

The Civil Courts Amins Act, 1856

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Act 12 of 1856

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Central Government Act[The Civil Courts Amins Act, 1856[THE CIVIL COURTS AMINS ACT, 1856ACT NO. 12 OF 1856[9th May, 1856.]An Act to amend the Law respecting the employment of Amins by theCivil Courts in the Presidency of Fort William.Preamble.-- Whereas the law by which the Civil Courts areauthorize 1 to employ Amins upon local investigations is defective,and requires amendment; 2 It is enacted as follows:-

1. [Repeal of Regulations.] Rep. by the Repealing Act, 1870 (14 of 1870).

2. Appointment of Amins.-- In each district, officers to be designated Civil Court Amins shall be appointed for the purposes of this Act, and shall be remunerated by fixed monthly salaries.³ The number of Amins to be employed in each district shall be determined by the State Government.]

3. Amins by whom appointed and to what Courts attached.-- The 4 [District Judge shall from time to time attach the Civil Court Amins] to the several Courts of the district according as the state of business may require: Provided that an Amin attached to any particular Court may, with the sanction of the Judge be employed occasionally by any other Court.

4. [Declaration to be made by Civil Court Amins.] Rep. by the Indian Oaths act, 1873 (10 of 1873).

5. Duties of Amins.-- ⁵ The Civil Court Amins may be employed in any of the following duties:--(i) in investigating or adjusting accounts in any suit or other judicial proceeding;

1. Short title given by the Amending Act, 1897 (5 of 1897). This Act was declared, by the Laws Local Extent Act, 1874, (15 of 1874), s. 7, to be in force in the former North- Western Provinces except the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the scheduled portion of the Mirzapur District and in Jaunsar Bawar- see Gazette of India, 1879, Pt. I, pp. 382- 383. This Act has been extended to Union Territory of Pondichery by Act 26 of 1968, s. 3 and Sch.

2. Certain words were rep. by Act 12 of 1891.

3. Subs. by the A. O. 1937, for the original paragraph.

4. Subs., ibid., for certain words.

5. The words" Subject to such general directions and restrictions as may from time to time be prescribed by the" Sudder Court" were rep. by Act 12 of 1873.

(ii)in making local investigations when the Court may deem investigation on the spot to be requisite and proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of mense profits or damages, in any suit or other judicial proceeding;(iii)in delivering over possession of lands, houses and other immovable property, in execution of decrees or orders of Court;(iv)in the sale of movable property, and of houses, gardens and other immovable property of the kind described ¹ in section 3, Regulation 7, 1825 ;(v)in ascertaining the sufficiency of sureties and the means of persons suing in forma pauperis.

6. [Procedure in referring accounts to Civil Court Amins.] Rep. by Act 10 of 1861 .

7. [Procedure in cases of local enquiry.] Rep., ibid.

8. Expense of Amins how charged.-- Whenever a Civil Court Amin may be employed on any duty connected with a pending suit, or the execution of a decree, except the sale of property, the Court shall estimate the time which the duty may be expected to occupy, and shall charge for the expense of the Amin such fixed rate per diem as may be determined by the Sudder Court. The amount shall be paid into Court by the party at whose instance or for whose benefit the Amin is deputed, and shall be added to the costs of suit.

9. When employed to sell property, deduction from proceeds.-- When a Civil Court Amin shall be employed to sell property, a deduction at the rate of one anna in the rupee shall be made from the proceeds of the sale. Expenses, if no sale takes place.-- If no sale takes place by reason of the claim being satisfied, or for any other cause, a charge shall be made for the expenses of the Amin according to the time he may be employed. A deposit to meet this charge, calculated in the manner prescribed in the preceding section, shall be made before the Amin is deputed, and shall be returned to the depositor if the sale takes place. All sums paid for the employment of Amins, and all sums deducted from the proceeds of sales, shall be credited to ² the revenues of the States].

10. Power of Civil Court, North- Western Provinces, to employ Revenue officers.-- Nothing contained in this Act shall be held to prohibit the Civil Courts in the North- Western Provinces of the Presidency of Fort William from making use of the agency of the Revenue- officer in investigations and adjustments of accounts connected with land paying revenue to Government ³ .

1. That is" orchards, or small portions of lakhiraj land". Ben. Reg. 7 of 1825 was repealed by the Repealing Act, 1874 (16 of 1874), but not so as to affect the provisions referred to here, see s. 1, para, 2 of that Act.

2. Subs. by the A. O. 1937, for" Govt".

3. The words" under such general directions as may from time to time be prescribed by the" Sudder Court" were rep. by Act 12 of 1873, and the words" Whenever a Tuhseeldare, a Naib Tuhseeldar of a Peshkar shall be employed in any such investigation or adjustment under the orders of a Civil Court he shall possess all the powers vested in Civil Court Amins by section 7 of this Act; and the provisions of the said section shall be applicable to the proceedings held by such officer" with which the section concluded were rep. by Act 12 of 1891.