

(1) Number of pages 64

(2) Date of repair 28-10-44

(3) Initials of the Referencer P.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue. DEPARTMENT.

G.O. No.	21.	Press
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Dated	14. 1.	1893.

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Mr. Hon. J. Henry Stimson, N.Y.C.

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Under Secretary to the Government of Madras, Legislative Department, dated Simla, the 8th June 1892, No. 830 :—

With reference to your endorsement, R. No. 2, dated the 25th February last, forwarding copy of a Despatch, No. 2 of the same date, to the Secretary of State, relative to the Bill to amend the law in regard to karnams and other village officers in permanently-settled estates, in unsettled palaiyams and in whole inam villages, I am directed, in continuation of my letter, No. 439, dated the 23rd March 1892, to inform you that no reply having been received to that Despatch, and the period of two months prescribed in the second clause of paragraph 1 of the letter from the Home Department, No. 1130, dated the 7th July 1875, having expired, it may be assumed that the Secretary of State has no intention of interfering with the measure at its present stage.

2. I am at the same time desired to communicate the following remarks for the consideration of the Government of Madras :—

(1) In section 8 of the Bill it is provided that the appointment, &c., of village officers shall vest in the Revenue officer in charge of the division of the district in which the village is situated. It is understood that most of the officers in question are hereditary and claims to them will be made under section 23 of the Bill, and adjudicated by a Revenue officer after a judicial inquiry. But where the office is not hereditary, or where for any reason it is considered necessary or desirable to appoint a stranger, it appears to the Governor-General in Council that due regard should be had to the wishes of the proprietor, and that provision to this effect ought to be made in the Bill or in Rules which the Governor in Council might take power to make. It may, however, be suggested, for the consideration of the Madras Government, that if the appointment of ineligible candidates is guarded against in the manner provided by section 45 of the Bombay Hereditary Offices Act, 1874, as amended by section 9 of Bombay Act V of 1886, the right of proprietors to nominate becomes very unimportant to Government; while, on the other hand, it is a privilege greatly valued by landowners, and its preservation would be likely to lead to much more amicable working of any land records rules which may be introduced than if the village officers are outsiders imposed on the estate by the Revenue officers of Government.

It is understood that the sanads referred to at the end of section 8 of the Bill do not go beyond section 3 of Regulation XXIX of 1802 as regards karnams, and that as regards other village officers they merely permit the proprietors to select proper persons. If, however, it is proposed to withdraw from proprietors any right other than that of a bare nomination or selection of village officers, the Governor-General in Council thinks it necessary that it should be fully considered and explained what the sanads contain and whether the proprietors would not be entitled to compensation if section 8 is passed as it stands.

(3) The provisions of the Madras General Clauses Act I of 1891 appear to have been overlooked in the drafting of some sections of the Bill. For example, the words "from time to time" in sections 2, 12 and 23 (4) of the Bill are unnecessary, having regard to section 13 of Madras Act I of 1891, and with reference to section 3 (12) of that Act the expression "Local Government" in section 12 of the Bill is not correct. "Collector of the District" in section 5 (4) and other sections should be *District Collector*, and "Presidency of Fort St. George" in section 2 should be *Presidency of Madras* with reference to sections 3 (8) and 3 (24) of the Act above mentioned.

Transferred to the Revenue Department for disposal of the questions raised.

18th June 1892.

(Signed) A. BUTTERWORTH,
Ag. Under Secretary.

His Excellency the Governor in Council accepts the suggestion of the Government of India that in the matter of appointment of village officers in proprietary estates power may be left to the proprietors, the selection by them of ineligible candidates being guarded against by suitable rules.

2. The Bill will be amended accordingly and also with reference to the suggestion of the Government of India in paragraph 2 (2) of its letter read above and its remarks in paragraph 2 (3); and the Bill so amended will be transferred to the Legislative Department.

3. With reference to the inquiry made by the Government of India as to the precise rights conferred by the sanads of permanent settlement, it will be pointed out, in the Legislative Department, when replying to that Government, that the only provision in the sanads regarding village officers relates to the appointment of karnams and that in regard to this class of officers the sanads merely embody the provisions of sections 3 and 5 to 7 of the Madras Regulation XXIX of 1802. Those provisions (which correspond to the provisions contained in section 11 of Regulation XXV of 1802) are to the effect that in filling up vacancies in the office of karnam, the proprietor shall have due regard to hereditary claims, his decision in this matter being subject to appeal to the Civil Courts; and that where no capable person is available among those possessing such claims, the proprietor may use his discretion in selecting a proper person.

In the Bill as now amended it is proposed to modify the above provisions as follows:—

(1) the adjudication of hereditary claims is to be transferred from the Civil Courts to the Revenue officers; and

(2) when in default of a "capable" person having hereditary claims, the proprietor selects a stranger, the power of deciding whether a "proper" person has been selected is to be vested in the Divisional officer.

In the matter of appointment of village officers other than karnams, no power is conferred on proprietors by the sanads.

The draft is ^{well} improved - but the
 statement of objects & Reasons
 will have to be re-written -
 The Bill ^{will} provide for the enfranchisement
 of all ~~in~~ village service classes
 in proprietary estates - & give
 to them the same franchise for the
 re-organization of village estates - i.e.
 in their own right - Only one
 thing more is needed & that
 is a scheme of order by Govt. to survey
 all these estates & establish a
 formal record of rights - If a
 legal enactment is needed to
 do this ~~the Bill~~ ^{the Bill}
~~is not~~ ^{is} added to the Bill
 authorizing Govt. to survey &
 to change ~~the~~ ^{the} ~~work~~ ^{work}
 Law of the estate to the proprietor.
 & the creation of village fields
 to the village. The question
 of India is the same payment of
 the village of the estate. Survey
 by Govt. is asked for at the
 same time. Only an ad hoc
 decision on the subject of the survey
 to come in before the present Bill is
 "If the Govt. in Council shall so direct
 "the holder of any proprietary estate to
 "which his estate applies, or is applicable,
 "shall be surveyed under such rules as
 "may be prescribed by the Govt. in Council

Such offices are mostly hereditary and claims to them are customarily adjudicable by the Revenue officers under Regulation VI of 1831.

(Initialed) C. A. G.

To the Legislative Department.
Copy to the Board of Revenue.

Ch
25/11

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and the cost of such survey,
"then it is to be understood that
"survey fields, shall be done
"by the Government proprietors in
"the proportion of 1/3 of the survey
"cost - the cost of field survey
"shall be borne by the
"occupiers of the fields.
"The cost of the survey for the
"Council is to be met by a road
"of rights in all lands in the
"estate which is proposed similar
"survey with the survey - the
"cost of such survey shall be
"divided between the Government
"proprietors in the same proportion
"as the cost of the survey."

Ch

4/12/11

I do not agree to the insertion of the
proposed section in this Bill
being unnecessary to the purposes of this
Bill and so far as it provides for the
framing of a record of rights is foreign
to its objects.
The question of survey of proprietary estates
or zamindari is one to be met by a
separate Bill.

Ch
5 Dec.

I write on the report of Messrs.
Hopton & Co. on the future
of the survey department marks
agreeing with those expressed above
by Sir H. Stokes - and I therefore
do not adopt the hon. Mr.
Justice's proposal.

W
7 Dec

Ch
16/12/11

APPENDIX.

A
BILL

TO

Amend the law in regard to karnams and
other village officers in estates perma-
nently settled, &c.

WHEREAS it is expedient to amend the
law relating to
karnams and other
village officers in permanently-settled
estates, in unsettled palayams, and in
whole inam villages, and to make better
provision for the speedy disposal of claims
to such offices, for the prevention and
summary punishment of irregularities on
the part of such officers and generally for
securing their efficiency and uprightness.
It is hereby enacted as follows:—

1. This Act may be called the Madras
Proprietary Village Service Act, 189

2. It shall extend to such estates within
the Presidency of Madras, and shall apply
to such classes of village officers therein,
as the Governor in Council may, by notifi-
cation, direct;

And it shall come into force in each of
such estates and in regard to each of such
classes of village officers, on such date as
the Governor in Council, in like manner,
may direct in that behalf.

The village officers to whom this Act
may be declared applicable shall be those
belonging to the following six classes, by
whatever designation they may be known,
namely:—

- (1) Karnams.
- (2) Munsifs.
- (3) Monigars.
- (4) Minor revenue officers, such as
vettis, toties and tandalgars.
- (5) Minor police officers, such as tali-
aries and kavalgars.
- (6) Nirganties.

3. Regulation XXIX of 1802 (a Regu-
lation for establishing the office of karnam
and defining the duties of the said office) and
section 11 of Regulation XXV of 1802
are hereby repealed.

Section 7, Act IV of 1884, and section 7 of
Bill No. 2 of 1890 (A Bill for the levy of a
cess for the remuneration of village officers
and for carrying out other purposes connected
with the village service).

Estates /

4. In this Act, unless there is something repugnant in the subject or context, Interpretation clause. "estate" means and includes—

- (a) any estate permanently settled under Regulation XXV of 1802;
- (b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;
- (c) any unsettled palaiyam; and
- (d) any inam village.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the public registers of the district wherein the estate is situated.

"Village" includes any estate or part of an estate entered as such in the said registers.

"Village officer" includes any person for the time being discharging the duties of such officer in any village.

5. Every proprietor shall within ninety days after this Act comes into force prepare a register of karnams and other village officers employed in his estate, in the form A hereunto annexed, and shall forthwith submit the same to the District Collector and shall keep a copy thereof.

6. (1) Whenever it appears to the District Collector that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by it in this behalf, declare by notification in the District Gazette such part of the estate or such several villages to be a village, define its

Section 8 of Regulation XXIX of 1802.

Sections 2 and 9 of Regulation XXIX of 1802.

limits and enter it as a village in the A-form register of the estate kept in his office and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Proprietary Estates Village Service Fund, which will be constituted as hereinafter stated.

7. Any proprietor who omits to furnish the register or to keep a copy thereof,

as provided by section 5, or to have entered therein the changes or additions notified under section 6, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fine; and such fines and any other sums, payable by the proprietor under this Act, shall be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

8. Every proprietor shall maintain in respect of each village or group of villages in his estate as many village officers of the several classes named in section 2 as the District Collector may direct in this behalf.

Provided that no village officer shall be employed to do duty in more than one village without the sanction of the Collector.

9. Every vacancy in a village office whether arising from death, resignation or dismissal of a village officer shall, within 15 days after the occurrence thereof, be reported by the proprietor to the Revenue officer in charge of the division of the district wherein such village is situated.

10. (1) When a vacancy has occurred in a village office or a new village officer has been directed to be appointed for a village by the District Collector, the proprietor of the village shall without delay appoint a person having such educational and other qualifications as may be prescribed by the Board of Revenue under section 29 of this Act, and shall submit the appointment in writing in such form as the Board may prescribe in this behalf to the Revenue officer in charge of the division of the district in which the village in which the appointment is to be made is situated.

Section 10 of Regulation XXIX of 1802.

Compare section 2 of Regulation XXIX of 1802 and section 11 of Regulation XXV of 1802.

Section 6 of Regulation XXIX of 1802.

Sections 3, 6 and 7 of Regulation XXIX of 1802 and section 11 of Regulation XXV of 1802.

(2) Any person aggrieved by the proprietor's appointment may prefer a complaint to the Revenue officer aforesaid at any time within one month after the appointment has been made.

(3) If the Revenue officer aforesaid has reason to think that the appointment is objectionable, he may at any time within three months from the date of the receipt by him thereof record his objections to the nomination and call upon the proprietor to appoint another person.

Provided that the person first appointed by the proprietor shall discharge the duties of the office until his appointment is set aside and another person is appointed to the office.

(4) If the Revenue officer aforesaid sees no objection to the appointment referred to in sub-section (1) or to the revised appointment referred to in sub-section (3), he shall approve and confirm such appointment.

(5) If the appointment referred to in sub-section (1) is not received by the Revenue officer aforesaid within one month after the occurrence of a vacancy or of the proprietor having been directed to appoint a new village officer, or if the revised appointment referred to in sub-section (3) is not received by such Revenue officer within 15 days of the receipt by the proprietor of the order referred to in that sub-section, or if such revised appointment when received is also considered to be objectionable by the Revenue officer, such Revenue officer may proceed to fill up the appointment himself by selecting a duly qualified person.

(6) Nothing contained in this section or in the section hereinafter following shall apply to village munsifs who will be appointed, removed or otherwise punished in accordance with the provisions of Madras Act I of 1889 or other similar enactment for the time being in force.

11. Proprietors or their under-farmers or tenants who may have cause of complaint against a village officer may institute a suit before the Revenue officer aforesaid for the purpose of bringing such officer to trial and punishment. For minor faults it will be competent to the proprietor to fine a karnam or monigar to the extent of 3 rupees and any other village officer to the extent of 1 rupee after inquiry and by a decision in writing. Such decisions shall be subject to appeal to the Revenue officer aforesaid.

Complaints against village officers.

Section 11, Clause 3 of Regulation XXV of 1802.

12. If the remuneration of a village officer to whom this Act is declared applicable consists in whole or in part of emoluments from lands, the Inam Commissioner may enfranchise them from the condition of service under the rules for the time being in force in respect of similar emoluments in villages not permanently settled or under such rules as the Governor in Council may lay down in this behalf.

Provided that the enfranchisement as aforesaid shall apply to all the emoluments which were in existence at the time of permanent settlement even though they may not continue as such at the time this Act comes into force; and provided, further, that such emoluments as may be proved to have been granted subsequent to the permanent settlement will be left to be dealt with by the granters in any manner they think fit.

13. If the Governor in Council so directs the proprietor shall collect the quit-rent or assessment imposed by the Inam Commissioner under the last preceding section and pay it to the Collector of the district in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that if the proprietor is required to collect as aforesaid, he shall be entitled to a deduction of 10 per cent. of the amount collected by him by way of compensation for such collection and payment.

14. It shall be lawful for the Governor in Council to levy in each estate to which this Act may be extended a money cess to be called the Proprietary Estates' Village Service cess at a rate not exceeding $6\frac{1}{2}$ per cent. on the annual rent-value of all occupied lands comprised within the limits of the estate. The rate shall be so fixed as to raise an amount which together with the other assets of the Proprietary Estates' Village Service Fund to be constituted as hereinafter described will, as nearly as may be possible, cover (1) the cost of all village establishments brought within the scope of this Act and (2) the cost of all proceedings taken under section 6, in the estate in such district.

15. The annual rent value aforesaid shall be calculated in the following manner.

Paragraph 2 of the Form of Permanent Sanad (Appendix to Board's S.O. No. 40).

Sections 2 and 3 of Act IV of 1864.

Section 64 of Act V of 1884 as amended by Act III of 1890.

Section 2 and 3 of Act IV of 1864.
The land
shall be taken as a unit
and the value of the land
shall be taken as the value of the land
in the year 1864.

The land
shall be taken as a unit
and the value of the land
shall be taken as the value of the land
in the year 1864.

The land
shall be taken as a unit
and the value of the land
shall be taken as the value of the land
in the year 1864.

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(i) In the case of lands paying full rent, the annual rent payable to the proprietor by his tenants, Lands occupied by the proprietor or his tenants. Section 64 of Act V of 1884 as amended by Act III of Clause III.

ants together with any water-rate which may be payable for their irrigation shall be taken to be the annual rent value of the lands held by such tenants. Where the lands are occupied by the proprietor himself or by any person holding the same from him free of rent, or at a favorable rent, the annual rent value shall be taken to be the rent ordinarily payable to the proprietor for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself or by any person holding the same from him as aforesaid.

(ii) Where rent is paid in kind the annual rent value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality; to which shall be added the water-rate payable for the irrigation of the lands of which the rent is paid in kind. Where rent is paid in kind.

Provided that where any proprietor has been permitted by the Collector under the provisions of clause IV, section 11, Madras Act VIII of 1865, to increase his rent in consequence of any payment by way of water-rate made by him to Government, the annual rent value shall be the balance remaining after deducting such increase of rent up to the amount of water-rate from the sum ascertained as aforesaid.

(iii) In the case of lands for which assessment is payable direct to Government, the amount of such assessment together with any water-rate which may be payable for their irrigation shall be taken

Section 61, Clause I of Act V of 1884.

to be the annual rent value of such lands.

(iv) In the case of inam lands and lands held wholly or partially free of assessment the full

Inam lands in estates.

Section 64, Clause II of Act V of 1884.

assessment which such lands would bear if they were not inam together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent value, and such full assessment and water-rate shall be determined by the district Collector under the general orders of the Board of Revenue.

16. The rent value as aforesaid of a proprietor's estate shall be determined in accordance with the provisions of sections 65—71 of the Madras Local Boards Act V of 1884 as amended by Madras Act III of 1890. Determination of the rent value of a proprietor's estate.

17. Every proprietor shall pay to the Collector or other officer empowered by him to receive it the cess due in respect of the annual rent value of lands held by him as aforesaid, exclusive of the amount of such cess, if any, payable by his tenants as hereinafter provided, on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare; and if such lands are occupied by tenants paying water-rate direct to Government, such tenants shall pay to the Collector together with the water-rate the cess due on the amount of such water-rate. Provided that in the case of lands occupied by tenants, it shall be lawful for the proprietor to collect and recover from his tenants one-half of the amount payable by him in respect of the lands so occupied. Payment of cess by the proprietor and his tenants.

Section 73 of Act V of 1884.

18. (i) Where land comprised within the limits of an estate falls under clauses (iii) and (iv) of section 18, the holder of such land shall pay to the Collector together with the assessment or water-rate the cess due on the annual rent value of such land; and such cess shall be recoverable as arrears of land revenue. Cess on land falling under clauses III and IV of section 18.

(ii) Where the assessment or water-rate due by such land-holder is collected by the proprietor of the estate

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such proprietor shall, if so directed by the Governor in Council, collect also the cess due as aforesaid by such land-holder and pay it to the district Collector in the same manner as the said assessment or water-rate is paid. Provided that the proprietor shall in that case be entitled to a deduction of 10 per cent. of such cess by way of compensation for such collection and payment.

19. Every proprietor shall, in collecting or recovering the portion which may be due to him under the proviso to section 15 of the quit-rent or assessment referred to in section 11, be entitled to exercise the same powers as may, under any Act or Regulation which now is, or hereafter may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

20. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the permanently-settled revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 18 shall be calculated upon the whole amount which would have been payable by him to Government if no such remission had been allowed.

21. When any proprietor shall, on the date fixed by the Collector under section 18, have failed to pay either in whole or in part, the cess due by him as aforesaid, or a tenant shall have failed to pay either in whole or in part the cess due by him on the water-rate payable direct by him to Government in respect of lands occupied by him, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

22. If in any estate to which this Act has been extended the cost of village establishments is provided for by a ready money deduction from the peishush made at the time of permanent settlement, it shall be lawful for the Governor in

Section 74 of Act V of 1884.

Section 75 of Act V of 1884.

Section 76 of Act V of 1884.

Example: A proprietor's total rent is 1000 Rs. - his peishush is 500 Rs. He is liable to pay for the cess on 500 Rs. but from this he may deduct 1/2 the cess on 500 = 250 Rs. - thus he has to pay the cess of 250 Rs. on 750 Rs. - the amount of the cess is 187 Rs. 10 p. - which he pays to the collector on the 1st of the month. His income is 250 Rs.

Section 4 of Regulation XXV of 1802 and paragraph 2 of Form of Permanent Sanad (Board's S.O. No. 40).

Council to resume such portion of the deduction as represents the remuneration of such village officers as may have been brought within the scope of this Act.

Such resumed deduction shall thereupon be added to the permanent assessment payable by the proprietor of the estate concerned.

23. (1) The net proceeds of the inams enfranchised under section 18 minus jodi, if any, payable to Government of the cess levied under sections 15-18, of the ready money deduction resumed under the last preceding section together with any fines recovered under this Act, shall constitute a fund to be called the Proprietary Estates' Village Service fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

(2) In the estates to which this Act may have been extended, the village officers to whom this Act has been declared applicable shall be paid, from the said fund, the salaries to which they may be entitled according to such scale as may be fixed by the Board of Revenue.

24. It shall be unlawful for any village officer remunerated as aforesaid, on any pretext, to demand, collect or receive in any estate to which this Act has been extended any fee, contribution, or allowance as being customarily due and payable on account of the remuneration of such village officer, except as expressly provided and authorised by this Act. All such fees, contributions and allowances by whatever denomination they may be called shall absolutely cease and determine from the date from which the said village officer's salary is declared to be payable from the fund aforesaid, any provision or declaration in Regulation VI of 1831 of the Madras Code to the contrary notwithstanding.

(2) In cases in which such illegal demand, collection or receipt as aforesaid does not amount to the offence of cheating or extortion as defined in the Indian Penal Code, the offender shall, on conviction before a Magistrate, be punishable with fine not exceeding one hundred rupees recoverable by distraint and commutable,

Section 6 of Bill No. 2 of 1890.

Section 5 of Bill No. 2 of 1890.

if not paid, to imprisonment of either description for a period not exceeding four months.

Procedure in inquiries.

25. (1) In any inquiry under this Act regarding the conduct of village officers or claims to village offices or to the emoluments annexed thereto, held by a Revenue officer, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English embracing the material averments made by the parties interested, the material parts of the evidence and his decision with the reasons for the same.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code and the office of any authority holding such inquiry shall be deemed to be a Civil Court for the purposes of such inquiry.

(3) Every hearing and decision shall be in public and the parties or their authorised agents shall have due notice to attend.

(4) Every Revenue officer holding inquiries under this Act shall keep such registers as the Board of Revenue may prescribe in that behalf.

Appeals.

26. (1) Any person aggrieved by any decision passed by a Revenue officer in charge of the division, under section 25, may appeal to the District Collector against such decision within thirty days after the date of the passing thereof, excluding the time requisite for obtaining a copy of such decision.

(2) The appeal shall set forth concisely the grounds of objection to the decision appealed against and shall be presented with a copy of such decision.

(3) The Collector shall give notice to the opposite party of the day when the appeal will be heard and shall, after the service of such notice, hear the same and pass his decision in the manner provided in the last preceding section and his decision shall be final.

27. Any person aggrieved by any original decision passed by the District Collector under section 25 may, within sixty days after such decision, excluding the time requisite for obtaining a copy of such decision, appeal to the Board of Revenue by way of second appeal. The decision of the Board shall be final.

Board's S.O. No. 178, paragraph 6 (new edition).

Board's S.O. No. 178, paragraph 12 (new edition).

Section V of Regulation VI of 1831.

Revision.

28. The decision passed—

(i) by the Revenue officer in charge of the division of the district, where no appeal is preferred as aforesaid;

(ii) by the District Collector or the Board of Revenue on appeal preferred as aforesaid;

shall not be impeached in any Court

Provided that it shall be competent to the Governor in Council to revise any such decision and to pass such orders as he may deem fit whenever he thinks it necessary in the interests of justice.

Miscellaneous.

29. (1) The Board of Revenue may, with the approval of the Governor in Council, make rules not inconsistent with this Act in regard to the following matters:—

(i) The dividing and grouping of villages.

(ii) The re-organization of the village establishments.

(iii) The qualifications of persons to be appointed as village officers.

(iv) The written appointment to be submitted by proprietors.

(v) The scale of salaries or other emoluments to be assigned to such officers.

(vi) The duties of the several village officers.

(vii) Any other matters calculated to secure the efficiency of village officers.

(2) Such rules shall, until they are modified or cancelled, have the force of law.

30. No Court of Civil Jurisdiction shall have authority to take into consideration or decide any claim to the enjoyment of any portion of the fund constituted under this Act or any question regarding liability to the quit-rent, assessment or cess imposed under this Act or regarding the rates thereof.

Section VI of Regulation VI of 1831.

Section 9 of Bill No. 2 of 1890.

7. And lastly, in view of the great importance to the administration of gradually improving the efficiency of the village establishments employed in proprietary estates, the Bill proposes to give to the Board of Revenue power to prescribe from time to time with the approval of the Governor in Council the qualifications to be required in the several classes of village servants and with the view of ensuring the enforcement of the rules which may be laid down in this behalf, it is provided that all appointments to village offices shall be subject to the approval of the Revenue officers in charge of divisions, their decisions in this matter being subject to appeal to District Collectors and the Board of Revenue.

8. All village officers who may be brought within the scope of the proposed enactment will be paid, in lieu of their present emoluments, fixed salaries on a scale to be determined by the Board of Revenue from the fund spoken of above which will be called the "Proprietary Estates' Village Service Fund," and will consist of (1) the proceeds of enfranchisement of the inam lands attached to such village offices as may from time to time be brought within the scope of the proposed enactment; (2) of a cess which will be levied in lieu of all other emoluments received by such village officers; and (3) of any fines recovered under the Act. It is intended that the fund thus constituted shall be subject to no local restrictions as regards its utilization. As it is proposed that only those inams shall be enfranchised under this enactment which were in existence at the time of the permanent settlement and, therefore, excluded from the assets on which the permanent assessments were fixed, and that the money cess shall be levied in lieu of all other payments at a *uniform rate* in all the estates, there can be no objection to the fund so constituted being regarded as a general fund available for expenditure, according to requirements, in all those estates which have contributed to it.

9. It is considered unnecessary to specify the duties of village officers. These will be left to be defined by the Board of Revenue, which is the general controlling authority in all revenue matters.

10. With these remarks the Bill is submitted for the early consideration of the Legislative Council. The defects of the law as regards zemindari karnams require urgent remedy, and it is matter for regret that though the question of amending the law has been under consideration for now nearly 20 years and though the Board submitted a draft Bill with the above object so far back as 1874 and an amended Bill was actually introduced into the Legislative Council in 1883, nothing has yet been done.

FORT ST. GEORGE,
21th February 1892.

(Signed) J. H. GARSTIN.

C. No. 5482 of 1892

21P

14-1-93

Proprietary Estate Village
Service Bill.

Printed copy of Bill 90.
and all other documents
connected with the Bill.

Circulate to the members
for approval.

25/11

14-1-93

C No. 5482 of 1892

The Government of India
has in its letter dated 8th June
1892 No. 830 Communicated
for the Consideration of the
Government certain remarks
on the Proprietary Village Service
Bill; and the Legislative
Department has, with its
endorsement read above
transferred that letter to
this Department for the
disposal of the question
raised therein.

2. The remarks on the
Bill are contained in para
2 of the Govt. of India
letter.

3. Para 2 (1). The remarks
in this clause relate to
Sec: 8 of the Bill which

runs as follows:—vide
stipulated with G.O. 20.2.92 No. 10 Leg.

The appointment
punishment and dismissal
of village officers shall
rest in the Revenue

officer in charge of the division of the district in which the village is situated, anything in the Sanad-i-milkent-istimrar to the contrary notwithstanding."

4. This Complete withdrawal from proprietors of all power in the matter of appointment of Darnam, that where the office is not hereditary and where for any reason it is considered necessary or desirable to appoint a stranger, due regard should be had to the wishes of the proprietors, and it suggests for the consideration of this Govt. that if the appointment of ineligible candidates is guarded against in the manner provided by Sec. 45 of the Bombay hereditary officers Act III of 1874 as amended by Sec. 9 of Bombay Act II of 1886, the right of proprietors to nominate becomes

... of village officers is not approved by the Govt. of India.
It says, referring to the appointment the Gov. of India is referring to all classes of village officers.
I think so. Hf

7. As section 9 of Act II of 1886 is in substitution of Sec. 45 of Act III of 1874 the former Act alone is perhaps. I can't find this Hf

becomes unimportant to Govt. and its preservation would be likely to tend to much more amicable working. And referring to the concluding clause of the Section, viz, "anything in the Sanad... to the contrary notwithstanding", it says that "if it is proposed to withdraw from proprietors any right other than that of a bare nomination or selection of village officers the Governor General in Council thinks it necessary that it should be fully considered and explained what the Sanads contain and whether the proprietors would not be entitled to compensation if Act is passed as it stands."
5. Now, so far as the Sanads go, power is given to proprietors only, in regard to Darnams. Under art. 10 of the old form of Sanad at

at page 445 of Dalrymple Ed² of
S.O. and para 7 at page 98
of the ^{the appendix to} new Edition of S.O.
These paras. merely embody
the provisions of sections
3, 5, 6 & 7 of Regulation XXIV
of 1802 which again corres-
pond to sec: 11 of Regula-
tion XXV of 1802; and they
all provide,

- (1) that the Karnams shall
be appointed from
time to time by the
proprietors;
- (2) that they shall not
be dismissed except
by the sentence of a
Court of Judicature;
- (3) that when vacancies
occur, the proprietor
shall select a successor
from the heirs of the
previous incumbent;
- (4) that when no such
person is capable
of performing the
duty, the proprietor
may use his discretion
in appointing a proper
person.

(X.) A parchment copy of
the Sanad is put up.

N. A. put up
H. C.

(X.) In para. 7 of the new form
of Sanad the following ad-
ditional clauses will be
found, viz (appendix B. S. O.)
Page 99 line 3
"or the order of an
Officer of Govt as may be
determined by law" & in
line 14

"or the order of an Officer
of Govt."

These were put in, in
view of the possibility of
a change in the law as to
the position of Karnams,
- vide para. 1 of the S. O.
in G. O. of 3. 8. 70 No. 1, 105
in the bundle of papers
connected with the new
form of Sanad.

They are submitted to the
Auditing Officer for
the purpose.

6. As regards other
village officers no power
is conferred on proprietors
either by the Sanad or by
any regulation; on the
other hand, where ^{enrolments} ~~enrolments~~
are attached to such
offices claims to such
enrolments and claims
to such offices are ad-
judicable exclusively
by Revenue officers or
Govt: under Reg. II of 1857.
In the Bill as submitted
by the Board, which it will
be remembered was limited
to Karnams (it was by
Govt: that the scope of the
Bill was enlarged so as
to be applicable to all
village officers) the
Board proposed to leave
the appointment of Karnams
to the proprietors subject
to the approval of the
divisional officer
and also to empower
the proprietors to find
Karnams up to Rs 3 for
minor faults - vide sec.

8, 11 and 12 of the Board.
Bill at pp 15-16 of G.O.
dated 17-2-1891 - No. 118.
In support of these
provisions the Board
wrote as follows:-

"For the memorials
submitted to the Legislative
Council ⁷⁷ exception is
taken to the proposed
withdrawal of the power
of appointment of
Dharmas from
proprietors. In all the
Sanads of permanent
settlement it is distinctly
stated that the Dharmas
shall be appointed by the
proprietor. If the privileges
conferred by the Sanads
can be kept intact with
due regard to the interests
of the public service
it should be done, and
it seems to the Board
that the appointment
of Dharmas may be
left with the proprietor
subject to revision by
the Collector...." para

para 27 of the P.M.

77 In the file of proposals with
G.O. 5-8-85 No. 123 Leg.

Any O.C. continues to be subject
to the Dis. Officer's approval
subject to the P.M. as the Govt. of
India wish it.

~~Then the same can
not be done.~~

27 of its Progs. in G.O. 17
February 1891 - No 118 (page
10 of the G.O.).

8. The Govt., however
preferred to transfer the
power of appointment
to the divisional officer
and the Considerations
which induced Govt.
to adopt this course are
stated in para 6 of the
G.O. ^{last quoted above} and para 2 of the
statements of objects
and reasons appended
to the Bill - vide also the
notes recorded at pages
17 and 33 of the note for
orders stitched with the
G.O. and at page 35 of the
note submitted with the
draft of that G.O.

9. But the Govt. of India
now suggests that the
preservation of the
proprietary of the
power of nomination,
under proper safeguards
against appointment
of ineligible Candidates
would conduce to a more
efficient working.

working; and while suggest-
ing this course, it says
that " --- it appears to the
Governor General in
Council that due regard
should be had in the
appointment of Karmans
to the wishes of the proprie-
tor and that provision to
this effect ought to be made
in the Bill or in the Rules. -
This latter remark seems
to convey a decided
opinion. Also there is
the consideration that
the Court of India has
started the possibility
of Compensation being
claimed by proprietors
in the event of withdrawal
of powers granted to
them by the Sanads. -
Regarding to these powers
the Court of India enquires
whether it is proposed to
withdraw from proprietors
any right other than that
of bare nomination or
selection of billaff officers
now it will be noted that
although

although nomination is the word
used in secs: 3, 6 & 7 of Regulation
~~XXIV~~^{IX} of 1802, sec: 11 of Regn:
~~XXV~~ of 1802 uses the word
appointment and the Sanad
follows this latter Regulation
It is true that both the
Sanad and the Regulations
require that the name of
the person nominated, -
selected or appointed -
should be reported to the
Collector but such report
is merely for the infor-
mation of the Collor: and
not for his Confirmation
of the appointment. -
This appears also from
Sec: 6 of Regulation ~~XXIV~~^{IX} of
1802 which requires the
proprietor to report vacan-
cies to the Collector and to
acquaint him with the
name of the person appoint-
ed to fill the vacancy.
So that there is no question
that both the Sanad and the
Regulations give full power
of appointment to the
proprietors subject only

Sec. 7 of Reg. XXVI of 1802

12. The

26/5

The B. & N. must be attended in accordance with the views of the Fort & India, and Knight of appointments, subject to the requirements as to educational attainments & such others as are specified in the Bombay Act, and the approval of the Dist. Officer, must be

✓ think so too
Wes
yrs H. J.

consents to the proprietors.
 This will be every popular
 choice. I thank the proprietors
 Mr. Lane for to give us 53 W
 perquisite of day or other
 is made fault, but the
 form of infidelity being
 punishment of the rest with
 the Div. of the 18th
 the Div. of the 18th
 section.
 * as proposed by the 18th

The Govt. only intend to attack
the Bile in the first instance
to remove.

12. The Bill is intended to apply not only to ^{the} hereditary settled estates but also to unsettled police or Dham villages in which the proprietors have no right in respect of appointments of Karmans. But the simplest course would be to treat all estates alike.

13. The Case of the other village officers to whom the Bill is intended to apply seems also likely to present some difficulties. — It is true that all these officers come under Regulation VI of 1831, but this only means that in where there are emoluments attached by the State to hereditary village offices the claims to such emoluments and to such offices are adjudicable exclusively by the Revenue officers of Govt. But whether such emoluments exist in every estate

in respect of all these village offices, is a point on which information has to be obtained. Such information has been called for in para 10 of G.O. dated 17th February 1891 No: 118.

14. Some idea as to how these village offices are maintained ^{by zemindars} may be gathered from the following extracts from the reports submitted by Collectors in 1881 in reply to a B.P. (No 623) dated 9th February 1871 in which the Board called for opinions as to the expediency of amending the village cess Act so as to make it applicable to zemindari.

"The fact is that in consequence of the absence of any provision for the remuneration of village officials many of the offices ^{have} ceased to exist. The zemindars collect their share through the Karnams and their own establishments."

21 In the ^{first} file with G.O. of 5.3.79 no. 549

establishment of persons - J. A. C. Boswell Esq. - officiating Collector of Kistna in letter to Board dated 1st May 1871 - No 1294 - vide page 7 in the first file of papers stitched with the B.P. dated 27.10.1875 - No 2975 in ^{the file with} G.O. dated 5th March 1879 - No 549.

"The village establishments in zemindari tracts are in a most unsatisfactory condition - G. Vans Agnew Collector of Bellare in letter to Board dated 30th May 1871 - No: 983 vide page 12 of the file."

"Another class of Post officers in the zemindari villages whose case is deserving of consideration are the village messengers. None of the messengers in the zemindari of Brakatoory get any remuneration. There are no manikons attached."

to this office in the *mindari*.
The Palur sub-magistrate
personally represented to
me on one or two occasions
that in some villages he was
unable to get Candidates
for his appointment as no
remuneration is provided
for it, although it can not
be ~~decided~~^{negotiated} that in many
villages the appointment
is sought after for the
sake of the position alone
and in some cases on
account of the Pound *kepi*
pay. — C. Cundassamy,
Mudaliar Dy. Collr. of
Kaidupet, in letter to Collr.
of Bellary dated 28.3.71
to 95 (page 4 of the file).

"If I am right in
supposing that the other
classes of village servants
are nominally under
the control of the Rev. Dept.
I am at the same time
convinced that practically
very little attention is paid
to succession to these offices,
possibly because the
matter

matter is never brought to
notice. In the case of
village magistrates perhaps
the Rev. officer occasionally
intervenes, but he seldom
hears of vacancies in other
grades. The practice
however in this respect
may vary in different
districts — C. G. Master, Dy.
Collr. of Cuddapah in
letter to Board dated
27 May 1871 No 113 (page
15 of the file).

15. To these ^{quotations} ~~quarantines~~
may be added the follow-
ing extract from the
statement of objects
& reasons of a draft
Bill submitted by the
Jaghiardar of Ikoni
(stitched with G.O. dated
5.3.79 No 549)

"It must also be observed
that the restrictions imposed
by law on proprietors
are so far irksome that
in some districts they
are more honoured
in the breach than in the

the observance. For instance in all the Northern districts to a great extent, the zamindars up to date continue to appoint and remove their village servants without any reference to the Civil Courts or Collectors while in the Southern districts where the people are of a litigious and more discriminating character the proprietors are prevented from exercising such privilege (para. 17).

16. These extracts seem to show that if the question of the other village officers is to be determined with due regard to existing & long standing practice special reports will have to be called for. Perhaps if it is attempted to push the Bill through without obtaining sufficient information on this occasion the Council

If the privilege of appointment is accorded to proprietors in the case of the most important class of village officers namely Karams there will be no great harm in extending it to the less important classes. In the case of Karams & P. H. officers (Vethans & Telangams) & in the case of Karams' educational qualifications will be necessary & it will be important to secure physical fitness for the duties to be performed.

In the case of Karams as in the case of Karams Educational qualifications must be prescribed. Provided that Proprietors are entitled to the selection of Karams fully paid Karams will be possible I think to secure efficient service.

It will be better to provide for this by taking power to make Rules as required Karams will then from time to time & it may be necessary to modify the qualifications which would necessitate legislation, if they are embodied in the Bill.

It is not necessary to call for reports from all districts as to the present practice in regard to the appointment of village officers other than Karams. That would involve a great amount of legislation for 2 or 3 years to come & the results would not be likely to be satisfactory. The usage probably varies so much in different parts of the country that it would be impossible to conclude to such purposes the exact amount of power to be bestowed & it would be better to make appointments and it would be in the

may be delayed by the materials which it may be difficult to deal with satisfactorily, and possibly, too, it may occur to the Govt of India to raise some difficulties in this connection. But on the other hand if special reports are called for and they are left to be dealt with in the usual course, it is very unlikely that any progress will be made for some years to come.

If therefore, it is considered desirable that full information should be obtained on the point before the Bill is proceeded with the best course would seem to be to entrust the work to a special officer giving him power to correspond directly with district officers and proprietors. The intricacy of the subject and the obvious importance of an early settlement of it would seem to call for the adoption of

adoption of this course.

Para 2(2). The Govt. of

India observes that

provision should be

made to limit the amount

to be raised by the village

service cess to the sums

actually expended

in payment for those

services and suggests

that it might consequently

take the form of the provi-

sion made in sec: 3 of

the Govt. management of Private

Estates Bill now before the

Council of the Governor

General - note will be filed with

G.O. of 24.2.92 no. 340 Jd.

provision being carried

to all estates or to the

form of appropriation being

retained in the hands

of Govt. employees. The

provision can be made on

small considerations

with no special rights.

Cal 16/8

Supra. In most parts of the

see how many villages are

under the management of

the Govt. & the Govt. on the

provision to be made in

the Bill. In certain cases

such as the case of the

provision being carried

to all estates or to the

form of appropriation being

retained in the hands

of Govt. employees. The

provision can be made on

small considerations

with no special rights.

Cal 16/8

Supra. In most parts of the

see how many villages are

under the management of

the Govt. & the Govt. on the

provision to be made in

the Bill. In certain cases

such as the case of the

provision being carried

to all estates or to the

form of appropriation being

retained in the hands

of Govt. employees. The

provision can be made on

small considerations

with no special rights.

Cal 16/8

Supra. In most parts of the

see how many villages are

under the management of

the Govt. & the Govt. on the

provision to be made in

the Bill. In certain cases

such as the case of the

I was directed that the

note that in no case should

the limit be exceeded, and

the limit be known only when the

information called for in

para 10 of G.O. 17.2.91-10/18

has been received.

18/8

Para 2(3). The Govt. of

India observes that the

provisions of the Madras

General Clauses Act

of 1891 appear to have

been overlooked in the

drafting of some sections

of the Bill, and points out

some instances of such

oversight.

It was further suggested

that the rate also be

fixed at a rate like

that of sec: 3 of the Bill

for the rate on private

estates under Govt. manage-

ment. That being so, it is

thought proper to refer it.

It is

It was further suggested

that the rate also be

fixed at a rate like

that of sec: 3 of the Bill

for the rate on private

estates under Govt. manage-

ment. That being so, it is

thought proper to refer it.

It is

19/ The Res. G.O. (No 118 dated 17.2.91) with which the Bill was transmitted to the Judicial Dept. was passed before the passing of the General Clauses Act - which received the assent of the Governor on the 3rd April and of the Governor General on the 14 May 1891. The needful amendments might perhaps have been made when with reference to para 6 of the Legislative G.O. dated 12.9.91 to 62 the bill was reprinted with the authority for each section cited on the margin thereof (vide G.O. 17.12.91 No 1205).

20. Submitted that the following amendments ^{may} be made. (vide Bill with G.O. 21.2.92 10 Sep.)

- (1) In sec: 2, the words "Presidency of Fort St George" may be changed into "Presidency of Madras"
- (2) In sec: 2, 12, 21(2), 23(4) and 27 (1), the words "from time to time" may

HH
WM

HH
WM

may be omitted. U

(3) In sec: 5, 6(1), 13 IV, 16 (ii)

25 and 26 (ii) the words

"Collector of the district"

HH

WM

may be changed into "district Collector."

The expression "Collector of the district" occurs in one other place, namely, in the definition of "proprietor" in sec: 4. The definition runs as follows:—

"Proprietor includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district where in the estate is situated."

Here it is thought that the words

"registers kept by the Collector of the district" may be changed into "public registers of the district."

(4) In sec: 12 para 2 the expression "Local Govt." may be omitted.

This one do, I think
HH
WM

will ^{have to be} ~~now~~ changed, but in
the amended form of
this para. suggested above
(para 17 supra) the above
expression does not occur.
The above appear to be
the only changes necessary.

JH
22/8/12

HM

R.H.
198.

CH
16/8

Current o. 6621 7/93

45

From

Dated

189

FOR ORDERS.

C. no. 5482 7/1892

Remnants of the Govt. of
India on the Proprietary
Village Service Bill
(Lemistry Mahamun's Bill)

The Hon. Mr. Ganshin, C. S. I.

The Hon. Mr. Henry Stokes, M. L. S.

C. file of papers connected
with the Tenancy
Bill is put up as directed.
The file includes
a printed copy of the
minutes recorded by hand
of the Board as well as
the minutes of discussion
reported to by the Hon. Mr.
Members - handed with
red tape.

U
22 Dec 193

Five 7 papers on
 accord with the
 Tenancy Bill

The Hon^{ble} Mr. Bliss
 C.E.

2/2/12
 8/2

47

J.H.F.
 4/10/92

Passed only by
 objection & dissent

but not to the point about 11/10
 Statute found. let us discuss this 5 Oct
 after Council on Friday.

I have the Draft
 and the Statute
 to the Statute found for
 any Dis. in p. 2/10/92
 J.H.F.

A copy of Book by act 10/10/06
 B. has been put at
 J.H.F.

The omission is
 regretted
 12/10/06

vide Annexure below.

47

C. No. 5482 of 1892

G.O.

14th. 2. the Governor
 in C. accepts the suggestion
 of the Govt. of India
 that in the matter of appoint-
 ment of village officers
 in Proprietary Estates the
~~provision~~ may be left to
 the proprietors, the selection
 by them of ineligible
 Candidates being guarded
 against by suitable ^{rules} regula-
 -tions.

2. The Bill will be amended
 accordingly and also with
 reference to the suggestion
 of the Govt. of India in
 para: 2(2) of its letter read
 above and its remarks
 in para: 2(3); and the Bill
 so amended will be trans-
 ferred to the Legislative
 Deptt.

3. With reference to the
 enquiry

enquiry made by the Govt.
of India as to the precise
rights conferred by the Sanads
of permanent settlement.
it will be pointed out to the
~~Court of India~~, in the
Legislative Dept. that the ^{the ruling is that for}
only provision in the Sanads
regarding ^{The appointment of} village officers
relates to Karnams and
that in regard to this class of
officers the Sanads merely
embodies the provisions of
Secs: 3 and 7 of the Madras
Regulation ~~XXIX~~^{XXV} of 1802.
Those provisions (which
correspond ~~also~~ to the
provisions contained in
Sec: 11 of the Regulation
~~XXV~~^{XXV} of 1802) are to the effect
that in filling ^{up} vacancies
in the office of the Karnam
the proprietor shall have
due regard to hereditary
claims, his decision in
this matter being subject
to appeal to the Civil Court;
and that where no Capable
person is available among
those possessing such
claims

claims the proprietor
may use his discretion
in selecting a proper person.
In the Bill, as ⁴⁹ now
^{it is proposed to} amend the above
provisions ~~are proposed~~
to be ~~modified~~ as
follows:-

- (1) The adjudication
of hereditary claims
is ~~proposed~~ to be
transferred from
the Civil Courts to the
Rev. officers; and
- (2) When in default of
a "Capable" person
having hereditary
claims, the proprietor
selects a stranger,
the power of deciding
whether a "proper"
person has been
selected is ~~proposed~~
to be vested in the
~~Rev.~~^{Dir.} officer.

In the matter of
appointment of village
officers other than
Karnams no power
is conferred on
proprietor

proprietors by the
Samads. Such offices
are mostly hereditary
and claims to them
are ^{almost} ~~entirely~~ ad judica-
ble by the Rea. officers
under Regulation VI of
1831.

R.H.
22/9

Ch
24/9

To The Legislative Dept.
Copy to the Secy. of the
(Annexure)

The following amend-
ments are ^{suggested} ~~submitted~~

draft print this

I. For Sec. 8 of the Bill
Substitute the following
three Sections (8, 9 & 10)

8.8. Every proprietor
shall maintain in
respect of each village
^{a prop of village}
in his estate as many
village officers of the
several classes named
in Sec. 2, as the district
Collector may direct
in this behalf. Provided

a village in a pucca
settlement is defined in the
Village Code to be a local
area - then there is a village. It is
defined a local area - meaning
of a village for the purpose
of the Village Code -
the local area is defined in the
Village Code.

(1) A new village may
be formed under
the provisions of
Sec. 6

51
8. Provided that no
village officer shall
be employed to do duty
in more than one village
without the sanction of
the Collector" 51

8.9. "Every vacancy
in a village office
whether arising from
death, resignation
or dismissal of a
village officer shall,
within 15 days after
the occurrence thereof,
be reported by the
proprietor to the Rea.
officer in charge of
the Div. of the district
wherein such village
is situated.

8.10. (1). When a vacancy
has occurred in a
village office or a new
village officer has
been directed to be
appointed for a village,
for the Dist. Collector,
the proprietor of the
village shall at once
~~nominate~~ ^{appoint} a person,
having such educational

and other qualification
as may be prescribed
by the Board of Rev:
under Sec: 27^{of this Act} and
shall submit ~~a~~ ^{the}
~~nomination roll~~ ^{appointment in writing,} in
such form as the
Board may prescribe
in this behalf, to the
Rev. officer ~~of the~~ ^{in charge of the}

X
(2) vide Sec. 12 of the Act
Bill sketched under G.O.
of 17.2.91 No. 118.

in which the village
is situated.

(2) any person aggrieved
by the proprietor's
~~nomination~~ ^{appointment} may
prefer a Complaint
to the Rev. officer
of aforesaid ^{at any time} within
one month after
~~the~~ ^{the} ~~nomination~~ ^{has been made}.

(3) If the Rev. officer ~~of aforesaid~~
has reason to think
that the ~~nomination~~ ^{appointment} is
objectionable he may
at any time within
three months from the
date of the receipt by
him ~~of the nomination~~ ^{thereof}
~~roll~~ ^{pass proceedings}
~~stating~~ ^{signing} his objections
to the nomination and
call upon the
proprietor

proprietor to submit
~~a revised nomination~~ ^{another}
~~roll~~ ^{form} - 53-55

Provided that the
person ~~so nominated~~ ^{first appointed}
by the proprietor shall
discharge the duties
of the office until his
~~nomination~~ ^{app't} is set aside
and another person
is appointed ^{for} the
office.

(4) If the Rev. officer
~~of aforesaid~~ ^{of aforesaid} sees no objection to the
~~nomination~~ ^{app't} referred
to in sub-section (1) or
to the ~~revised~~ ^{app't} ~~nomination~~
~~roll~~ referred to in
Sub-section (3) he shall
~~pass proceedings~~
~~approving~~ ^{and endorsing} such
~~nomination~~ ^{app't}.

(5) If the ~~nomination~~ ^{app't}
~~roll~~ referred to in
Sub-section (1) is not
received by the Rev.
officer of aforesaid
within one month
after the occurrence
of a vacancy or

After the proprietor has been directed to appoint a new village officer; or if the revised nomination roll referred to in Subsection (3) is not received by such Rev. officer within 15 days after the receipt by the proprietor of the ^{order} proceedings referred to in that Subsection; or if such revised nomination roll, when received, is also considered to be objectionable by the Rev. officer, such Rev. officer may proceed to fill up the appointment himself by selecting a duly qualified person.

(6) A copy of every Proceedings passed under this Section by the Rev. officer aforesaid shall be submitted for the information of the district Collector.

(7) Nothing contained in this Section or in the Section hereinafter following shall apply to village munsifs who

That is the case of the Belawan.
 He is not to omit it - It only comes under the act. In that case the act of village officer &c. under 2 of the act.
 2nd

7d vide Rule in J. & O.
 2.7.91 in J. & O. 23.7.91
 1301 4152

who will be appointed removed or otherwise punished in accordance with the provisions of Madras act I of 1889 or other similar enactment for the time being in force.

II. To Section 9 of the Bill add the following:—

"For minor faults it will be competent to the proprietor to fine a Karanam or Monegar to the extent of three rupees and any other village officer to the extent of one rupee, after enquiry and by a decision in writing. Such decision shall be subject to appeal to the Rev. officer aforesaid.

III. For Sec: 12 of the Bill substitute the following:—

§. 12. It shall be lawful for the Govr. in C. to

7d The Village Council is left out.

7d It is thought that this Council will be approved.

to assist the Hon. Village
Officers subject to the approval
of the District Officer &
is by assisting the practical difficulties
in the way of doing so have been
pointed out by the Hon. Member in
discussion after Council & I
therefore leave my suggestions
about the draft as
prepared in Para III of his Note - as
the Hon. Member has thought fit to select
Committee. 24/7/1934

I object to this - The R.^d
has appealed the R.^d is not ap-
- a C.W.'s orig. decision -
The appeal is not even in
order. If the Dir. of Prison's
decision is upheld by the
C.W. his decision is upheld.
I have attended Dec. 24 & 25.

North Atlantic Chart
name requires E. 22 inks.
4/10/92 Inf

the rules which may be laid down in this behalf, it is provided that all appointments to village offices shall be ~~and~~ subject to the approval of the Rea: officers in charge of divisions, their decisions in this matter being subject to appeal to District Collrs. and the Board of Rea: in like manner with their decisions in respect of similar offices in Co-out villages.

Para: 10 of the State
- ment of objects and
Reasons which points
out the need for the
contemplated legislation
can be but stronger with
reference to the judgment
of the District Court of
Trichinopoly forwarded
by

by the Board with
No. recorded in G. O.
29.8.92 No. 3847. The
Judge appears to have
held that when gamin
-ari Karnaens are
prosecuted for neglect
of duty &c it is not open
to the Civil Courts to award
a lighter punishment
than dismissal; whereas
the view held formerly
appears to have been
different. The Hon. Mr.
Armstrong has written
as follows in a minute
recorded by him under
date 20th Jan'y. 1879.

"If a gamin or
any tenant of a gamin
has Cause of Complaint
against a Karnaen for
breach of his duty, he
to sue him in the Civil
Court and the Court has
power, besides awarding
damages, to punish with
deprivation of office
which on the principle
of every major includ

a minor has been held
to include Suspension
from office."

This would imply that
Civil Courts have held
this view: but the authority
for the statement is
not traceable.

It is submitted how-
ever, that as the judgments
above referred to have
been forwarded to the
Legislative Dept. it
may be left to that Dept.
to improve para. 1 of the
Statement of Objects &
Reasons with reference
thereto.

W.

3/9

Ch
24/9