

Madras Hereditary Village-Offices Act, 1895

03 of 1895

[01 July 1895]

CONTENTS

1. Title, commencement and extent
2. Repeal
3. Classes of village-offices to which Act applies
4. Definitions
5. Emoluments attached by the State to certain offices inalienable and not liable to attachment
6. Villages may be grouped or divided
7. Power of Collector over village-officers in Government villages and proprietary estates
8. Power of proprietor over village-officers in proprietary villages
- 8A. Power to suspend village-officers pending inquiry
9. Limitation of power of Collector over certain officers in proprietary estates
10. Rules to be observed in making appointments to certain offices in Government villages
11. Rules to be observed in making appointments to certain offices in proprietary estates
12. In case of village arti-zans, law or custom of succession to be observed
13. Provisions relating to suits for offices for recovery of emoluments and for registry as heir
14. Limitation of time within which suits may be brought
15. Power of District Collector in regard to transfers of suits
16. Procedure to be observed in trying suits
17. Decrees may provide for costs and shall be executed according to rules made by Board of Revenue
18. In certain cases, Collector may refer question of law to Board of Revenue
19. Section 19
20. Board of Revenue may make rules on certain subjects
21. Jurisdiction of Civil Courts barred
22. Nothing in this Act to prevent recovery of emoluments as arrears of revenue or to affect office which is not now hereditary
23. Appeal against order or decree of Collector
- 23A. Section 23A
24. Disposal of appeal by officer who passed original order
25. Certain provisions of Limitation Act to apply

26. Power of Government to place village watchman under police authorities

Madras Hereditary Village-Offices Act, 1895

03 of 1895

[01 July 1895]

PREAMBLE

An Act to repeal Madras Regulation VI of 1831, and for other purposes.

Whereas it is expedient to provide more precisely for the succession to certain hereditary village-offices in the Presidency of Madras; for the hearing and disposal of claims to such offices or the emoluments annexed thereto; for the appointment of persons to hold such offices and the control of the holders thereof; and for certain other purposes; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Supplement, dated 7th November 1893, p.2; for Report of the Select Committee, see *ibid*, dated 12th November 1893, p.1; for further Report of the Select Committee, see *ibid*, dated 5th February 1895, P. 1; for Proceedings in Council, see *ibid*, dated 21st November 1893, p.21; *ibid*, dated 4th December 1894, p. 8; *ibid*, dated 5th February 1895, p.18; *ibid*, dated 2nd April 1895, p.9; *ibid*, dated 30th April 1895, p.1; and *ibid*, dated 28th May 1895, p.1.

1. Title, commencement and extent :-

(1) This Act may be called the Madras Hereditary Village-offices Act, 1895; and shall come into force from such date as may be notified by Government.¹

(2) ²[It extends to the whole of the State of Madras]

1. The Act was brought into force from 1st October 1895--Revenue Notification No. 464, dated 22nd August 1895, Fort St. George Gazette, 1895, Part 1, Page 1002.

2. This sub-section was substituted for the original sub-section by the Madras Adaptation of Laws Order, 1957.

2. Repeal :-

(1) ¹* * * * * On and after the commencement of this Act no portion of Madras Regulation XXIX of 1802* (Central Act XIV of 1874) shall continue to apply to any local area which is not a

permanently-settled proprietary estate.

(2) ²[]

(3) ²[]

1. The words and figures " Madras Regulations II of 1806 and VI of 1831 are hereby repealed and " were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901), Third Schedule.

2. Sub-sections (2) and (3) were repealed by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

* The Madras Karnams Regulation, 1802.

3. Classes of village-offices to which Act applies :-

This Act shall apply to the following classes of village-offices, provided that emoluments have been attached thereto:--

(1) ¹[here dietary village-offices existing in ryotwari villages or inam villages which for the purpose of village administration are grouped with ryotwari villages and belonging to the following six classes, by whatever designation they may be locally known, namely;--

- (i) village munsifs,
- (ii) potels, menigars and peddakapus,
- (iii) karnams,
- (iv) nirgantis,
- (v) vettis, totis and tar dalgars,
- (vi) talayaris.

The ²[State Government] shall have power to decide what officers come under any of the above classes;]

(2) hereditary village-offices to which the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894) is extended;

(3) other hereditary village-offices in proprietary estates except (i) the offices forming class (4) below and (ii) in proprietary estates wherein Madras Regulation XXIX of 1802* remains in force, the office of village accountant;

(4) the hereditary offices of village artisans and village servants such as the following, namely:--

- (i) the village carpenter,
- (ii) the village blacksmith,
- (iii) the village barber,

- (iv) the village washer man,
- (v) the village potter,
- (vi) the village astrologer,
- (vii) the village Purohit or priest.

1. This clause was substituted by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A, for the original clause.

2. The words " Provincial Government " were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

* The Madras Karnams Regulation, 1802.

4. Definitions :-

In this Act, unless there is something repugnant in the subject or context,--

" Emoluments " means and includes--

- (i) lands;
 - (ii) assignment of revenue payable in respect of lands;
 - (iii) fees in money or agricultural produce.;
 - (iv) money-salaries and all other kinds of remuneration;
- granted or continued in respect of, or annexed to, any office by the State.

" Proprietary estate " and " Proprietor " mean, respectively, an Estate and Proprietor as defined in the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), as amended by this Act.

"Village " means any local area now recognized as a village or hereafter declared by Government to be a village.

5. Emoluments attached by the State to certain offices inalienable and not liable to attachment :-

The emoluments of village-offices, whether such offices be or be not hereditary, ¹[] shall not be liable to be transferred or encumbered in any manner whatsoever and it shall not be lawful for any court to attach or sell such emoluments or any portion thereof.

1. The words " and, in the Scheduled Districts, etc." were omitted by the Madras Adaptation of Laws Order, 1957.

6. Villages may be grouped or divided :-

(1) ¹[In any local area in which this Act is in force] the Board of Revenue may, subject to rules made in this behalf under section 20, group or amalgamate any two or more villages or portions thereof so as to form a single new village, or divide any village into two or more villages and, thereupon, all hereditary village-offices ²[of the classes defined in section 3,

Effect of grouping and division upon village offices.

clause (1), of this Act] in the villages or portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist and new offices, which shall also be hereditary shall be created for the now village or villages. In choosing persons to fill such new offices, the Collector shall select the persons whom he may consider the best qualified from among the families of the last holders of the offices which have been abolished.

Reduction of village-offices.

(2) If two or more village-offices exist ³[in any ryotwari village or in any inam village which for the purpose of village administration is grouped with a ryotwari village] the Board of Revenue may, subject to the approval of Government, direct that the number of such village-offices shall be reduced and, there upon, the Collector shall dispense with the services of the officers no longer required, and shall retain these whom he may consider to be best qualified to discharge the duties of the remaining offices.

⁴[(3) Notwithstanding anything contained in subsection (1) or subsection (2), no person shall be deemed to be ineligible for selection under sub-section (1) or retention under sub-section (2) by reason only of his being a minor. If a minor is selected under sub-section (1) or retained under sub-section (2), he shall be registered as the holder of the office and thereafter the procedure laid down in sub-section (5) of section 10 shall be adopted.]

1. These words were substituted for the words and figures " In any local area in which the Madras Village Cess Act, 1893, is in force " by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A.

2. These words and figures were substituted for the words " to which the said Act applies " by *ibid*.

3. These words were substituted for the words and figures " in any village in which the Madras Village Cess Act, 1893, is in force " by the Repealing and Amending Act, 1907 (Central Act IV of 1907),

Schedule A.

4. Sub-section (3) was inserted by section 3 of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

7. Power of Collector over village-officers in Government villages and proprietary estates :-

(1) ¹[The Collector may, of his own motion or on complaint and after inquiry--

(a) suspend or remove the holder of any of the offices forming sub-classes (i), (ii) and (iii) of class (1) in section 3, if he petitions to be adjudged an insolvent or is adjudged an insolvent; and

(b) fine, suspend, dismiss or remove the holder of any of the offices forming class (1) in section 3, and suspend, dismiss or remove the holder of any of the offices forming class (3) in the said section, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause.

The Collector shall make a record of his reasons for passing an order under clause (a) or clause (b) and furnish a copy of the same to the village-officer concerned:]

Proviso.

Provided that, when a Village Munsif who is also the head of the village is suspended or removed under the Madras Village Courts Act, 1889 (Madras Act 1 of 1889), such suspension or removal shall involve his suspension or removal from the office of head of the village.

Power of Tahsildar and Deputy Tahsildar over village-officers in Government villages.

(2) A Tahsildar or Deputy Tahsildar may, of his own motion or on complaint and after inquiry, fine the holder of any of the offices forming class (1) in section 3, for any of the causes specified in ²[clause (6) of sub-section (1)] and in such amount as the Board of Revenue may, by general or special order, prescribe. The provisions of sub-section (1) in regard to the recording of reasons and the furnishing of copies shall apply to proceedings taken under this sub-section.

1. These paragraphs were substituted for the original paragraph by section 3 (a) of the Madras Proprietary Estates Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Mad. Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of

1949).

2. This expression was substituted for the expression " sub-section (1) " by section 3 (b) of the Madras Proprietary Estates Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

8. Power of proprietor over village-officers in proprietary villages :-

A proprietor may, of his own motion or on complaint and after inquiry, suspend, dismiss or remove the holder of any of the offices in his estate forming class (3) in section 3, except the village accountant, the head of the village and the village watchman or police-officer, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village-officer concerned:

8A. Power to suspend village-officers pending inquiry :-

¹[The holder of a village-office may be placed under suspension pending inquiry against him--

(i) by the Collector, if the inquiry is under section 7, sub-section (1);

(ii) by the proprietor, if the inquiry is under sections 8.]

1. This section was inserted by section 3 of the Madras Proprietary Estates Village Service and Hereditary Village-offices (Amendment) Act, 1954 (Madras Act XV of 1954).

9. Limitation of power of Collector over certain officers in proprietary estates :-

The powers conferred on a Collector by sub-section (1) of section 7 over the holders of the village-offices forming class (3) in section 3 except the offices of village accountant, head of the village and village watchman or police-officer shall not be exercised unless, for reasons to be recorded in writing, the Collector is satisfied that the proprietor concerned has neglected to exercise in an adequate manner the powers conferred on him by section 8.

10. Rules to be observed in making appointments to certain offices in Government villages :-

When a vacancy occurs in any of the village-offices forming class (1) in section 3, the Collector shall fill up the vacancy in accordance with the provisions of the following sub-sections:--

(1) ¹[No person shall be eligible for appointment--

(i) to any of the offices forming sub-classes (i),(ii) and (iii) of class (1) in section 3, if such person has petitioned to be adjudged an insolvent and the petition is pending disposal or if he, having been adjudged an insolvent, has not obtained an order of discharge; or General qualifications require site in all cases.

(ii) to any of the offices forming class (1) in section 3 if such person]--

²[* * * * *]

(b) has not attained the age of majority;

(c) is not physically and mentally capable of discharging the duties of the office;

(d) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 20;

(e) has been convicted by a Criminal Court of any offence which, in the opinion of the Collector, disqualifies him for holding the office;

³[(f) has been dismissed from any post under the Government on any ground which the Collector considers sufficient to disqualify him for holding the office.]

Primogeniture to be observed.

(2) The succession shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamindaris in Southern India.

In certain cases person other than direct heir may be appointed.

(3) Where the next heir is not qualified under sub-section (1), the Collector shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

Temporary disqualification of heir in certain cases.

(4) Where an office has become vacant by the dismissal, ⁴[removal] or suspension of the last holder, the Collector may direct that, until the death, ⁴[re-appointment] or return to duty of such last holder, the duties of the office shall be performed by

some person duly qualified under sub-section (1) who is not an undivided member of the family of the dismissed, ⁴[removed] or suspended officer; provided that, when the officer who has been dismissed, ⁵[or removed] dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3).

⁶(5) When the person who would otherwise be entitled to succeed to an office is a minor, the Collector shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself when he shall be appointed thereto. ⁷[If the person registered as heir under this sub-section remains disqualified under subsection (1) for three years after attaining majority he shall be deemed to have forfeited his right to the office. On such forfeiture or on his death the vacancy shall be filled up in accordance with the provisions of this section as if he was the last holder of the office.]

Method of filling up vacancy caused by resignation, dismissal, removal or suspension.

(6) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an office, and the Collector does not give the direction referred to in sub-section (4) he shall fill up the vacancy in accordance with the provisions of this section as if it had been caused by the death of the said holder; provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

1. These words and figures were substituted for the words "No person shall be eligible for appointment who " by section 3 (c) of the Madras Proprietary Estates* Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (M.A. X of 1949)

2. The brackets, letter and words " (a) is not of the male sex " were omitted by the Adaptation (Amendment) Order of 1950.

3. This sub-clause was added by section 3 of the Madras Proprietary Estates Village Service and Hereditary Village-offices (Amendment) Act, 1950 (Madras Act IV of 1950).

4. This word was inserted by section 3 (d) of the Madras Proprietary Estates Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941). This was permanently re-enacted by section 2 (1) of, and The First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

5. These words were inserted by *ibid*.

6. See the Madras Proprietary Estates Village Service and Hereditary Village-offices (Amendment) Act, 1943 (Madras Act XXI of 1943), deemed to have come into force on the 3rd September 1939 and re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948.)

7. The portion within square brackets was substituted for the last sentence of sub-section (5) of section 10 by section 3 (ii) of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

11. Rules to be observed in making appointments to certain offices in proprietary estates :-

When a vacancy occurs in a proprietary estate in any of the offices forming class (3) in section 3, the proprietor shall fill up the vacancy in accordance with the provisions of the following sub-sections:--

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who--

¹[]

(b) has not attained the age of majority;

(c) is not physically and mentally capable of discharging the duties of the office.

Law or custom of succession to be observed.

(2) The succession shall devolve in accordance with the law or custom applicable to the office in question at the date on which this Act comes into force.

In certain cases person other than direct heir may be appointed.

(3) Where the next heir has not qualified under subsection (1), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-

section (1).

Procedure to be adopted where heir is a minor.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the proprietor shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to perform the duties of the office until the person registered as heir is qualified under sub-section (1) to discharge the duties of the office him-self, when he shall be appointed thereto. ²[If the person registered as heir under this sub-section, on attaining majority, proves to be disqualified under clause (c) of sub-section (1), he shall be deemed to have forfeited his right to the office. On such forfeiture or on his death, the vacancy shall be filled up in accordance with the provisions of this section as if he was the last holder of the office]

1. The brackets, letter and words "(a) is not of the male sex;" were omitted by the Adaptation (Amendment) Order of 1950,

2. The portion within square brackets was substituted for the last sentence of sub-section (4) of section 11 by section 3 (iii) of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

12. In case of village arti-zans, law or custom of succession to be observed :-

The succession to village-offices forming class (4) in section 3 shall devolve in accordance with the law or custom applicable thereto at the date on which this Act comes into force.

13. Provisions relating to suits for offices for recovery of emoluments and for registry as heir :-

(1) Any person may sue before the Collector for any of the village-offices specified in section 3 or for recovery of the emoluments of any such office, on the ground that he is Entitled under sub-section (2) or (3) of section 10 of the Madras Proprietary Estates Village Service Act, 1894 (Madras Act 11 of 1894), or under sub-section (2) or (3) of section 10 or sub-section (2) or (3) of section 11 or section 12 of this Act, as the case may be, to hold such office and enjoy such emoluments; or, being a minor, may sue before the Collector to be registered as heir of the last holder of any such office.

Provisos:--

No suit for declaratory decree.

(i) No suit shall be entertained for a mere declaratory decree.

Procedure in case of dispute as to nature of emoluments.

(ii) When one of the facts in issue in a suit is whether the emoluments of the office consists of land or of an assignment of revenue payable in respect of land, the Collector shall ¹[except where the office is one falling under class (4) in section 3 and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office]

decide the claim on the assumption that only the said assignment constitutes the emoluments; but such decision shall not bar the right of the claimant to institute a suit in a Civil Court for recovery of the land itself.

²[Where the office is one falling under class (4) in section 3 and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office, the Collector shall, in the absence of evidence to the contrary, presume that the emoluments of the office consist of the land and not merely of an assignment of revenue payable in respect of the land.]

Rejection of plaint when claimant is ineligible for appointment.

(2) If at any time before the completion of the trial of a suit preferred under this section for any office or for the recovery of the emoluments of any office, it appears to the Collector that the claimant is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), or under sub-section (1) of section 10 or sub-section (1) of section 11 of this Act, as the case may be, he shall pass an order rejecting the plaint.

1. These words and figures were inserted by section 2 of the Madras Hereditary Village-offices (Amendment) Act, 1942 (Madras Act XXVIII of 1942), reenacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

2. This sentence was added by section 2 of the Madras Hereditary Village-offices (Amendment) Act, 1950 (Madras Act XXXVI of 1950).

14. Limitation of time within which suits may be brought :-

Rejection of plaint when claimant is ineligible for appointment.(1)

No suit preferred before a Collector under the last preceding section

shall be entertained which is not preferred within three years from the date of the cause of action arising whether such date be before or after the commencement of this Act:

Limitation in case of minority.

Provided that, in the case of a person who, by reason of minority, was disqualified for holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority:

¹[Provided further that in the case of a village office for the holding of which minority is not a disqualification, a suit for such office or for the recovery of the emoluments thereof may be preferred at any time after the cause of action has arisen but before the expiry of three years from the date on which the claimant attains majority.]

Limitation of time within which execution of decree or order may be applied for.

(2) No application for the execution of a decree or order passed under this Act shall be entertained, if made after the expiration of one year from the date of such decree or order.

²[(3)]

Limitation when appeal preferred.

(4) In cases in which the decree or order sought to be executed was appealed against, ³[the period of limitation prescribed in sub-section (2)] shall commence from the termination of the appeal.

1. This proviso was added by section 3 of the Madras Hereditary Village-offices (Amendment) Act, 1942 (Madras Act XXVIII of 1942) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

2. Sub-section (3) was omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

3. These words, brackets and figures were substituted for the words, brackets and figures "the periods of limitation prescribed in sub-sections (2) and (3)" by *ibid*.

15. Power of District Collector in regard to transfers of suits

:-

The District Collector may transfer to his own file any suit on the file of any Revenue-officer in charge of a division of the district or

from the file of one such officer to that of another, or to the file of an Assistant or Deputy Collector not in charge of a division for disposal.

16. Procedure to be observed in trying suits :-

(1) The trial of suits under this Act shall be regulated by rules made by the Board of Revenue under section 20 and by the following provisions;--

Date of hearing to be fixed and parties to be heard.

(i) A date shall be fixed for the hearing of the suit and the same shall be notified to the parties who shall be entitled to be heard in person or by agent;

Witnesses may be produced or summoned.

(ii) The parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document and the officer trying the suit shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so;

Record of proceedings.

(iii) The officer trying the suit shall record in his own hand and in English a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

Obligation to obey summons.

(2) Every person to whom a summons is issued under this section shall be legally bound to obey the same.

17. Decrees may provide for costs and shall be executed according to rules made by Board of Revenue :-

Decrees and orders passed in suits under this Act may provide for payment of costs according to such scale and subject to such rules as may be proscribed by the Board of Revenue under section 20, and shall be executed in accord once with rules to be made by the Board of Revenue under the said section.

18. In certain cases, Collector may refer question of law to Board of Revenue :-

(1) If, before or during the hearing of a suit under this Act or of an appeal against a decree or order passed in a suit under this Act, or

if, in the execution of any such decree, any question of law or usage having the force of law, or of the construction of a document which construction may affect the merits, arises, and the officer trying the suit or appeal or executing the decree entertains reasonable doubt on such question, he may, either of his own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement for the decision of the Board of Revenue and shall stay further proceedings until the said decision is communicated to him.

Procedure to be followed in case of such reference.

(2) The Board of Revenue shall, if any of the parties so request, hear him or his agent and shall decide the point referred and transmit a copy of its judgment to the officer by whom the reference was made, and the said officer shall on receipt thereof proceed to dispose of the case in conformity with the decision of the said Board, and the correctness of the decision of the said Board shall not be contested in any appeal made under this Act.

Decision of Board of Revenue not to be contested.

19. Section 19 :-

¹[]

1. This section was omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of

20. Board of Revenue may make rules on certain subjects :-

The Board of Revenue may, with the approval of Government and after previous publication, make rules not inconsistent with this Act or with the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), in regard to the following matters:--

- (i) the division, grouping and amalgamation of villages;
- (ii) the holding of inquiries under sections 6, 7 and 8 and the hearing of appeals under section 23;
- (iii) the educational qualifications required of the holders of the village-offices forming class (1) in section 3;
- (iv) the procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connexion therewith;
- (v) the execution of decrees and orders passed in suits and the

taxation of costs;

(vi) the salaries and other allowances to be assigned to the holders of the village-offices forming class (1) in section 3 and the method of their payment;

(vii) the duties of the holders of the village-offices forming classes (1) and (3) in section 3 and the descriptions and forums of the accounts and registers to be kept by them;

(viii) the custody, production and transfer of the accounts and other records kept by the holders of the village-offices forming classes (1) and (3) in section 3;

(ix) the publication of administration reports under ¹ * * * the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), and this Act;

(x) any other matters calculated to enhance the efficiency of the village service.

1. The words and figures "The Madras Village Cess Act, 1893" were omitted by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A,

21. Jurisdiction of Civil Courts barred :-

No Civil Court shall have authority to take into consideration or decide any claim to succeed to any of the offices specified in section 3 or any question as to the rate or amount of the emoluments of any such office or except as provided in proviso (ii) to sub-section (1) of section 13 any claim to recover the emoluments of any such office:

Proviso empowering Civil Courts to set aside the decisions of Revenue Courts on the question of jurisdiction.

Provided that, if, in any suit instituted under this Act, the defendant has pleaded before the Collector that a Revenue Court has no jurisdiction to entertain the suit, on the ground that no emoluments as defined in this Act, appertain to the office in respect of which the suit is brought, and if, on appeal preferred from the decree in such suit, the appellate authority has decided adversely to such plea, the defendant may, within six months from the date of the appellate decree institute a suit in a Civil Court to set aside such appellate decree on the said ground and on that ground only.

22. Nothing in this Act to prevent recovery of emoluments as arrears of revenue or to affect office which is not now hereditary :-

Nothing herein contained shall affect the provisions of section 52 of Madras Act II of 1864* or the provisions of Madras Act IV of 1866** or, except as provided in sub-section (1) of section 6, shall be deemed to create or confer an hereditary right to any village-office.

* The Madras Revenue Recovery Act, 1864.

** The Madras Enfranchised Inams Act, 1866.

23. Appeal against order or decree of Collector :-

(1) From every order passed by a Collector under section 6 or 7, and from every decree or order passed by a Collector in a suit preferred under section 13, an appeal shall lie, within one month to the District Collector, or, if the said order or decree was passed by the District Collector, an appeal shall lie, within three months to the Board of Revenue. The decision, on appeal, of the District Collector or the Board of Revenue, as the case may be, shall be final:

Second appeal in certain cases.

Provided that, in respect of the offices of head of the village and village accountant, a second appeal shall lie, within three months, to the Board of Revenue, against the ¹[decision on appeal of the District Collector--

(a) in suits preferred under section 13, or

(b) dismissing or removing such village-officer].

Appeals against order of Tahsildar, Deputy Tahsildar, or proprietor.

(2) From every order passed by a Tahsildar or Deputy Tahsildar under sub-section (2) of section 7, and from every order passed by a proprietor under section 8, an appeal shall lie, within one month, to the Collector whose decision shall be final.

1. The portion within square brackets was substituted for the words and figures " decision on appeal of the District Collector in suits preferred under section 13 and in cases of dismissal of a village-officer under section 7" by section 3 (e) of the Madras Proprietary Estates Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

23A. Section 23A :-

¹[]

1. This section which was inserted by section 1 of the Madras Village-offices (Amendment) Act, 1897 (Madras Act II of 1897), was omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1950).

24. Disposal of appeal by officer who passed original order :-

If the officer to whom an appeal is presented under this Act in the capacity of District Collector or Collector happens to be the officer who passed the decision which is appealed against in another capacity, he shall report the fact to the Board of Revenue or to the District Collector, as the case may be, and the appeal shall be disposed of by the said Board or District Collector and the order passed on appeal shall be final.

25. Certain provisions of Limitation Act to apply :-

The provisions of sections 5 and 12 of the Indian Limitation Act, 1877 (Central Act XV of 1877), so far as they relate to suits, appeals and applications, shall mutatis mutandis, apply to suits, appeals, or applications for the execution of decrees or orders instituted, preferred or made under this Act.

26. Power of Government to place village watchman under police authorities :-

The Government may declare that the powers of punishing village officers which are vested in the Collector by this Act and by the Madras Proprietary Estates Village Service Act, 1894 (Madras Act 11 of 1894), shall be exercised in any specified local area by the District Superintendent or Assistant Superintendent of Police in respect of all, or any of the village watchmen or police-officers in that local area. From every order fining, suspending, dismissing or removing a village watchman or police-officer passed by a District Superintendent or Assistant Superintendent of Police by virtue of a declaration made under this section, an appeal shall lie, within one month, to the District Magistrate, whose decision shall be final.