

Revenue

1893

(193)

Department.

P. SERIES.

(Gm)

G.O. No.

1052

Dated

5/12/1893.

[Despatch Abstract.]

[illegible][illegible]

<i>Recd.</i>	} 1901.	<i>Enclosures</i>
<i>Reqd.</i>		<i>Spare copies</i>

G.O., No. 1052, 5th December 1893.

DECEMBER.

Standing Order No. 226 (Old Edition).

Approving Board's proposals for amending — regarding grant of copies of documents, and ordering the publication in the *Fort St. George Gazette* of an erratum to notification No. 444, dated 1st August 1893, relating to copying fees.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 13th October 1893, No. 592:—

Resolution—dated 13th October 1893, No. 592.

The Board resolves to modify Standing Order No. 226 (Old Edition) so as to include the rules under section 91 of the Indian Registration Act III of 1877 sanctioned in Government Order, dated 1st August 1893, No. 702, communicated to Collectors with Board's Proceedings, dated 1st September 1893, No. 506. This opportunity has been taken to embody also the orders contained in the marginally-noted papers regarding the levy of search fees and the collection of copying fees in the shape of copy-stamped papers, and to rewrite and reissue the whole order as there have been already many corrections thereto.

Government Order, dated 18th December 1882, No. 1440, Revenue.
Government Order, dated 26th February 1885, No. 256, Revenue.
Government Order, dated 9th December 1891, No. 1178, Revenue.
Government Order, dated 25th February 1892, No. 181, Revenue.

2. In its Proceedings, dated 17th October 1891, No. 627, the Board proposed that copy-stamped papers might be introduced in all districts except Madras, and The reason for excluding Madras was that most of the applications received there were for extracts from quit-rent certificates and survey registers which are too large to be copied on copy-stamped papers. As under paragraph 17 of the revised Standing Order, such of the copies or extracts as cannot be prepared on copy-stamped papers are allowed to be made on suitable blank papers on payment of the prescribed copying fee in cash, and as the Collector of Madras passes orders in connection with income-tax petitions, conduct of public servants, &c., copies of which can be granted on copy-stamped papers, the Board proposes to make the Standing Order as now revised applicable to Madras also.

3. Under paragraph 16 of the existing Standing Order No. 226 and clause 2 of rule 5 in Government Order, dated 1st August 1893, No. 702, the charge for preparing copies on plain papers is 2½ annas for every page of 240 words if in English and 2 annas if in Vernacular. An uniform rate of 2 annas for a page of 175 words whether in English or Vernacular having been prescribed by the introduction of copy-stamped papers, the Board has considered it unnecessary to maintain the different rates above mentioned, and has accordingly provided for a copying fee of 2 annas being levied in cash when copies are prepared on other than copy-stamped papers. Of this charge half an anna will be the examiner's fee and the remaining 1½ annas will go to the copyist.

The sanction of Government will be requested to a similar alteration in rule 5 of the rules issued under Government Order, dated 1st August 1893, No. 702, and reprinted as an appendix to the revised Standing Order.

(A true Extract.)

(Signed)

W. S. MEYER,

Acting Secretary.

To all Collectors.

the Conservators of Forests.

the Secretary to Government, Revenue Department.

Copy to Board of Revenue (Settlement Branch).

Board of Revenue (Separate Revenue).

APPENDIX I.

STANDING ORDER No. 226.

Rules regarding the inspection and grant of copies of public documents.

Every person requiring a search to be made among official records for the purpose either of inspection or of obtaining copies or extracts therefrom must submit an application for the same in the form given in the appendix, or to the like effect, stamped with a Court-fee stamp of one anna value, to the head of the office in which he believes the record to be. Provided that applications for inspection or copies of records in the custody of village officials should be made to the Tahsildar of the taluk in the first instance.

2. A separate application need not be presented in respect of each document of which inspection or copy is required. Enclosures or annexures to letters, accounts or other documents form part of the documents to which they appertain, and are not reckoned for the purposes of search as separate documents.

3. In respect of every document of which inspection or a copy or extract is applied for, and which is more than one year old, a search fee in Court-fee stamps according to the subjoined scale must be affixed to the application:—

Fee for searching the records of any one year for a single document or entry ... 8

Fee for searching the records of every additional year ... 4

Fee for searching for every additional document or entry connected with the same subject ... 4

4. If the search should prove fruitless, the fee will not be refunded; but the applicant can, on application, receive a certificate stating that the document or entry sought has not been found on record.

5. When the document referred to in the application has been found, the fee paid for the search will entitle the applicant to read the document or part of the document, or to have it read to him; but it shall not entitle him to take a copy of the document or part of the document, or to make extracts therefrom.

6. Every person depositing a search fee should be given a receipt for the stamps by the chief ministerial officer of the office in which the deposit is made.

7. The above rules are not applicable to cases in which persons are entitled by any law to inspect public documents free of charge.

8. The amount of search fees realized in each official year should be reported by Collectors in their annual Administration reports.

9. The public officers who are authorized to furnish copies of documents subject to the rules contained in this order are Collectors,

Board's Proceedings, dated 6th November 1885, No. 3037.

Divisional Officers, Tahsildars and Deputy Tahsildars. Divisional Officers may grant copies of documents which originated in their own offices and in offices subordinate to them to persons who are directly interested in the documents, provided that they shall have no authority to grant copies of documents such as the following:—

(1) Confidential documents or papers of which the grant of copies appears to be objectionable. (2) Papers connected with the income-tax assessment, with inquiries regarding advances under the Land Improvement Act, with pensions, yeomahs, escheats and malikhana allowances. (3) Landholders' statements for assessment of land-cess. (4) Accounts relating to the sub-division or registry of permanently-settled estates. (5) Papers connected with boundary or water disputes, in which Government is or may be a party to a suit instituted and any papers which might support litigation against Government. (6) Papers concerning estates under the management of the Court of Wards. (7) Papers of which the grant of copies may be prohibited by the Collector of the district.

Tahsildars and Deputy Tahsildars are authorized to grant copies of records in transfer of registry and darkhast cases disposed of by themselves and of papers relating to the departmental enquiries connected with the conduct of village officers and succession to village offices. Copies of village accounts may be granted by the karnam after obtaining the sanction of the Tahsildar.

10. When applications for copies are made to Divisional Officers, Tahsildars or Deputy Tahsildars, they will grant or reject the application according to circumstances if the document is one of which they can grant a copy of their own authority; if not, they will forward the application to the Collector with their remarks. The grant of a copy of a document should not be refused merely because it is an official report. The refusal should depend on the contents of the report itself, and the superior of the officer who wrote it should decide whether a copy should be granted or not, the general rule being that no copy should be granted of any report of a confidential character.

11. The Collector is responsible for the grant of copies of documents on the records of his district so that it remains with him to determine in the case of every application for a copy (except in the case of records referred to in paragraph 9, copies of which Divisional Officers and Tahsildars have been empowered to grant), whether the document is of such a nature that it can be granted without injury to the public interests or without breach of confidence. It is also within the Collector's discretion to prohibit by a general order the grant by his subordinates of any class of documents not otherwise provided for.

12. If the Collector considers the granting of a copy objectionable, he will reject the application by endorsement, stating briefly his reasons for doing so. The applicant may, if so disposed, appeal to the Board of Revenue, submitting with his appeal the endorsement of the Collector.

13. If the Collector is satisfied that no objection exists to the granting of a copy, he will, in the event of the document being only a district record, endorse the application to the effect that the Deputy Collector in charge of his Treasury or one of the other officers specified in paragraph 9 above, as the case may require, will furnish the required copy; but should the document in question be a communication from the Government by letter, requesting permission to comply with the application. The Collector is, however, authorized to grant on application by the parties concerned copies of Government and Board's orders passed on petitions presented to the Government and the Board, respectively, but remarks on the conduct of officers and other matter which it may be objectionable to communicate to the parties or to the public should, of course, be withheld in granting such copies.

14. In the Collector's office copies are to be made under the direct superintendence of the Treasury Deputy Collector, who is responsible for their accuracy and legibility and for their being speedily furnished. He must countersign every such copy, excepting those which he may be specially authorized by the Collector to attest by his own signature. In the subordinate offices the duties and responsibilities assigned to the Treasury Deputy Collector as above will be performed by the Head Clerk in Divisional offices and by the Taluk Sheristadar or Head Accountant in Taluk cutcherries.

15. Copies of documents, subject to these rules, required by private parties are not to be made by the regular establishment, but by duly qualified and trustworthy registered copyists, who are to be selected from among passed candidates when such may offer themselves, and who will be attached to the office of each of the officers who under these rules are authorized to grant copies of documents.

16. The power to appoint or remove copyists in the Collector's office is vested in the Deputy Collector in charge of the Treasury, and in other cases in the head of the office; subject in all cases to the general control of the Collector.

17. As soon as applications for copies are received, they should be entered in a register to be maintained in the office in the form given in the appendix under the supervision of the appropriate officer referred to in paragraph 14 *supra*. The original records should then be obtained by them from the record-room and the application sent up with the records to the head of the office for orders as to whether the copy applied for should be granted. If sanction is refused, the party should be informed accordingly by an endorsement. If it is granted, intimation should be given to the applicant to produce the requisite number of copy-stamped papers or the fee payable in cash calculated as laid down below, by post bearing if he does not appear in person—

(1) Where the documents are such as could be copied on copy-stamped papers—one sheet for every 175 words whether in English or in the Vernacular.
(For facility of calculation, 24 lines should be taken to be equivalent to one word and one line.)

(2) In the case of inam statements or extracts from survey or other registers which are too large to be copied on two connected sheets of copy-stamped papers—two annas in cash for every 175 words or fraction thereof.

(The applicant for copies should in this case, be asked to furnish good and suitable paper for the copies to be written on.)

(3) In the case of maps or plans—A reasonable fee in cash to be specially fixed by the head of the office.

(In this case, the copyist or other person employed for making copies should provide himself with suitable tracing cloth and other materials at his own cost.)

18. On receipt of the required sheets or the fees in cash, the officers concerned will have the copies prepared by copyists or professional men, if necessary, and examined by members of the permanent establishment. The number of words in the copy should be given at its foot, and both the copyist and the examiner should sign their names in one corner thereof. The copies will then be certified as true under the signature of the authorized officers, and will be forwarded, without delay, by post bearing to the address of the applicant, unless the latter personally appears to receive them, in which case they should be delivered to him in person and his signature taken in token of such delivery.

19. In case any person desires to have any copies of, or extracts from official records in print, printed copies will be supplied to him on payment of the charge usually levied by the District Press for private work; printed village maps, however, if applied for and available may be furnished to the parties out of the copies supplied to the Collectors by the Superintendent of Revenue Survey at the prices fixed.

20. Every person paying or depositing copy-stamped papers or fees in cash should be given a receipt for the same signed by the head ministerial officer of the office in which the payment or deposit is made.

21. Parties applying for copies of papers will not be allowed to hold any communication with the copyists, who will be required to do their business in the office and will be strictly prohibited from removing any record therefrom.

22. If it be discovered that a copyist has been guilty of negligence in making inaccurate copies, he will be liable to be punished by having to replace the stamp paper spoiled or by having such copies rewritten at his expense by another copyist.

23. At the close of the month, the number of sheets copied by each copyist on copy-stamped papers and the number examined should be calculated from the register and payments made to the copyists and examiners from the Government treasury as indicated below:—Of the 2 annas, being the value of each paper, 1 anna and 4 pies will go to the copyist and 4 pies to the examiners, the remaining 4 pies being intended to cover the cost of paper, the cost

of pen and ink used for making copies and the discount allowed on the sale of stamped papers. Portions of pages containing less than 175 words should be treated as full pages for the purpose of calculating the remuneration payable to copyists and examiners. In cases where the copying fees are paid in cash under clause 2 of paragraph 17 *supra*, they will be then and there paid to the copyist and examiner at the rate of 6 pies to the examiner and 1½ annas to the copyist. The special fee leviable under clause 3 will be paid in full to the copyist or special professional man employed. The signatures of the copyists and examiners should be taken in the register in token of the receipt of the fees in cash. The register should be scrutinized by the controlling officer at the close of each week.

24. In cases where applicants for copies furnished to the Board's Department are not satisfied with the copies furnished, they may apply to the controlling officer for a re-examination of the copies. The re-examination should be conducted by the controlling officer at the close of each week.

24. In cases where applicants for copies furnish the requisite number of copy-stamped papers and the copyists by writing too closely—
(Separate Revenue). Board's Proceedings, dated 29th September 1892, No. 495
Board's Proceedings, dated 14th July 1892, No. 379 (Separate Revenue).
a practice which should not be allowed—leave some of the sheets unused, such unused sheets should not be returned to parties, but should be destroyed by the head of the office. The same course should be followed in cases where unused copy-stamped papers returned to parties service bearing are received back into the office, in consequence of the refusal of the addressee to receive them.

25. A memorandum will be transmitted for the

25. A memorandum will be transmitted for the information of the Collector every month, from each subordinate office to the Deputy Collector in charge of the Treasury, showing the number of applications for copies received; the number complied with; the number refused; the number given; the number of stamp papers deposited; the amount of fees collected; and the sums paid to copyists and examiner; the names of copyists and examiners employed; and whether these are passed candidates.

26. In the event of a Collector being directed by a Court to grant copies to any candidates,

Same as paragraph 25 of the existing Standing Order.
Board's Proceedings, dated 16th April 1864, No. 2299.

27. Copies of depositions in Revenue suits may be given by the Court having cognizance thereof. These are strictly speaking not Revenue papers, but papers of a judicial character.

28. The above rules relating to the furnishing of copies of official documents to private persons do not apply to sentences, orders and proceedings in Magisterial and Revenue cases, copies of which it may be necessary to grant free of charge in accordance with any existing law or regulation to parties entitled to receive them.

29. The rules framed under section 91 of the Indian Revenue Act, 1886, shall not be furnished.

Same as paragraph 1 of existing Standing Order.
Board's Proceedings, dated 16th April 1894, No. 2299.

free of charge in accordance with any existing law or regulation to parties entitled to receive them.

29. The rules framed under section 91 of the Indian Registration Act regarding the inspection and grant of copies of the documents specified in section 90 of the Act are given in the Appendix.

29. The rules framed under section 91 of the Indian Registration Act regarding the inspection and grant of copies of the documents specified in section 90 of the Act are given in the Appendix.

APPENDIX I.
[Standing Order No. 226, paragraph 1.]
Form of application.

To _____

Form of application.

Name and address of applicant in full.	Description of record as far as possible.	Purpose for which inspection or copy is required.	Date, &c., of Court diary, or other authority, if any, under which application is made.

Date _____

Signature of applicant. _____

Signature of applicant.

office at

[Standing Order No. 123, Part I]
the [] of applications for copies in the

[Standing Order No. 226, paragraph 17.]

[illegible]

NOTE.—The number of copy-stamped papers produced by applicants for copies along with their applications and the number returned to them as being in excess of the actual number used should be entered in the remarks column at the time of making entries in columns 9 and 13, respectively—*vide* Board's Proceedings, dated 14th July 1892, No. 379 (Se; arate Revenue).

APPENDIX III.

[Standing Order No. 226, paragraph 29.]

The following rules prescribed under section 91 of the Indian Registration Act, 1877, by His Excellency the Governor in Council for regulating inspection and grant of copies of the documents and maps specified in section 90 of the Act are published for general information:—

Draft rules under section 91 of the Registration Act.

Every person desiring to inspect one or more documents or registers falling within any of the classes specified in section 90 of the Registration Act or portions thereof or to obtain copies of or extracts from such documents, shall submit an application (giving his full name and address and as accurate a description of the record as possible) to the head of the office in which he believes the record to be. Provided that applications for copies of records in the custody of village officials may be made to the Tahsildar of the taluk in the first instance.

2. Whenever the document referred to in such application is more than one year old, a search-fee according to the subjoined scale must be deposited by the applicant with the head ministerial officer as soon as the application has been admitted:—

Fee for searching the records of any one year for a single document or entry	AS.
Fee for searching the records of every additional year	8
Fee for searching the records for every additional document or entry connected with the same subject	4
	4

3. If the search should prove fruitless, the fees paid will not be refunded, but the applicant can, on application, receive a certificate stating that the document or entry sought has not been found on record.

4. When the document or register referred to in the application has been found, the fee paid for search of the same will entitle the applicant to read the document or register or the portions of the document or register specified by him or to have the same read to him, but it shall not entitle him to take a copy of the document or register or of any part of the document or register or to make extracts therefrom.

5. In cases where the applicant asks for the grant of copies of, or of extracts from, documents or registers, the number of copy-stamped papers required for the preparation of copies or the fees payable in cash, in cases in which copies or extracts cannot be made on such papers shall be calculated according to the following scale:—

(1) Where the documents, are such as could be copied on copy-stamped papers—one sheet for every 175 words.
(For facility of calculation, 24 lines should be taken to be equivalent to one page and in the case of figures, 5 and 35 figures, respectively, should be taken to be equivalent to one word and one line.)

(2) In the case of inam statements or extracts from survey or other registers which are too large to be copied on two connected sheets of copy-stamped papers—2½ annas per page of 240 words if in English, and 2 annas if in the Vernacular.

(3) In the case of maps of plans—a reasonable fee in cash to be specially fixed by the head of the office.

(Note.—In the third class of cases the copyists or other persons employed for making copies should provide themselves with suitable tracing cloth and materials at their own cost.)

6. Intimation of the number of sheets or the fees in cash so calculated shall then be given to the applicant by post bearing if he does not appear in person, and on receipt of the required sheets or fees in cash, the head ministerial officer will have the copies, extracts or tracings prepared by copyists or professional draughtsmen and examined by members of the permanent establishment of the office. The copies shall then be certified as true under the signature of the head of the office, and shall be forwarded without delay by post bearing by the head ministerial officer to the address of the applicant unless the latter personally appears to receive them, in which case they shall be delivered to him in person and his signature obtained in token of delivery.

7. In case any person desires to have any copies of, or extracts from, any of the documents or registers above mentioned in print, printed copies will be supplied to him on payment of the charge usually levied by the District Press for private work; printed village maps, however, if applied for, and available, may be furnished to the parties out of the copies supplied to the Collectors by the Superintendent of the Revenue Survey at the prices fixed.

8. Every person paying or depositing copy-stamped papers or fees in cash under these rules, should be given a receipt for the same signed by the head ministerial officer of the office in which the payment or deposit is made.

9. Subject to any general instructions which the Government (or, in the case of Revenue officers subordinate to it, the Board of Revenue) may from time to time issue, it shall be within the discretion of an officer to whom applications for inspection or grant of copies of a document is made under rule 1 above to refuse compliance therewith. Provided that in such case an appeal shall lie to the authority to which such officer is immediately subordinate.

ORDER—No. 1052, Revenue, dated 5th December 1893.

Miscellaneous.

The Board's proposals in paragraphs 2 and 3 of its Proceedings read above are approved, and the following notification

will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

In Notification No. 444, dated 1st August 1893, published at pages 1005-6 of Part I of the *Fort St. George Gazette*, dated 29th August 1893—

For the words

"Two and half annas per page of 240 words if in English, and 2 annas if in the Vernacular" occurring in rule 5, clause 2,

Read

"Two annas in cash for every 175 words or fraction thereof."

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Board of Revenue (Land Revenue),
the Superintendent, Government Press, with notification.

Exd. Shaik Karim.

20 Copies.