

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3907

DATED 27th July

[Despatch Abstract.]

Recording R.P. Purnigoudas, on a reference from the C.O. of Godawari regarding the appointment of village headmen in proprietary estates when their emoluments consist in the salary paid by Govt.

BACK PAPERS.

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

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Revenue (189 /) Department.

CURRENT No.



From The Board of Rev,
Land Rev.

Order (mm) No. 3907 8/27th July 97.

Recorded.

No. 216

11/11/97

Dated 28-6-97

Received

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SUBJECT.

Passing orders on a
reference from the Collr
of Godavari re: the appoint-
ment of village headmen
in proprietary estates.

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T.P.
24 July 97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 341, 10TH SEPTEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 6, dated 8th January 1896.

ABSTRACT.—Passing orders on a reference from the Collector of Gódvári regarding the disposal of the claim to the karnam office of Venkatadri Apparowpuram agrapharam in Tanuku taluk.

READ—also the following letter from W. O. HORNE, Esq., Acting Collector of Vizagapatam, to the Secretary to the Commissioners of Land Revenue, dated 17th July 1896, Ref. on Cur. No. 2266 :—

I have the honour to request the orders of the Board of Revenue on the following two points :—

(i) When a vacancy occurs in the office of village headman or village watchman in a zemindari or whole inam village, who has the power of making the appointment—the zemindar or the Collector ?

(ii) When a zemindari or whole inam village is owned by more than one person, who should be recognized as the proprietor having the right to make appointments to the above village offices in it ?

2. The appointment of village headmen and village watchmen in zemindari and whole inam villages vests in the zemindar or the inamdar, under section 9 of Madras Act II of 1894. But this Act has not yet been extended to this district and consequently the appointments have to be made under Madras Act III of 1895, which repealed Regulation VI of 1831. On a reference made by Mr. Miller, late Acting Collector, the Board ordered in its Proceedings, Mis. No. 5516, dated 4th November last, Land Revenue, that, for the purpose of disposal of pending suits and appeals for offices to which Act II of 1894 is applicable, those offices, except that of karnam in a permanently-settled estate, should be treated as falling under clause 3, section 3 of Act III of 1895, until the introduction of Act II of 1894. Under section 11 of the former Act the proprietor has power to fill up vacancies in offices falling under clause 3 of section 3 of that Act. From the Board's ruling above quoted, it may be inferred that the power of making appointments to the offices falling under clause 2 of section 3 vests in the proprietor as in the case of other village servants falling under clause 3 of that section. The matter is not however free from doubt.

3. With reference to the second question I have a case in point. The whole inam village of Alluvada in the Párvatipuram taluk is owned by two persons, one of whom has the major portion of it in his possession and enjoyment and the other the minor portion. Both claim the right of making appointments under section 11 of Act III of 1895 and have in fact appointed two different persons to the same office. In the definition of "proprietor" given in section 4 of Act II of 1894 it is said that "where an estate is so registered in the names of two or more persons as joint owners thereof, the proprietor shall, for the purposes of this Act, be the person who is recognized by the other joint-owners as the manager of the estate or who, in case of dispute, is recognized and registered by the Collector as senior joint-owner." The person in possession of the major portion would therefore be recognized as the proprietor of the village, but Act II of 1894 has not yet been extended to this district and no similar provision exists in Act III of 1895 under which in the meanwhile the appointment has to be made.

*x Passing
orders of a
reference made
from the
Collector of
Vizagapatam
regarding
the disposal of
pending suits
and appeals
for offices to
which Act II
of 1894 is
applicable.*

RESOLUTION—No. 341, dated 10th September 1896.

The Collector's surmise in paragraph 2 of his letter read above is correct.

2. As regards the second question, the Collector has evidently overlooked section 4 of Act III of 1895, wherein the definition of the term "proprietor" as given in section 4 of Act II of 1894 is made applicable to the former Act. From the above it follows that when an estate is registered in the names of more persons than one, the proprietor shall, for the purpose of making appointments under section 11 of Act III of 1895, be the person "who is recognized by the other joint-owner or owners as the manager of the estate, or who, in case of dispute, is recognized and registered by the Collector as the senior joint-owner."

(True Copy and Extract.)

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

To the Collector of Vizagapatam.
Copy to all other Collectors.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

Printed September 24th.

Proceedings, No. 341, 10th September 1896.

Passing orders on a letter from the Collector of Vizagapatam regarding the appointment of village headmen and village watchmen in proprietary estates.

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Land Revenue),

MADRAS.

Printed July 14th.

Proceedings, No. 216, 28th June 1897.

JUNE.

Passing orders on a reference from the Collector of Gólavari regarding the appointment of village headmen in proprietary estates, when their emoluments consist in the salary paid by Government.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 341, dated 10th September 1896.

ABSTRACT.—Passing orders on a letter from the Collector of Vizagapatam regarding the appointment of village headmen and village watchmen in proprietary estates.

READ—also the following letter from M.R.Ry. Rao Bahadur P. PURNIAH PANTULU Garu, Head-quarters Deputy Collector, Gódvári, to the Collector of Gódvári, dated Cocanada, 27th April 1897, Ref. No. 1066 H.D.C.:—

I have the honour to request the favour of your instructions on the following points.

2. Under Board's Proceedings, No. 341, dated the 10th September 1896, the zamindar has the power of appointing the village headman of a zamindari village when a vacancy occurs in the said office. Who has the power of making the appointment when such village headman happens to be one whose only emoluments consist in the salary which he receives from the Government? I have a case in point.

The village headman of Cocanada, which is a zamindari village, was lately suspended by my predecessor for a period of six months. He receives a monthly salary of Rs. 10 from Government. The zamindar has attached no emoluments whatever to the post either in the shape of land or in the shape of ready-money payment. I am in doubt whether the vacancy should be filled up by me or by the manager of the Pithápuram estate.

Endorsement by V. A. BRODIE, Esq., Collector of Gódvári, dated 14th May 1897, Ref. on Cur. No. 1950-Ver.

Submitted to the Board of Revenue (Land Revenue) for orders.

2. As the emoluments of the office consist solely of the salary paid by Government, I consider the appointment and dismissal of the office-holder vest in Government.

RESOLUTION—No. 216, dated 28th June 1897.

The Board cannot agree with the Collector's view that the power of appointing the village headmen and watchmen in proprietary estates to which Act II of 1894 has not been extended, whose emoluments consist solely in the salary paid by Government, vests in the Divisional officer and the Collector. Section 3, Act III of 1895, makes it necessary that emoluments should be attached to the offices dealt with under it; and according to the definition of emoluments in section 4, the Act cannot be

applied to cases in which no remuneration has been granted or continued in respect of, or annexed to, any office by the State. Even in cases where the emoluments to the offices of village headmen and watchmen in proprietary estates consist solely in the salary paid by Government, the power of appointing such offices vests, as the law now stands, in the proprietors under section 11 of the Act. As regards punishment, however, the proprietors' power to punish such officers has been expressly taken away by section 8 of the Act; and the power can be exercised only by the Divisional officer and the Collector.

(True Copy and Extract.)

V. A. Brodie
Acting Secretary.

To the Collector of Gódvári.

Copy to all other Collectors.

" the Secretary to Government, Revenue Department,
with a copy of Board's Proceedings, No. 341,
dated 10th September 1896.

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When signed _____ } 189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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