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1(TAMIL NADU) ACT No. III OF 1869^a.

[THE 1(TAMIL NADU) REVENUE SUMMONSES ACT,
1869.]

*(Received the assent of the Governor on the 9th March
1869, and of the Governor-General on the 23rd
April 1869, and takes effect from the 1st June 1869.)*

An Act to empower Revenue-officers, to summon persons to attend at their kacharis for the settlement of matters connected with Revenue-administration.

WHEREAS it is found that the revenue-administration ~~of the country~~ ^{Preamble.} is retarded, because Revenue-officers, namely, Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars and Deputy Tahsildars, are not made competent, by express provision of law, to issue summonses for the attendance of persons, or the production of ³[documents or other articles] in certain cases in which it is their

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² Short title, "The Madras Revenue Summonses Act, 1869" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957), repealing the corresponding law in force in that territory.

This Act was extended to the added territories by section 10 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964).

³ These words were substituted for the word "documents" by section 10, *ibid.*

duty to hold investigations; It is hereby enacted as follows :—

Revenue-officers empowered to summon persons to appear or to produce documents.

1. Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars and Deputy Tahsildars shall have power to summon ¹[any person], whose evidence may appear to them to be necessary for the investigation of any matter in which they are authorized to hold an inquiry, and also to require the production of any ²[document or other article] relevant to the matter under inquiry, which may be in the possession or under the control of such person.

Terms of summonses.

³2. Such summonses shall be in writing, and authenticated by the signature and seal of the officer by whom it is issued.

It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a ²[document or other article], or for both purposes; and any particular ²[document or other article], the production of which is required, shall be described in the summons with convenient certainty.

Service of summonses.

³3. The summons shall be served personally on the person summoned, or, if he cannot be found, it may be left for him with some adult member of his family residing with him ⁴[or by affixing it on the outer door or other conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.]

¹ These words were substituted for the words " all persons resident within the district " by section 10 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964).

² These words were substituted for the word " document " by section 10, *ibid.*

³ Ss. 2 to 5 of this Act apply, *mutatis mutandis*, to summonses under Tamil Nadu Act V of 1893—See s. 3 of that Act.

⁴ These words were substituted for the words " or with the head of the village in which he lives " by section 10 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964)

14. Any person may be summoned to produce a ^{Persons summoned to produce may send documents by third party.} [document or other article], without being summoned to give evidence; and any person summoned merely to produce a ²[document or other article] shall be deemed to have complied with the summons if he causes such ²[document or other article] to be produced, instead of attending personally to produce the same.

15. When the person whose evidence may be required is unable, from sickness or infirmity, to attend before the officer issuing the summons, or is a person whom by reason of rank or sex it may not be proper to summon, the officer issuing the summons may, of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person, and order him to be examined by a subordinate deputed by such officer for the purpose. ^{When personal attendance of witnesses is dispensed with.}

¹[6. The officer issuing the summons or a subordinate deputed by such officer under section 5, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, for— ^{Officers to have powers of a civil court in certain matters.}

Central
Act V of
1908.

(a) summoning and enforcing the attendance of any person and examining him on oath; and

(b) requiring the production of any document or other article.

7. (1) The State Government may make rules to carry out all or any of the purposes of this Act. ^{Power to make rules.}

¹ Sections 2 to 5 of this Act apply. *mutatis mutandis*, to summons under Tamil Nadu Act V of 1893—see s. 3 of that Act.

² These words were substituted for the word "document" by section 10 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964).

³ These sections were added by section 10, *ibid*.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form of summons to be issued under this Act ;

(b) the scale of fees to be levied for the service of processes, when summonses are issued at the instance of parties in an inquiry ;

(c) the scale of allowances payable to persons summoned to give evidence and their deposit by parties at whose instance the summonses are issued.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]