorised by the proprietor or by the Collector to inspect the same.

The accounts kept by the karnams in proprietary estates shall at all reasonable times be also open to the inspection of persons owning or cultivating lands in the village.

86. Except when called upon to produce their accounts and other records as hereinbefore mentioned, they shall keep the same intact in their villages, unless otherwise directed in the Village Manual. In the case of proprietary estates, the accounts and records when no longer required in villages shall be doposited in the office of the Tahsildar or the Deputy Tahsildar.

87. In the event of suspension or dismissal under section 7 (1) of the Act they shall hand over all the accounts and other records to their duly appointed successors.

Under clause—(ix) *The publication of administration reports under the Village Cess Act*, 1893, *the Proprietary Estates Village Service Act*, 1894, *and Hereditary Village Offices Act*, 1895.

88. After the close of the official year, the Board of Revenue shall publish in the *Fort St. George Gazette* and in the District Gazettes a report on the administration of Acts IV of 1893, II of 1894 and III of 1895.

APPENDIX A.

Scale of Process Fees.

Section I.

	Rs.	A.	P.
1. Summons or notice to defendant or respondent	0	8	0
And to every additional defendant or respondent if applied for at the same time and if defendant or respondent resides in the same neighbourhood	0	4	0
2. Summons to a witness	0	8	0
And to every additional witness if applied for at the same time and if witness resides in the same neighbourhood	0	4	0
3. Warrant for delivery of possession of property	0	12	0
4. Injunction, order or notice not otherwise provided for	0	8	0

Section II.

Processes issued for the recovery of mesne profits, costs or other sum of money in the same manner as for the realization of arrears of revenue.

1. Notice authorizing the distraint of movable property, but the service of which is not accompanied by actual distraint	0	4	0
2. Notice authorizing the distraint of movables under which distraint is actually made	0	8	0
3. Sale of movable property	0	8	0
4. Notice served as a preliminary to the attachment of immovable property	0	4	0
5. Notice of attachment of immovable property	0	8	0
6. Notice of sale of immovable property	0	8	0

Section III.

Batta and travelling allowances to witnesses.

	Europeans and East Indians.			Natives.		
	1st class.	2nd class.	3rd class.	1st class.	2nd class.	3rd class.
Travelling allowance. By rail .. By road ..	1st-class fare. 8 annas per mile.	2nd-class fare. 4 annas per mile.	3rd-class fare. 2 annas per mile.	1st-class fare. 8 annas per mile.	2nd-class fare. 2 annas per mile.	3rd-class fare. 2 annas per 10 miles; ½ anna per mile when witness cannot walk.
Travelling allowance. By sea or canal.	Actual expense of passage.			Actual expense of passage.		
Batta not to exceed ..	1½ rupees *per diem*.	8 annas *per diem*.	4 annas *per diem*.	12 annas *per diem*.	6 annas *per diem*.	3 annas *per diem*.

APPENDIX B.

Forms.

I.—Form of register of *suits*.

Number of suit.	Date of presentation of plaint.	Name and address of plaintiff.	Name and address of defendant.	Abstract of plaint.		Result of suit.	Date of decree.	The date and abstract of decree on appeal.	Remarks.
				To what office the suit relates.	Whether it refers to the office or its emoluments.				

II.—Form of register of *appeals*.

Number of appeal.	Date of presentation of memorandum.	Name of appellant.	Name of respondent.	Number and year of original suit and thename of the court which passed the decree or order appealed against.	Brief abstract of appeal.		Result of appeal.	Date of decree.	Remarks.
					To what office the appeal relates.	Whether it refers to the office or its emoluments.			

III.—Form of register of *summonses*.

Serial number.	Number of suit.	Name of person to be summoned.	Date of					Amount of batta and process fee.	Name of person to whom summons is entrusted.	Remarks.
			Application for summons.	Production of batta and process fee.	Issue of summons.	When returnable.	When served.			

IV.—Form of register of applications for execution of decrees.

Serial number.	Date of receipt of the application.	Date of decree or order and number of suit to which it relates.	Name of applicant.	Name of person against whom execution of decree or order is sought.	Mode in which the assistance of the court is required.	Whether and when process fee for warrants, &c., is produced by the applicant.	Date of order directing execution.	Remarks.

V.—Form of register of warrants and other processes.

Number of application for execution.	Description of process issued.	Amount of process fee realized.	Name of person against whom process is issued.	Name of person to whom process is entrusted.	Date when issued.	Date when returnable.	Date when returned.	Remarks.

VI.

Warrant under clause (*a*) of Rule 60 of the rules framed under Madras Act III of 1895.

IN THE COURT OF THE COLLECTOR OF .

Revenue Suit No. *of* 18 .

A. B. of .

against

C. D. of .

To

Whereas , in the occupancy of has been decreed to , the plaintiff in the above suit, you are hereby directed to put the said in possession of the same, and you are hereby authorised to remove any person bound by the decree who may refuse to vacate the same.

Given under my hand and the seal of the Court, this day of 18 .

L. S.,

Collector.

VII.

Notice under clause (*b*) of Rule 60 of the rules framed under Madras Act III of 1895.

IN THE COURT OF THE COLLECTOR OF .

Revenue Suit No. *of* 18 .

A. B. of .

against

C. D. of .

To

Whereas has been declared, by a decree in the suit above referred to, to be entitled to the rent (or revenue) due on land in your occupation bearing survey (or paimash) No. in the village of , in the district of , you are hereby required to pay the rent (or revenue) to the holder of the decree or order above referred to.

Given under my hand and the seal of the Court, this day of 18 .

L. S.,

Collector.

VIII.

Notice under clause (*d*) of Rule 60 of the rules framed under Madras Act III of 1895 prohibiting persons, other than the decree-holder, from exercising the functions of the office, or performing the duties thereof, or collecting the emoluments attached thereto.

IN THE COURT OF THE COLLECTOR OF .

Revenue Suit No. *of* 18 .

A. B. of .

against

C. D. of .

To

Whereas has been declared, by a decree in the suit above referred to, to be entitled to the office in the village of in the district of , you are hereby prohibited from exercising the functions of the office, or performing the duties thereof or collecting the emoluments attached thereto, viz.,

Given under my hand and the seal of the Court, this day of 18 .

L. S.,

Collector.

IX.

Notice under clause (*d*) of section 60 of the rules framed under Madras Act III of 1895 to the person possessing the occupancy right in lands, the rent or revenue from which constitutes the emoluments of a village office.

IN THE COURT OF THE COLLECTOR OF .

Revenue Suit No. *of* 18 .

A. B. of .

against

C. D. of .

To

Whereas has been declared by a decree in the above suit to be entitled to the office in the village of in the district of , you are hereby required to pay the rent or revenue for the lands in your occupation which appertain to that office to the holder of the decree or order above referred to.

Given under my hand and the seal of the Court, this day of 18 .

L. S.,

Collector.

APPENDIX C.

ACT No. III of 1869.

Passed by the Governor of Fort St. George in Council.

[*Received the Governor's assent on the 9th March* 1869, *and the Governor-General's assent on the 23rd April* 1869, *and took effect from the 1st June* 1869.]

An Act to empower Revenue officers to summon persons to attend at their Cutcherries for the settlement of matters connected with Revenue administration.

Preamble.

Whereas it is found that the Revenue administration of the country is retarded, because Revenue officers, namely, Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars, and Deputy Tahsildars, are not made competent, by express provision of law, to issue summonses for the attendance of persons, or the production of documents in certain cases in which it is their duty to hold investigations; It is hereby enacted as follows:—

Revenue officers empowered to summon persons to appear or to produce documents.

1. Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars and Deputy Tahsildars, shall have power to summon all persons resident within the district whose evidence may appear to them to be necessary for the investigation of any matter in which they are authorized to hold an inquiry, and also to require the production of any document relevant to the matter under inquiry, which may be in the possession or under the control of such person.

Terms of summons.

2. Such summons shall be in writing, and authenticated by the signature and seal of the officer by whom it is issued. It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document, the production of which is required, shall be described in the summons with convenient certainty.

Service of summons.

3. The summons shall be served personally on the person summoned, or if he cannot be found, it may be left for him with some adult member of his family residing with him, or with the head of the village in which he lives.

Persons summoned to produce documents, may send them by a third party.

4. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

When personal attendance of witnesses may be dispensed with.

5. When the person, whose evidence may be required, is unable, from sickness or infirmity, to attend before the officer issuing the sommons, or is a person whom by reason of rank or sex it may not be proper to summon, the officer issuing the summons may, of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person, and order him to be examined by a subordinate deputed by such officer for the purpose.

Exd. Md. Pahilvan.

50 Copies.

[G. / 75 A.]
300—8-3-97.

Agst

NOTE FOR THE SECRETARY.

It is respectfully submitted that the addition of the words "until that date" made by the Secy in line 6 of the draft order below is not correct. The power to sanction the appointment of unpaid men as village Officers is required only after the Primary Educn rule has come into force after the 1st July, and not before that date. There being no rule before the 1st July '98, no power of exemption from the rule before that date is necessary. Please see G.O. No. 729 Ed dd 24th Nov. 1896 - flag

Note for Secy.

7/11/98 The above is a correct statement of the case and it is submitted that the words "until that date" may be struck out

Ev 1
47
1698

[G. / 24.]
500—8-12-97.

Ed DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 24th nov. 1896, No. 729

Again G.O., dated 189 , No

Current No. 605 of 1898, dated 23rd March from } the Rev dept

" " 653 " 1898, " 4th May "

" " " 189 , " , ,

ORDER
P.S.

No 362, dated 16-6-98.

The Govt is pleased to
postpone the introduction of the
Primary examination as a com-
pulsory test for village officers*,
~~to the 1st July 1898~~, and to until that date
empower Collectrs to sanction the
appointment of unpassed men
~~as vills~~ to these offices when they
are satisfied that candidates
who have passed the Primary exams
are not procurable.

* omit
HT
14.6.98

6/6

6678

27.5.

To
The Rev. dept-
-- Bd of Rev. (2 C)
-- C.G.Rs.

desp
1-7-98

FROM ORDERS.

C. S.

copy sent to Press.

ued for signature.

atched in print.

AGAIN G.O., No. 189 . DATED

ENT No.

No marked.

ENCLOSURES TO C. No.

NUMBER OF COPIES REQUIRED. { Order complete. 485
Letter only.
Order complete with Letter.

2

5

ORDER OF GOVERNMENT .. .. ..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

Q

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.