

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1473	Press Mis.
⁶⁰⁹⁻¹⁰ Dated	27-5-	1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department.
27th May 1868.

No. 609. Read the following letter from the Sub-Secretary to the Board of Revenue, to the Secretary to Government, Revenue Department, dated Madras, 9th May 1868, No. 3,448 :—

1. With reference to Government Order, dated 5th July 1867, No. 1,501, I am directed to submit a draft of the law which the Board consider should be enacted to give Revenue Officials the power of issuing summonses.

2. The Board have considered it necessary to include Collectors and their immediate subordinates with Tahsildars and Deputy Tahsildars, because the law, as it stands at present, does not expressly empower them to issue summonses in many matters with regard to which it is necessary for them to hold inquiry ; as, for instance, in disputes relating to relinquishment and assignment of lands.

3. The provisions of the draft are taken mainly from the Code of Criminal Procedure. They make Revenue Officials legally competent to issue summonses, and declare the parties so summoned bound to attend as directed, and give true information with regard to the subject of inquiry. If the persons summoned do not obey, they will be punishable under Section 174, Indian Penal Code, and if they give what they know to be false information, they will be punishable under Section 177, Indian Penal Code.

DRAFT BILL.

1. 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 witnesses in many cases in which it is their duty to hold investigations, it is hereby enacted as follows :—

2. Collectors, Sub-Collectors, Assistant Collectors, Tahsildars and Deputy Tahsildars shall have power to summon before them as witnesses all persons whose evidence may appear to them to be necessary for the investigation of any matter in which they are legally authorized to hold an inquiry.

3. 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 certain time and place, and to testify what he knows concerning the matter which is the subject of inquiry.

4. 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.

5. The person summoned knowing that he has been so summoned shall be bound to appear before the officer issuing the summons, as therein directed, and to furnish such information as he can with regard to the subject of inquiry.

6. If any person who appears to give evidence before a Collector, Sub-Collector, Assistant Collector, Deputy Collector, Tahsildar or Deputy Tahsildar, shall refuse to answer any question which may be put to him without offering any just reason for such refusal, the said officer may by warrant under his hand and seal commit such person to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined, and to answer, after which in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 163 of the Code of Criminal Procedure.

*Proceedings of the Madras Government, Revenue Department,
27th May 1868.*

No. 610.

ORDER THEREON, 27th May 1868, No. 1,473.

Miscellaneous.

1. The Government approve the principle of the proposed enactment.
2. The draft bill with the papers will be referred to the Legislative Department, in view to the necessary steps being taken to bring the subject before the Legislative Council.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Legislative Department.

Exd. S. T. Augustin.

82-1473.

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27th May/68

14 Copies to the P. & R. Dept.
5 - Legislative Dept.