

# The Andhra Pradesh Revenue Summonses Act, 1869

ANDHRA PRADESH

India

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### Act 3 of 1869

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The Andhra Pradesh Revenue Summonses Act, 1869 Act No. 3 of 1869 [Dated 9.3.1869 ; 23.4.1869] [This Act was extended to the Transferred territories (Telangana area) by Section 3 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P Act XX of 1958). Received the assent of the Governor on the 9th March, 1869 and of the Governor General on the 23rd April, 1869 and came into force from the 1st June, 1869.] An Act to empower Revenue Officers, to summon persons to attend at their Kachahris for the settlement of matters connected with Revenue administration. Whereas it is found that the Revenue Administration of the country 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 documents, or other article in certain cases in which it is their duty to hold investigations. It is hereby enacted as follows :

### **1. Revenue officers empowered to summon persons to appear or to produce documents:**

- Collectors, Sub-Collectors, Assistant Collectors, Deputy Collectors, Tahsildars and Deputy Tahsildars shall have power to summon [any person] [Substituted for the words "all persons resident within the district" by Section 5 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] whose evidence may appear to them to be necessary for the investigation of any matter in which they are authorised to hold an enquiry, and also to require the production of any [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958) ] relevant to the matter under enquiry, which may be in the possession or under the control of such person. [2. Terms of Summons:- Such summons shall be in writing and authenticated by the signature and seal of the officer by whom it is issued] [Sections 2 to 5 of this Act apply, mutatis mutandis to summonses under the A.P. Revenue Enquires Act, 1893 (Act V of 1893), see Section 3 of that Act. ]. 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 [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] or for both purposes; and any particular [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] the production of which is required, shall be described in the summons with convenient certainty.

### **3. Service of summons:**

- 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 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.][Substituted for the word "or with the head of the village in which he lives" by Section 6 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XXX of 1958). ]

### **4. Persons summoned to produce may send documents by third party:**

- Any person may be summoned to produce a [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] without being summoned to give evidence; and any person summoned merely to produce a [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] shall be deemed to have complied with the summons if he causes such [document or other article] [Substituted for the word "document" by Section 4 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958). ] to be produced, instead of attending personally to produce the same.

### **5. When personal attendance of witnesses dispensed with:**

- 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.[6. Officers to have powers of a Civil Court in certain matters: - 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 (Central Act 5 of 1908), for -(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. Power to make rules:**

(1)The State Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing provisions, 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 summons are issued at the instance of parties in an enquiry.(c)the scale of allowances payable to persons summoned to give evidence and their deposit by parties at whose instance the summons are issued ;(d)any other matter incidental to, or necessary for carrying out the purposes of this Act.(3)All rules made under the section shall be laid on the table of the Legislative Assembly as soon as possible after they are made and shall be subject to such notifications whether by way of repeal or amendment as the Assembly may make within 14 days thereafter during the session in which they are so laid.][Sections 6 and 7 were added by Section 7 of the A.P. Revenue Summonses (Extension and Amendment) Act, 1958 (A.P. Act XX of 1958).]