

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2717

DATED 28th May

[Despatch Abstract.]

Recording with remarks Pres of the Board
of Revenue regarding the payment of
Compensation fines at Stations where
there are no sub-treasuries.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 3935

From The Board of Rev,
Land Rev:

Order No. 2917 of 28th May 97

Recorded.

No. 125

2. The proposals in para 4
of the proceedings read
above will be considered
in the Financial Depart-
ment.

Dated 12-4-97

Received 10-5-97

Registered 11-5-97

Enclosures 1

Spare copies

25/5/97

so

The Board of Revenue (R.A.)
Financial Dept.

list

SUBJECT.

Reg. the payment of Com-
pensation fines at Stations
where there are no sub-
treasuries.

22-6-97
H.S.

BACK PAPERS.

G.O.	No.	Department.	Date.
	2188		
	1570		
	4445		
	5500		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 457, 8TH DECEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ--the following letter from G. W. ELPHINSTONE, Esq., I.C.S., Acting Collector of Górávari, to the Secretary to the Commissioners of Land Revenue, dated Cocanada, 2nd October 1896, ref. on Cur. No. 5768-Acc. :—

Fines realized in criminal courts are remitted by the Magistrates direct to the treasury with a chellan giving full particulars, the duplicate chellan of the Magistrate being receipted and returned. Whenever compensation has to be paid from the fines realized, the party concerned is furnished with an order of the Magistrate and is required to present it to the treasury, or the Sub-Treasury officer who makes the payment from the criminal court deposits under Article 250 of the Civil Account Code. This mode of payment is inconvenient to the parties when the Magistrate's court is situated far from the treasury and the amounts covered by the receipts are small. Some of the villages in Chodavaram and Yellavaram divisions in the agency tracts, and the Chintalapudi division in the Ellore taluk, being situated at a very great distance from the taluk head-quarters, parties who have claims to deposits complain of their being compelled to attend in person at the treasury, the distance thereto being great, and the amounts due to them being insufficient even to meet their travelling expenses. They, in consequence, voluntarily forego their claims to the money due to them. With a view to obviate this difficulty, the Deputy Tahsildars of Yellavaram and Chintalapudi suggested last year to my Treasury Deputy Collector that they might be permitted to take deposit receipts from the parties and send them to the treasury, get the amounts thereof themselves and then disburse the same to the parties at their head-quarters. The Treasury Deputy Collector pointed out to the Accountant-General in his letter, No. 3497, dated 18th June 1895, the above-mentioned difficulties, and requested him to grant the concession for the agency tracts and the hilly parts of the taluks as a tentative measure. In reply, he observed that the Treasury Deputy Collector's proposal apparently amounted to the adoption of the procedure described in notes 1 to 3 of Article 263 of the Civil Account Code, and if so, Article 360 required that every officer who had authority to place sums in deposit and to make payments out of them should keep deposit registers. The Sub-Magistrates should, therefore, write up registers corresponding to those maintained by the Sub-Treasury officers. In any case, as extra work and responsibility would be thrown upon the former officers by the proposed course, the Accountant-General decided that it should be submitted to the Board for orders. To prevent the accumulation of small deposits, I think, that Sub-Magistrates may be allowed to make such payments out of their permanent advances whenever the amount claimed does not exceed Rs. 10. The vouchers can be sent to the sub-treasury at fixed intervals, twice a month would probably be sufficient, and payments can then be debited to the proper head and the permanent advance recouped. For this purpose, it will be necessary for the Sub-Magistrates to open the register prescribed in Article 360 of the Civil Account Code. The opening of this register will not entail extra work, since most of the Sub-Magistrates do already keep it in some form or other. The items relating to each office will not be great in number and the extra labour involved will be trifling considering the convenience afforded to the parties concerned. I therefore solicit the Board's sanction for the payment of compensation fines in the above manner and for the opening of deposit registers in the outlying Sub-Magistrates' offices in Form 41 of the Civil Account Code.

2. The permanent advance allowed to the Stationary Sub-Magistrates at the taluk kusba stations is Rs. 50 while that of the Deputy Tahsildar Sub-Magistrates in the outlying divisions is Rs. 20. As the orders issued by the former can be cashed by the parties concerned without any inconvenience or delay, and as the Stationary Sub-Magistrates can recoup their advance without any trouble as often as necessary,

it seems desirable to cut down their permanent advance to Rs. 20 and to raise that of the outlying Deputy Tahsildar Sub-Magistrates to Rs. 30, as under note 1 to Article 77 of the Civil Account Code, the permanent advance of an office must, of course, be larger when distance from the treasury renders its frequent recoupment difficult. But the permanent advance of the Stationary Sub-Magistrates is fixed by the local Government and any reduction or increase cannot be made without the previous sanction of Government; which I beg the Board will be pleased to obtain to give effect to the above proposal.

Reference on the above, dated 30th October 1896.

With regard to the Collector's proposal to authorize Sub-Magistrates to pay compensation fines from their office permanent advance, when the amount claimed does not exceed Rs. 10, the Accountant-General is requested to favour the Board with his opinion as to whether such payments may not be made under note 1 to Article 263 of the Civil Account Code.

2. The question of altering the amount of permanent advance raised in paragraph 2 of the Collector's letter will be considered on receipt of the Accountant-General's reply to the preceding paragraph.

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

To the Accountant-General, with Collector's letter (to be returned).

READ—the following letter from F. C. HARRISON, Esq., Officiating Accountant-General to the Government of Madras, to the Secretary to the Commissioners of Land Revenue, dated 3rd December 1896, No. 3707:—

In reply to your reference on General R. No. 5471, dated 30th October 1896, I have the honour to state that in the absence of special orders I do not think Sub-Magistrates can be allowed to make payment of compensation fines according to the method laid down in note 1 to Article 263 of the Civil Account Code. That article applies only to Civil Courts Deposits.

There is no objection, however, to the Sub-Magistrates paying the amounts from the permanent advances and recouping themselves by sending a list of repayments with the paid vouchers to the Treasury or Sub-Treasury officer. The latter officer will pay the amounts debiting the head Criminal Courts deposits and bringing the transactions on to his Deposit Registers.

RESOLUTION—No. 457, dated 8th December 1896.

The Accountant-General's letter will be communicated to the Collector of Góddávari with reference to paragraph 1 of his letter, dated 2nd October 1896, read above.

2. The Collector is requested to submit proposals for altering the amount of permanent advance, specifying the offices in which the alteration is required.

3. The Collectors of all other districts (except Madras) are requested to report how the matter is arranged for in their districts.

(True Copies and Extract.)

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

To the Collector of Góddávari.
„ other Collectors, except the Collector of Madras.

1896.
Board of Revenue
(Land Revenue),
MADRAS.

Printed December 21st.

Proceedings, No. 457, 8th December 1896.

Communicating to the Collector of Gódvári, Accountant-General's letter regarding payment of compensation fines from the office permanent advance of the out-lying Sub-Magistrates in his district and requesting him to submit specific proposals for altering the amount of permanent advance where necessary and the Collectors of all other districts except Madras to report how the matter is arranged for in their districts

REVENUE DEPARTMENT.

1897.
Board of Revenue
(Land Revenue),
MADRAS.

Printed May 6th.

Proceedings, No. 125, 12th April 1897.

APRIL.

Directing that payment of compensation fines, when the amount awarded does not exceed Rs. 10, be in future made in all districts from the office permanent advances of Magistrates at stations where there are no sub-treasuries, and requesting the sanction of Government for the changes proposed in the amounts of permanent advance allowed to certain Sub-Magistrates in the districts of Trichinopoly and Tinnevely and referring to the Accountant-General, for favour of remarks, Bellary Collector's suggestion to extend this mode of payment to refund of magisterial fines.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 457, dated 8th December 1896.

Communicating to the Collector of Górávari, Accountant-General's letter regarding payment of compensation fines from the office permanent advance of the out-lying Sub-Magistrates in his district and requesting him to submit specific proposals for altering the amount of permanent advance where necessary and the Collectors of all other districts except Madras to report how the matter is arranged for in their districts.

READ—also replies from Collectors to the above.

RESOLUTION—No. 125, dated 12th April 1897.

In its Proceedings, No. 457, dated 8th December 1896, the Board communicated to the Collector of Górávari the Accountant-General's letter stating that there was no objection to Sub-Magistrates, whose courts are situated far from the treasury, paying compensation fines from their office permanent advances when the amount claimed does not exceed Rs. 10. The object was to obviate the inconvenience caused to parties who had to travel long distances to a treasury in order to receive payments from criminal court deposits under article 250 of the Civil Account Code. Other Collectors were requested at the same time to report how the matter was arranged for in their districts. Replies have been received from all districts except Kistna, Cuddapah and Chingleput.

2. There are sub-treasuries at all the Sub-Magistrate stations in Vizagapatam, Anantapur, Madura and the Nilgiris, and no inconvenience of the kind above referred to can therefore be experienced by parties in those places. In each of the districts

• Ganjám Narasannapéta.
Nellore Venkatagiri.

of Ganjám and Nellore, there is only one station without a sub-treasury. From the reports received, it would appear that the practice of requiring parties to go to a treasury is followed in the nine districts noted in the margin† and also in the Sub-Magistrate's office at Yemmiganúru in Bellary and that in two of these districts, viz., Trichinopoly and South Canara, parties have to appear before a sub-treasury officer at least on two occasions in connection with every payment order. In Ganjám and Kurnool and at Siruguppa in Bellary, the repayment vouchers are first passed by the Treasury Deputy Collector and then cashed by the Sub-Magistrates themselves, and the money is kept in deposit for distribution when the parties appear. The Collector of Malabar merely remarks that compensation fines awarded in his district are allowed to lapse on the payees failing to claim them within one year, if the sum is less than one rupee, or within three years if it exceeds one rupee.

† Nellore. Tinnevely.
North Arcot. Coimbatore.
South Arcot. Salem.
Tanjore. South Canara.
Trichinopoly.

3. The Collectors of Bellary, North Arcot, South Arcot, Tanjore, Tinnevely, Salem and South Canara recommend the adoption of the course sanctioned for Górávari. But no change in the existing practice is considered necessary in Ganjám and Nellore. The Sub-Magistrate at Narasannapéta in the Ganjám district is, as already observed, reported to draw the money and make payments himself, and Venkatagiri, which is the only station of this kind in Nellore, is little more than an hour's journey by rail from the Gudur treasury. The Collector of Trichinopoly suggests that the procedure referred to in notes 1 to 3 of article 263 of the Civil Account Code, which is being adopted under instructions from the Accountant-General as regards the payment of stamp and process costs awarded to parties in criminal courts, may be applied to compensation fines also. The Collector will be informed that, as observed by the Accountant-General in his letter printed in Board's Proceedings, No. 457, dated 8th December 1896, article 263, Civil Account Code, applies only to civil court deposits. The Collector of Malabar objects to the proposal to make payment of compensation fines from the permanent advance on the ground that it will be difficult to recover any compensation fine which was awarded by a lower court and which has been disallowed by a court of appeal. The objection is inapplicable to the present question which deals only with the mode of payment. On the whole, the Board considers that payment of compensation fines may conveniently be made by Magistrates from their office permanent advances when the amount awarded does not exceed Rs. 10, and accordingly directs that it be followed in future in all districts, the deposit register prescribed in article 360 of the Civil Account Code being maintained in such cases.

<i>Trichinopoly.</i>		Change From To	
		Rs.	Rs.
The permanent advance of each of the Stationary Sub-Magistrates of Perambalur, Musiri, Kullitalai and Udaivárpálaivam		30	15
Of each of the Deputy Tahsildars of Lalgudi, Turaiyúr, Kilappaluvúr* and Manappárai ..		15	30
<i>Tinnevely.</i>			
Of each of the Stationary Sub-Magistrates of Nángunéri, Tenkási, Srivilliputtúr and Ottapidáram		30	20
Of each of the Deputy Tahsildars of Varttirávirappu, Virudupatti, Viláttikulam and Kádbápuram		25	35

* Proposals for constituting this into a sub-treasury are now before Government—vide Board's Proceedings, Mis. No. 133, dated 14th January 1897, and Mis. No. 968, dated 15th March 1897 (since sanctioned by Government—vide Government Order, Mis. No. 1839, Revenue, dated 5th April 1897).

4. With regard to the proposals made by the Collectors of Trichinopoly and Tinnevely for altering the amounts of permanent advances sanctioned in their districts, the Board finds that the arrangements involve a re-distribution as noted in the margin and accordingly request the sanction of Government for the same.

5. The Bellary Collector's suggestion, to extend the mode of payment under reference to refund of magisterial fines,

will be referred to the Accountant-General for favour of remarks.

(True Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
with copy of Board's Proceedings, No. 457, dated 8th December 1896.
„ all Collectors (Treasury Deputy Collectors, Divisional Officers and Tahsildars).
„ the Accountant-General.

Exd. P. Seetharam.

When given for copying _____
When copied _____
When examined _____
When signed _____

189.

READ AGAIN G.O., No
189

DATED

PRESENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

A.F.—

A = Copy in full.

B = Not to be copied

P = Copy abstract only.

Q = Copy heading only