

- (1) Number of pages 4
(2) Date of repair 15. 7. 1963
(3) Initials of the Referencer W

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	1576	Press S. c
~~B.P. No.~~		Mis.
Dated	4. 7. 1879	195

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

4th July 1879, No. 1576.

Bhadrachalam and Rakapilli and Rampa Country.

No. 44. *Proceedings of Government, dated 4th July 1879, No. 1576.*

In exercise of the power conferred by Section 6 of the Scheduled District Act, 1874, His Grace the Governor of Fort St. George in Council is pleased to prescribe the following rules for the guidance of the Collector and Magistrate of the District, Godavari, within the Scheduled Districts of Bhadrachalam Taluk, Rakapilli Taluk, and the Rampa Country:—

Rules for the guidance of the Collector and Magistrate of the District, Godavari, within the Scheduled Districts of Bhadrachalam Taluk, Rakapilli Taluk, and the Rampa Country.

CIVIL JUSTICE.

Rule I, Clause 1. The said Collector and District Magistrate shall, under the designation of GOVERNMENT AGENT, be the Collector, District Magistrate, District Judge and Session Judge, within the said scheduled districts. His Sub-Collector and Assistant Collectors and any other persons whom the Governor in Council may appoint shall be designated Assistant Government Agents.

Clause 2. The Government Agent is empowered to appoint any of his principal native officers, or, with the sanction of Government, any other duly qualified persons to exercise, in such places and within such portion of the scheduled districts as he may consider proper, the jurisdiction vested in the District Munsifs of the Madras Presidency, subject to the modifications contained in these Rules.

Clause 3. Such Munsifs shall not have cognizance of any suits for real or personal property exceeding in value 300 rupees, nor shall they at any time have cognizance of any suit in which any Zemindar, or any Munsubdar or Muttadar, or other feudal Hill Chief may be concerned, nor of suits in *forma pauperis*, except such suits in *forma pauperis* as the Government Agent may specially refer for decision to them.

Clause 4. The valuation of a suit will be made according to the provisions of Section 7 of the Court Fees Act. Suits of the amount cognizable by the District Munsifs shall be instituted in the Courts of those Munsifs alone: provided, however, that the Government Agent shall be at liberty at his discretion to transfer to his own Court or to that of an Assistant any suit cognizable by a District Munsif.

Rule II, Clause 1. With the single exception of the particular suits specified in the preceding Rule, which are cognizable by such District Munsifs as are there described, all Civil suits of whatever description or value arising within the scheduled districts shall be instituted, in the first instance, in the Court of the Government Agent; and the Government Agent and (solely upon reference by him of suits to them) his Assistants are hereby vested with the same powers to try and determine such suits as are vested in the District and Subordinate Courts, or in the Collectors' Courts of the Madras Presidency, respectively, subject to the modifications in these Rules contained.

Clause 2. The Government Agent shall alone be competent to try and determine suits for real or personal property exceeding 5,000 rupees, or for lands paying revenue of which the annual produce exceeds Rupees 500. But he shall have the power of either deciding himself or referring for decision to his Assistants all suits for a less value: provided, however, that claims of succession to, or any interest in, the estates of any feudal Hill Chief shall not be entertained in any Civil Court; but in all such cases the Government Agent shall, through the Board of Revenue, submit the result of his inquiry for the orders of Government, who shall determine the point at issue.

Rule III, Clause 1. The Civil Courts of each grade shall receive, try, and determine suits hereby declared to be cognizable by those Courts, if in the case of suits for land or other immovable property such land and property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of commencement of the suit shall dwell or personally work for gain within such limits. In no case will the Courts have jurisdiction to adjudicate upon property not within the jurisdiction of the Government Agent.

Clause 2. The Government Agent is authorized at his discretion to employ such number of Pleaders in his own Court or in the Courts of his Assistants and the District Munsifs as may from time to time appear to him necessary.

Clause 3. The Pleaders will be entitled to receive a fee according to the provisions of Regulation XIV of 1816 of the Madras Code. The Government Agent shall be competent to punish any misconduct of a Pleader by fine not exceeding 50 rupees, leviable as an arrear of land-revenue, or by cancellation of his Sanad, or both.

Clause 4. Any of the landholders described in Rule I, Clause 3 may, however, be permitted to conduct his business in the Courts by his own special Mooktiar, but suits for the remuneration of such Mooktiar shall not be received or filed in any Court.

Rule IV. From decrees in all original suits an appeal shall lie from the Courts of Munsifs and from the Courts of the Assistants to that of the Government Agent.

Rule V. The Government Agent is authorized to refer to his Assistants for decision all appeals to him from the decisions of the District Munsifs; and the decrees of the Assistant in such appeals shall be final, excepting in cases where, for reasons to be recorded, the Government Agent shall admit a Special Appeal, to be heard and determined in his own Court.

Rule VI. When an appeal shall be preferred from any Munsif's or Assistant's decision, it shall not be necessary to summon the respondent in the first instance, but forthwith the original record of the proceedings in the case shall be called for; and if, after the perusal of the record of the original suit and petition of appeal, the officer hearing the appeal shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the same with an endorsement on the petition of appeal that it has been so dismissed.

Rule VII. The Government Agent or his Assistant, as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Government Agent is likewise empowered, on the application of any party, in a suit decided by a Munsif or an Assistant, but not appealed, to direct a review of judgment, and is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned; and also to remove to his own or any other Court within his jurisdiction, by precept under his official seal and signature, any suit, original or appellate, which may be pending in a lower Court, recording his reasons for so doing.

Rule VIII. All decrees passed by the Government Agent on appeals from decrees of his subordinates shall be final, the High Court having the power, on special grounds, to require him to review his judgment as may be directed by them.

Rule IX. From all decrees upon original suits passed by the Government Agent, an appeal shall lie to the High Court.

Rule X, Clause 1. With the exception of the Court of the Government Agent, who shall be at liberty in the execution of decrees to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been decided.

Clause 2. Decrees shall be executed by an order addressed to the proper officer of the Court; but no landed property shall be attached in execution of a decree unless the authority of the Government Agent shall have been previously obtained.

Rule XI, Clause 1. The Government Agent is authorized at his discretion to refer any suit, or special questions in a suit, whether pending before himself, his Assistants or Munsifs, for examination and judgment by a Panchayet, to consist of three or five persons, to be selected by the Government Agent or by his Assistant, after the plaintiff and defendant have had notice and the witnesses have been assembled.

The Assistant Government Agents shall be competent to exercise a similar discretion in regard to suits pending before themselves under these Rules.

The plaintiff and defendant, or their Pleaders or Mooktiars, shall each be permitted to challenge any members of the Panchayet; and on sufficient reason being given for the challenge, another person or persons shall be selected to supply his or their place.

The officer referring the suit to a Panchayet shall name one of the Panchayettars to act as the forman, and at the request of the Panchayettars shall secure the attendance of all parties required for the trial of the suit. If the Panchayettars are divided in opinion, the

opinion of the majority shall be the award of the Panchayet. Any of the Panchayettars may, if he chooses, record his reasons of dissent separately, and the same shall form part of the record of the suit.

Clause 2. When a Panchayet has been nominated, the officer referring the suit shall immediately direct a gumastah or clerk to attend the Panchayet, whose duty it shall be, under the direction of the Panchayet, to record their proceedings and award; and the Panchayet shall assemble at some convenient place in his Cutchery or Court, or adjoining it, to investigate the matter at issue.

Clause 3. When the pleadings shall have been closed and evidence taken, the Panchayet shall direct the parties and gumastah or clerk to retire, and shall consult and decide on their award; and when they have come to a decision, they shall recall the gumastah or clerk to record the award, which (award), having been duly attested with their signature, they shall deliver to the officer appointing the Panchayet, by whom, if approved, a decree in conformity therewith shall be passed, which decree in cases where the Panchayet has been assembled by a subordinate shall, previous to its execution, be submitted to the Government Agent, who shall either confirm, modify or reverse the award, or remand the case for further investigation or reinvestigation by a Panchayet or otherwise as may to him seem expedient. When any such award shall be disapproved by the officer appointing the Panchayet as illegal or defective on the face of it, he shall restore the suit and proceed to determine it himself.

Rule XII. The Government Agent will submit to the High Court half-yearly statements of the number of causes filed and disposed of by him or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

REVENUE RULES.

Rule XIII, Clause 1. In conducting their local duties in the Revenue Department the Government Agent and his Assistants will be guided by the Rules in force for the time being.

Clause 2. The Government Agent and his Assistants will continue in their Revenue capacity, subject to the general control and orders of the Board of Revenue.

Clause 3. It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Government Agent, unless a strong necessity for such interference shall appear.

GENERAL RULES.

Rule XIV. All Civil processes issued at the instance of any authority situated beyond the jurisdiction of the Government Agent, to or against any person subject thereto, or situated therein, shall be forwarded by letter to the Government Agent, who shall execute the same as if it were his own process, returning the said process, by letter, to the authority from whom it issued, duly endorsed by his proper officer, showing what has been done thereon.

Rule XV. All petitions against the proceedings of the Government Agent must, in the first instance, be submitted to the Government, and will be referred, when necessary, either to the High Court or to the Board of Revenue, as the case may be.

Rule XVI. Reference will be made to the Government by the Government Agent in all cases not provided for by the Rules.

(True Extra.)

C. G. MASTER,
Acting Chief Secretary.

To the Collector and Magistrate, Godavari District.

Exl. G. Freeman.

JUDICIAL.

FOR INFORMATION,
COLUMBIAN UNIVERSITY.

Hotel St. Louis, 42.

Test 1

5000

Smith

W. H. & J. H. 1870

100.00

[illegible]

Rule III, Clause 1. The Civil Courts of each grade shall receive, try, and determine suits hereby declared to be cognizable by those Courts, if in the case of suits for land or other immovable property such land and property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of commencement of the suit shall dwell or personally work for gain within such limits. In no case will the Courts have jurisdiction to adjudicate upon property not within the jurisdiction of the Government Agent.

Clause 2. The Government Agent is authorized at his discretion to employ such number of Pleaders in his own Court or in the Courts of his Assistants and the District Munsifs as may from time to time appear to him necessary.

Clause 3. The Pleaders will be entitled to receive a fee according to the provisions of Regulation XIV of 1818 of the Madras Code. The Government Agent shall be competent to punish any misconduct of a Pleader by fine not exceeding 50 rupees, leviable as an arrear of land-revenue, or by cancellation of his Sanad, or both.

Clause 4. Any of the landholders described in Rule I, Clause 3 may, however, be permitted to conduct his business in the Courts by his own special Mooktiar, but suits for the remuneration of such Mooktiar shall not be received or filed in any Court.

Rule IV. From decrees in all original suits an appeal shall lie from the Courts of Munsifs and from the Courts of the Assistants to that of the Government Agent.

Rule V. The Government Agent is authorized to refer to his Assistants for decision all appeals to him from the decisions of the District Munsifs; and the decrees of the Assistant in such appeals shall be final, excepting in cases where, for reasons to be recorded, the Government Agent shall admit a Special Appeal, to be heard and determined in his own Court.

Rule VI. When an appeal shall be preferred from any Munsif's or Assistant's decision, it shall not be necessary to summon the respondent in the first instance, but forthwith the original record of the proceedings in the case shall be called for; and if, after the perusal of the record of the original suit and petition of appeal, the officer hearing the appeal shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the same with an endorsement on the petition of appeal that it has been so dismissed.

Rule VII. The Government Agent or his Assistant, as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Government Agent is likewise empowered, on the application of any party, in a suit decided by a Munsif or an Assistant, to direct a review of judgment, and is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned; and also to remove to his own or any other Court within his jurisdiction, by precept under his official seal and signature, any suit, original or appellate, which may be pending in a lower Court, recording his reasons for so doing.

Rule VIII. All decrees passed by the Government Agent on appeals from decrees of his subordinates shall be final, the High Court having the power, on special grounds, to require him to review his judgment as may be directed by them.

Rule IX. From all decrees upon original suits passed by the Government Agent, an appeal shall lie to the High Court.

Rule X, Clause 1. With the exception of the Court of the Government Agent, who shall be at liberty in the execution of decrees to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been decided.

Clause 2. Decrees shall be executed by an order addressed to the proper officer of the Court; but no landed property shall be attached in execution of a decree unless the authority of the Government Agent shall have been previously obtained.

Rule XI, Clause 1. The Government Agent is authorized at his discretion to refer any suit, or special questions in a suit, whether pending before himself, his Assistants or Munsifs, for examination and judgment by a Panchayet, to consist of three or five persons, to be selected by the Government Agent or by his Assistant, after the plaintiff and defendant have had notice and the witnesses have been assembled.

The Assistant Government Agents shall be competent to exercise a similar discretion in regard to suits pending before themselves under these Rules.

The plaintiff and defendant, or their loaders or Mooktiars, shall each be permitted to challenge any members of the Panchayet; and on sufficient reason being given for the challenge, another person or persons shall be selected to supply his or their place.

The officer referring the suit to a Panchayet shall name one of the Panchayetsdars to act as the foreman, and at the request of the Panchayetsdars shall secure the attendance of all parties required for the trial of the suit. If the Panchayetsdars are divided in opinion, the

opinion of the majority shall be the award of the Panchayet. Any of the Panchayetsdars may, if he chooses, record his reasons of dissent separately, and the same shall form part of the record of the suit.

Clause 2. When a Panchayet has been nominated, the officer referring the suit shall immediately direct a gumastah or clerk to attend the Panchayet, whose duty it shall be, under the direction of the Panchayet, to record their proceedings and award; and the Panchayet shall assemble at some convenient place in his Cutchery or Court, or adjoining it, to investigate the matter at issue.

Clause 3. When the pleadings shall have been closed and evidence taken, the Panchayet shall direct the parties and gumastah or clerk to retire, and shall consult and decide on their award; and when they have come to a decision, they shall recall the gumastah or clerk to record the award, which (award), having been duly attested with their signature, they shall deliver to the officer appointing the Panchayet, by whom, if approved, a decree in conformity therewith shall be passed, which decree in cases where the Panchayet has been assembled by a subordinate shall, previous to its execution, be submitted to the Government Agent, who shall either confirm, modify or reverse the award, or remand the case for further investigation or reinvestigation by a Panchayet or otherwise as may to him seem expedient. When any such award shall be disapproved by the officer appointing the Panchayet as illegal or defective on the face of it, he shall restore the suit and proceed to determine it himself.

Rule XII. The Government Agent will submit to the High Court half-yearly statements of the number of causes filed and disposed of by him or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

REVENUE RULES.

Rule XIII, Clause 1. In conducting their local duties in the Revenue Department the Government Agent and his Assistants will be guided by the Rules in force for the time being.

Clause 2. The Government Agent and his Assistants will continue in their Revenue capacity, subject to the general control and orders of the Board of Revenue.

Clause 3. It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Government Agent, unless a strong necessity for such interference shall appear.

GENERAL RULES.

Rule XIV. All Civil processes issued at the instance of any authority situated beyond the jurisdiction of the Government Agent, to or against any person subject thereto, or situated therein, shall be forwarded by letter to the Government Agent, who shall execute the same as if it were his own process, returning the said process, by letter, to the authority from whom it issued, duly endorsed by his proper officer, showing what has been done thereon.

Rule XV. All petitions against the proceedings of the Government Agent must, in the first instance, be submitted to the Government, and will be referred, when necessary, either to the High Court or to the Board of Revenue, as the case may be.

Rule XVI. Reference will be made to the Government by the Government Agent in all cases not provided for by the Rules.

(True Extra.)

C. G. MASTER,
Acting Chief Secretary.

To the Collector and Magistrate, Godavari District.

Edw. G. Freeman.

GOVT. of 1876 JUDICIAL.

To
THE COLLECTOR AND MAGISTRATE,
CODAVARI DISTRICT.

Dated July, 4th.

Forward

Recd.

Recd.

G.O. 4th July, 1876.

JULY.
No. 44.

*Instructions and Regulations and General Com-
munity.*—Presenting rules for the guidance of the
Collector and Magistrate of the District, Malabar,
within the Scheduled Districts of Malabar District,
Taluk, Kanyakumbh Taluk, and the Ponnani County.