

TAMIL NADU REVENUE SUMMONSES ACT, 1869

i(TAMIL NOV) ACE No. In or 1869'. [TED Nov) Røvm•tn SUMMONSES ACT, 1869.] (Received the acent of the governor on the 9th March 1869, and of the governor-General on the 23rd April 1869, and takes effect from the 18t June 1869.) An Act to empower Revenue-offcers, to sum. mon persons to attend at their kacharis for the settlement of matters connected with Revenue-administration. WHEREAS it is found that the revenue-administra- tion of the country is retarded, because Revenue- officers, namely, Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars and Deputy Tahsildars, ore not made competent, by express provision of law, to issue summonses for the atten- dance 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 'c 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. Short title, ' ' The Madras Revenue Summonses Act, 1869 " was given by the Repealing Amending Act, 1901 (Central Act XI of 1901). This Act wag extended to the merged State of Pudukkottai by section 3 of, end the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 194P). This Aot 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 IO of the Tamn Nadu (Added Territoriaë) Extenaion of Laws Act, 1964 (Tamn Nadu Act 8 of 1964). b neeewords were nböituttu toe documenb" estioa 10, ibid, 200 Revenue Summonae9 duty to hold investigations ; as follows :— It is hereby enacted Revenue-omcers •I. Collectors, Sub-Colleotors, Assistant Colleo- empowered to tors, Deputy Collectors, Tahsildars and Deputy summon persons to appear or to produce documents. Terms of summons. Service oe aummons. Tahsildars shall have power to summon l[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 ony 2[document or other articlâ] relevant to the matter under inquiry, which may be in the possession or under the control of such person. 3 2. Such summons shall be in writing, and authenticated by the signature and seal of the offcer by whom it is issued. It shall require the person summoned to appear before the said nffcer ot stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce 2[docoument or other article], or for both purposes ; and any particula,r 2[document or other article], the production of which is required, shall be described in the summons with convenient certainty, 3 8. 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 '[or by affxing 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.] These words were substituted for the words BII persons resident within the district " by section If' of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1904). a These words were substituted for the word document by section IO, ibid. 3 Ss. 2 to 5 of this Act apply, mutati8 muiandia, to gum. monx under Tamil Nadu Act V of 1893—See s. 3 of that Act. 4 Theso word* were MIbstituted for the words or with the hond of the v'Alace in which he lives " by Rection IO of the Tamil Nadu (Added Territories) Extension of Lon act, (Tamil act ot 1904 1869 : T.N. Act 111] Revenue 201 14. Any person may be summoned to produce a Persons summoned to '[document or other article], without being sum- produce may moned to give evidence; and any person summoned send documente merely to produce a 2[document or other article] by third Party, Bholl be deemed to hove complied with the summons if he causes such 2[document or other article] to be produced, instead of attending personally to produce the same. i 5. When the person whose evidence may be When personal attendance of required is unable, from sickness or infirmity, to witnesses attend before the offcer issuing the summons, or is dispensed with. o person whom by reason of rank or sex it may not be proper to summon, the offcer 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 subordinate deputed by such offcer for the purpose. 8[6. The offcer issuing the summons or a sub- Officers to have ordinate deputed by such offcer under section 5 POW"" ofa civil court in certain Central Bhall have the same

powers as are vested in a civil matters. Act V of court under the Code of Civil Procedure, 1908, for— 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. (l) The State Government may make rules to Power to make rules. carry out all or any of the purposes of this Act, Sections 2 to 5 of thi3 Act apply. mutatis mutandi8, to sum. mong under Tamil Nadu Act V of 1893—see 8. 3 of that Act. a These words were substituted for the word " document by section 10 of the Tamil Nadu (Added Territories) Extension of Lows Act, 1964 (Tamil Nadu Act 8 of 1964). These sections were added by section IO, ibid. 202 Revenue Summon,u : (2) In particular and without prejudice to tho generality of the foregoing power, each rule 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 on inquiry ; (c) the scale of allowances payable to persons summoned to give evidence and their deposit by parties at whose instance tho summonses are issued. (3) All rules made under this Act shall be pub- lished in the Fort St. George gazette and, unless they are expressed to come into force on a particular day, •hall come into force on the day on which they ore 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 there- after 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 previ• done under rule.)

